

4 Steel Fork Arms

Following a petition filed on January 17, 1986, the ITC initiated an investigation under section 202 of the Trade Act of 1974 to determine whether steel fork arms were being imported into the United States in such increased quantities as to be a substantial cause of serious injury or threat thereof to the domestic industry. The petition was filed with the ITC on behalf of the Ad Hoc Committee of Steel Fork Arm Producers, composed of the only two U.S. producers of steel fork arms (used on forklift trucks and similar lifting equipment). On July 17, 1986, the ITC determined that steel fork arms were not being imported into the United States in such increased quantities as to be a substantial cause of serious injury or threat thereof to the domestic steel fork industry.

The ITC found that although the domestic industry had suffered economic difficulties, it was not seriously injured or threatened with serious injury. Although the recession of 1982-1983 had a significant negative impact on the domestic industry, the industry had regained its pre-recession position and, in most instances, had equalled or surpassed its 1981 performance. Domestic fork arm production, shipments and inventories showed improvement at the end of the period of investigation. Industry capacity had increased even though two domestic producers had ceased operations for reasons relating to the demand for forklifts rather than import competition. Employment had declined but worker productivity had almost doubled, and the industry appeared to have operated at a profit during the most recent two years. Because the ITC found that the domestic industry was not seriously injured or threatened with serious injury, the issues of causation and remedy were not addressed.

5 Certain Cameras

On March 29, 1990, Keystone Camera Company filed a petition under section 202 of the Trade Act of 1974, seeking relief from imports of "certain cameras." On July 27, 1990, the ITC unanimously determined that "certain cameras" were not being imported into the United States in such increased quantities as to be a substantial cause of serious injury or threat thereof to the domestic industry producing articles like or directly competitive with the imported articles.

Although more than 25 parties appeared in the ITC investigation, none of the parties (other than the petitioner) publicly expressed support for the petition in briefs or hearing testimony. Furthermore, Kodak—the only domestic manufacturer of the subject goods other than the petitioner—opposed the petition and asserted that increased imports of "certain cameras" had not seriously injured or threatened serious injury to its domestic production facilities.

The ITC did find that the subject imports had increased and that Keystone was seriously injured or threatened with injury. However, the ITC did not find that the increased imports were a substantial cause of serious injury to the domestic