

economy status. The post-2000 period has also seen some changes to general dumping analysis, such as a partial abandonment of the practice of “zeroing”<sup>1</sup> negative dumping margins, as well as some consideration of “targeted dumping” analysis.

- **Injury analysis:** U.S. International Trade Commission (ITC) opinions and staff reports have begun to pay more explicit attention to “non-attribution”<sup>2</sup> factors and have begun giving effect to a court decision requiring analysis of whether domestic producers, or third-country suppliers not under investigation, would likely benefit from the imposition of an AD measure. The ITC has also displayed a greater tendency toward issuing negative decisions in contested five-year “sunset” reviews, where petitioners actively seek to maintain import relief.
- **Enforcement and security:** Concerns about the under-collection of AD duties have prompted experimentation with new security requirements, including “continuous” bonding and “enhanced” deposits, as well as the suspension of bonding privileges for new shippers.
- **Use of collected duties:** The Continued Dumping and Subsidy Offset Act (Byrd Amendment) was repealed and changes relating to its use for pre-repeal entries were implemented pursuant to Court decisions.
- **Exclusivity:** The 1916 Anti-dumping Act was repealed during this period, leaving the provisions of Title VII of the Tariff Act of 1930 as the exclusive remedy for injurious dumping into the U.S. market.

## Issues

### 1. Initiation

Since 2000, the U.S. Department of Commerce (DOC) has continued to develop and apply its approach for ensuring that a petition is sufficiently supported by the relevant domestic industry, as required by Section 732 of the Tariff Act. Pertinent issues include (a) standards for discretionary exclusion, from the industry support calculation, of the views of domestic producers who are, or who are related to, importers of the subject merchandise; and (b) labour union support for petitions.

(a) **Discretionary exclusion.** In deciding whether to count the views of domestic producers expressing opposition to a petition, DOC has continued to apply its approach, based on Section 732(c)(4)(B) of the Tariff Act, of seeking to determine, on a case-by-case basis, the

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1 “Zeroing” is the practice of not providing offsets for non-dumped sales.

2 The requirement not to blame imports for harm arising from other factors.