

- The FTA could require that the injury result from the dumping margin, rather than the total quantities of imports;
- The FTA could create an injury threshold that would prohibit imposition of antidumping duties if Canadian exports constituted less than, e.g., 5% of U.S. imports from all countries, or less than 5% of the entire U.S. market for that product;
- The FTA could prohibit cumulation of Canadian exports with exports from other countries when the ITC makes injury determinations in parallel cases.

Evaluation: As indicated previously, because the ITC is a relatively impartial body and its decisions are based primarily on facts, rather than interpretations of law or exercises of discretion, the case for improving predictability in injury determinations is not very strong. Therefore, we feel that the above proposals are not likely to be acceptable.

b. Joint Committee for  
Injury Determinations

Also as discussed for countervailing duty actions (see section IV.A.2.b. above), the FTA could bestow