

would be terminated if imports of a product from Canada amounted to under, e.g., 5% of imports from all countries, or under 5% of the entire U.S. market for that product.

(Comment: Although the ITC already considers market share in its analyses, the U.S. Government would be unlikely to agree to make market share the dispositive factor in injury determinations.)

(iv) Finally, the FTA could eliminate cumulation for Canadian exports. Under current U.S. law, if parallel countervailing duty actions are initiated against imports of the same products from more than one country, the ITC is required to cumulate the effect of imports from all of the subject countries in determining whether the U.S. industry is injured. The Canadian Government could suggest that the ITC be required, in future cases involving Canada, to isolate Canadian imports from imports from other countries in determining whether the Canadian imports were causing injury. (Comment: We feel that elimination of cumulation for Canadian exports is a controversial, but not entirely unrealistic, possibility, as cumulation is a relatively new addition to the U.S. statute.)

Evaluation: Modifying the injury standard, or the way it is applied, could clearly provide Canada with greatly increased security by eliminating certain