

Commerce's initial review of production data indicated that the petitioner did not account for 50% of the production of total domestic like product. Pursuant to the Tariff Act of 1930,¹⁷⁷ Commerce found it necessary to poll or otherwise determine support for the petition. The deadline for initiation was extended to December 22, 1998. In Commerce's view, the large number of cattle producers and the lack of a comprehensive listing thereof made it unfeasible to conduct a traditional sampling of producers. Instead Commerce contacted over 150 cattle and related associations, requesting that the associations report the views of their members. Commerce also included the views of individual producers who had contacted Commerce directly. Commerce concluded that domestic producers or workers supporting the petition did meet the threshold level indicated above, and that there was therefore sufficient industry support for the petition.

Canada held consultations with Commerce on three occasions between October 15 and November 20, 1998.¹⁷⁸ Regarding the issue of whether the domestic industry supporting the petition had standing, during these consultations Canada raised concerns, contesting the methodology and results of the Commerce polling.

The petitioners suggested that Commerce should use several pricing statistics for determining export price benchmarks, such as Canadian export statistics, U.S. Portland and Pacific Northwest (PNW) prices, Producer Direct Sales (PDS) prices and U.S. import statistics. Commerce had in fact made several price comparisons using prices from several sources (including Portland prices) and making appropriate adjustments for freight when necessary. Commerce determined that the Canadian Wheat Board (CWB) export sale transactions to the United States were reliable prices. Commerce was also called on to explain the specificity analysis regarding the Farm Improvement and Marketing Cooperative Loans Act (FIMCLA). Commerce agreed with Canada that the disproportionality analysis should focus on the level of benefits provided rather than on the number of subsidies given to different industries. However, Commerce confirmed the preliminary analysis that the FIMCLA program was *de facto* specific. Commerce also attempted to ensure that the prices charged for public pasture services and those charged by private providers were comparable when services were nearly identical. Finally, regarding the Alberta Crown Lands Basic Grazing Program, Commerce disagreed with the contention that the compensation system for lessees of public and private land should be stricken from the record. Other issues related to CWB control, and market distortions, cross-border comparisons and various provincial programs.

177 § 702 (c) (4) (D).

178 Round of consultations held in April 1999.