

FACT SHEET

Final Determinations in Antidumping and Countervailing Duty Investigations: Imports of Live Swine from Canada

On March 7, the Department of Commerce announced the final determinations in the antidumping and countervailing duty investigations on imports of live swine from Canada. In the antidumping duty investigation, we issued an affirmative determination, finding that producers/exporters have sold live swine from Canada in the U.S. market at less than fair value, with margins ranging from 0.53 percent (*de minimis*) to 18.87 percent. The “All Others” average rate is 10.63 percent. In the countervailing duty investigation, we found that countervailable subsidies are not being provided to producers or exporters of live swine from Canada. That case is negative.

Next Steps: The United States International Trade Commission (ITC) is scheduled to announce its final injury determination on or before April 18. If the ITC affirmatively determines that imports of live swine are materially injuring, or threatening to materially injure, the domestic industry, then the Department will issue an antidumping duty order in April 2005. If the ITC makes a negative injury determination, the antidumping duty investigation will be terminated.

Petitioners: The petitions requesting these investigations were filed by The Illinois Pork Producers Association, the Indiana Pork Advocacy Coalition, the Iowa Pork Producers Association, the Minnesota Pork Producers Association, the Missouri Pork Association, the Nebraska Pork Producers Association, Inc., the North Carolina Pork Council, Inc., the Ohio Pork Producers Council, and 119 individual producers of live swine (as named in a petition supplement).

Product Description: The merchandise covered by these investigations is all live swine from Canada except breeding stock swine. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings 0103.91.00 and 0103.92.00.

Specific Exclusion for Breeding Stock: Specifically excluded from this scope are breeding stock, including U.S. Department of Agriculture (“USDA”) certified purebred breeding stock and all other breeding stock. The designation of the product as “breeding stock” indicates the acceptability of the product for use as breeding live swine. This designation is presumed to indicate that these products are being used for breeding stock only. However, should the petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than this application, end-use certification for the importation of such products may be required. Although the HTSUS headings are provided for convenience and customs purposes, the written description of the merchandise under investigations is dispositive.

Final Dumping Margins:

PRODUCER/EXPORTER	DUMPING MARGIN
Ontario Pork	12.68%
Premium Pork	18.87%
Excel Swine Services, Inc.	4.64%
Hytek	0.53% (<i>de minimis</i>)
All Others:	10.63%

Case Calendar:

EVENT	DATE
Petition Filed	March 5, 2004
Initiation Date	April 7, 2004
ITC Preliminary Determination	May 3, 2004
DOC Preliminary Determination (CVD)	August 16, 2004
DOC Preliminary Determination (AD)	October 14, 2004
DOC Final Determination (AD/CVD)	March 4, 2005
ITC Final Determination*	April 18, 2005
AD Order Issued**	April 25, 2005

*Because the CVD final determination is negative, the ITC will only make a final determination in the AD case.

**An AD order will be issued only in the event of final affirmative determinations from both the Department and the ITC.

Import Statistics:

	2002	2003	2004
Quantity (head)	5,725,646	7,429,217	8,498,388
Value (US\$)	\$299,581,475	\$389,279,769	\$529,321,638

Source: Statistics for live swine from Canada are derived from the U.S. Bureau of the Census, Foreign Trade Division for HTSUS numbers listed above and include all live swine, except purebred breeding swine.