

FACT SHEET

Preliminary Negative Determination in the Countervailing Duty Investigation: Live Swine from Canada

On Tuesday, August 17, 2004, the Department of Commerce (the Department) announced its negative preliminary determination in the countervailing duty (CVD) investigation on imports of live swine from Canada.

The Department investigated 22 government programs that petitioners alleged provide countervailable subsidies. As a result of our investigation of those programs, we have preliminarily found that the total net subsidy rate is *de minimis*. Because our preliminary determination is negative, we will not order the posting of cash deposits or bonds for entries of live swine from Canada.

Next Steps: We have invited interested parties to provide their comments on our preliminary determination and will consider those comments, along with the facts on the record of the investigation, in making our final determination, currently scheduled for December 28, 2004. If the Department makes a final affirmative determination, and the U.S. International Trade Commission makes a final determination that imports of live swine from Canada are materially injuring, or threatening to materially injure, the domestic industry, the Department will issue a CVD order.

Companion Antidumping Investigation: The Department's preliminary determination in the antidumping (AD) investigation of imports of live swine from Canada is currently scheduled to be announced on October 15, 2004. The final determinations in both the AD and the CVD investigations have been aligned, and are currently scheduled for December 28, 2004.

Petitioners: The petition requesting this investigation was 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 this investigation 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 investigation is dispositive.

Case Calendar:

Event	Date
Petition Filed	March 5, 2004
Initiation Date	April 7, 2004
ITC Preliminary Determination	May 3, 2004
DOC Preliminary Determination	August 16, 2004
DOC Final Determination*	December 28, 2004
ITC Final Determination**	February 11, 2005
Order Issued***	February 18, 2005

NOTES:

*This deadline may be extended.

**The ITC will only make a final determination if the Department makes a final affirmative determination.

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

Volume and Value of Imports:

	2001	2002	2003
Quantity (head)	5,314,910	5,725,646	7,429,217
Value (US\$)	\$344,091,422	\$299,581,475	\$389,279,769

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.