

with this trend.⁴⁵

B. Proposals To Limit Antidumping Actions

Under U.S. law, Canadian exports to the United States are subject to antidumping duties if Canadian companies sell their products at a lower price (after appropriate adjustments) in the United States than in Canada and the imports are causing injury to the U.S. industry. The dumping determinations are made by the ITA, while the injury determinations are made by the ITC.

Theoretically, elimination of tariffs may reduce, if not completely remove, the impetus to dump. An industry whose domestic market is protected by a high tariff can sell at one price in its home market and at a lower price in a foreign market because its home market price cannot be undercut by imports of its own or others' lower-priced goods. If the high tariff is

⁴⁵ As discussed in section IV.A.1.d. above, joint decisionmaking through an impartial Joint Committee that applied legal standards, rather than political and diplomatic considerations, might be acceptable. For example, the Committee might screen cases at their outset to determine whether the alleged subsidy, if proven, would be countervailable.