

In accordance with the standing requirements of the WTO Anti-Dumping Agreement and the URAA, the application is considered to have been made "by or on behalf of the domestic industry" only if it is supported by those domestic producers or workers who account for:

- 1) at least 25% of the total production of the domestic like product; and
- 2) more than 50% of the total production of the domestic like product produced by that portion of the domestic industry expressing either support for or opposition to the application.

Where the petition fails to show the support of domestic producers or workers accounting for more than 50% of the total production of the domestic like product, Commerce generally conducts a poll of the industry to determine whether the petitioner has standing. Under U.S. law, labour has a voice equal to management; if a company's management expresses direct opposition to the views of its workers, the firm's production will be treated as neither supporting nor opposing the petition.⁹

The position of U.S. producers that are importers of the goods in question will be disregarded in the determination of support. Similarly, the position of U.S. producers that are related to a foreign producer shall be disregarded, unless they can demonstrate that their interests as domestic producers would be adversely affected by an anti-dumping duty order.¹⁰ Both Commerce and the ITC are required by regulation to provide technical assistance to small businesses in the preparation of petitions, if so requested.¹¹ The Trade Remedy Assistance Office (TRAO) of the ITC has been established to provide the public with general information on specific U.S. trade laws, and provides technical assistance to eligible small businesses seeking relief under the trade laws.

4 Evidence

4.1 Questionnaires

The information needed to determine whether dumping exists, and to what degree, is obtained by sending importers and exporters requests for information (RFI) or questionnaires. As business structures have become more complicated and the requirements of the relevant WTO agreements more complex, these questionnaires have over time become more detailed and complex. Questionnaires must normally be answered within 30 days, although short extensions may be granted in certain circumstances. Commerce usually examines sales representing

9 19 U.S.C. § 1673a (c) (4) (A) (1994).

10 19 U.S.C. § 732 (c) (4)-(C), (B) (iii), (B) (i).

11 19 CFR § 353.12.