

4 Live Swine and Fresh, Chilled and Frozen Pork Products¹⁷¹

4.1 Case History

On November 2, 1984, Commerce and the ITC received a petition filed by the U.S. National Pork Producers Council (NPPC) alleging that subsidized imports of various pork products from Canada were injuring U.S. industry. After initiation of an investigation, on December 19, 1984, the ITC issued an affirmative preliminary determination, finding a reasonable indication that an industry in the United States was materially injured by reason of allegedly subsidized Canadian imports.

On April 3, 1985, Commerce issued an affirmative preliminary determination. The bonding/deposit rate was C\$0.053/lb. for live swine and for fresh, chilled and frozen pork products. Suspension of liquidation of all Canadian subject goods was ordered. Because of the large number of individual producers and government programs at issue, this investigation was deemed "extraordinarily complicated" and the deadline for release of the preliminary determination was extended.

On June 17, 1985, Commerce issued an affirmative final determination. There were no specific companies named as Commerce had used a country rate.

Countervailing duty

Live Swine	C\$0.04386/lb.
Fresh, Chilled and Frozen Pork Products	C\$0.05523/lb.

On September 7, 1985, the ITC released an affirmative final determination with respect to live swine, and a negative final determination with respect to fresh, chilled and frozen pork products. Based on differences in physical characteristics, uses and production facilities, the ITC found two like products: (1) live swine; and (2) fresh, chilled, and frozen pork products. The ITC also found two domestic industries, one producing live swine and the other fresh, chilled and frozen pork products. Although the primary purpose of raising slaughter hogs was to produce pig meat and pork products, hog growers and packing facilities were not sufficiently economically integrated to be considered a single industry.

U.S. imports of Canadian swine more than doubled from 1981 to 1982, increased by 53% in 1983, and almost tripled from 1983 to 1984. During the period from January to March 1985, imports increased by 97% compared with the correspon-

171 The original investigation is summarized here, even though it is outside the time period of this study, because of the continued participation by the Government of Canada in the many administrative reviews that were to follow.