The term "substantial cause" is new to the criteria which must be met in order for industry in the United States to be eligible for import relief. As our negative determination in this investigation turns upon the meaning of this term, a thorough examination of the meaning of the phrase is appropriate.

The requirement that increased imports be "a substantial cause" of actual or threatened serious injury represents a relaxation of the analogous "major cause" standard employed in Section 301 (b) (1) of the Trade Expansion Act of 1962 (TEA) the predecessor provision to Section 201 (b) (1).

Although neither the TEA nor its legislative history expressly defined the term "major cause", the term was generally interpreted by many - although never expressly by the Commission - to mean a cause greater than all other causes combined. In practice it and the other criteria of the TEA proved to be a difficult standard to satisfy, as illustrated by the fact that a majority of the Commission found the criteria satisfied in only 3 of the 26 industry cases completed under that act.

The new "substantial cause" criterion of Section 201 (b) (1) provides that a dual test be met. The Trade Act, in Section 201 (b) (4), defines "substantial cause" to mean "a cause which is important and not less than any other". Thus, imports must constitute both an "important" cause of the serious injury and be "not less than any other" cause. The two terms are not synonymous. An "important" cause is not necessarily a cause "not less than any other". And vice versa, a cause "not less than any other" is not necessarily "important". Increased imports must be both an "important" cause and "not less than any cause" of the serious injury.

What is an "important" cause? The legislative histories of Section 201 and of the related provision concerning eligibility for worker adjustment assistance, Section 222 of the Trade Act, provide help. The legislative history of Section 222 tells us that an "important" cause need not be "major cause", but that it must be "significantly" more than a "de minimis" cause. The legislative history of Section 201 indicates that where increased imports are just one cause of many causes of equal weight, it would be unlikely that they would constitute an "important" cause, but where imports are one of two factors of equal weight, they would constitute an "important" cause.

What is a cause "not less than any other" cause? The legislative history of Section 201 provides an answer. The test is satisfied if imports are a more important cause of injury than any other cause. The test is also satisfied if imports are one of several equal causes of injury and on one cause is more important than imports. But the test is not satisfied if there is a cause of injury more important than imports.

These issues are raised again in Certain Motor Vehicles.[21] The issue had been raised before the Commission as to whether or not what a number of