

FACT SHEET

Preliminary Determination in the Antidumping Duty Investigation: Imports of Live Swine from Canada

On October 15, 2004, the Department of Commerce announced its affirmative preliminary determination in the antidumping (AD) duty investigation on imports of live swine from Canada, with margins ranging from *de minimis* to 15.01 percent.

The Department is also conducting a companion countervailing duty (CVD) investigation, and announced its negative preliminary determination in that case on August 17, 2004. The final determinations in both the AD and CVD investigations have been aligned and are scheduled for March 7, 2005.

Next Steps: We invited interested parties to provide comments on our preliminary AD and CVD determinations and will consider those comments, along with the facts on the record, in making our final determinations. If the Department makes a final affirmative determination in either the AD or CVD investigation, and the U.S. International Trade Commission makes a final affirmative injury determination, the Department will issue an antidumping and/or a countervailing duty order, as appropriate.

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.

Preliminary Dumping Margins:

Producer/Exporter	Dumping Margin
Ontario Pork	13.25%
Premium Pork	15.01%
Hytek	0.38% (<i>de minimis</i>)
All Others:	14.06%

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 (<i>estimated date</i>)	March 7, 2005
ITC Final Determination (<i>estimated date</i>)*	April 21, 2005
Order Issued (<i>estimated date</i>)**	April 28, 2005

*The ITC will only make a final determination if the Department makes a final affirmative determination in either the AD or CVD investigation.

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

Import Statistics:

	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.