

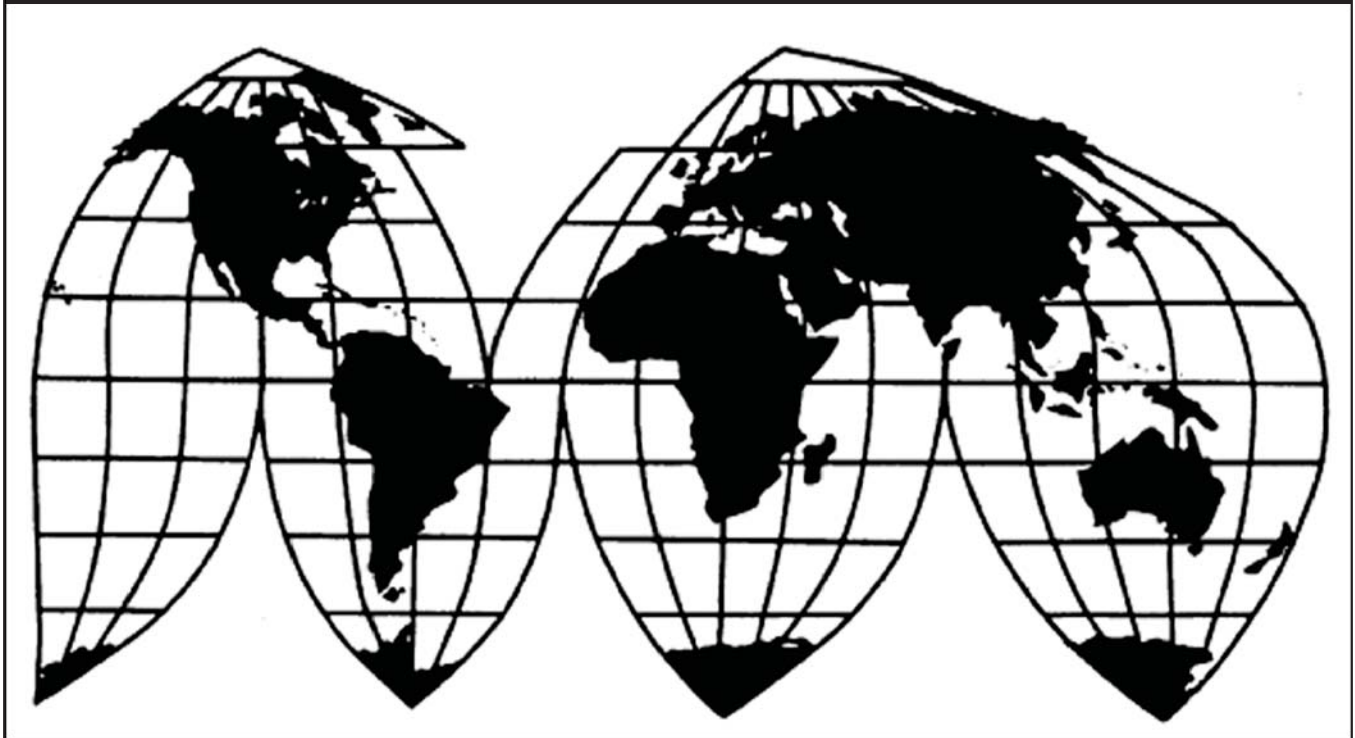
Crawfish Tail Meat from China

Investigation No. 731-TA-752 (Third Review)

Publication 4460

April 2014

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note.—Information that would reveal confidential operations of individual concerns may not be published and therefore has been deleted. Such deletions are indicated by asterisks.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-752 (Third Review)

CRAWFISH TAIL MEAT FROM CHINA

DETERMINATION

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

BACKGROUND

The Commission instituted this review on November 1, 2013 (78 F.R. 65709) and determined on February 4, 2014 that it would conduct an expedited review (79 F.R. 10181, February 24, 2014).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Commissioner Rhonda Schmidlein was not a member of the Commission at the time of the vote.

Views of the Commission

Based on the record in this five-year review, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Tariff Act”), that revocation of the antidumping duty order on crawfish tail meat from China would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.¹

I. Background

Original Investigation and Prior Reviews. In September 1997, the Commission determined that an industry in the United States was materially injured by reason of imports of crawfish tail meat from China that the U.S. Department of Commerce (“Commerce”) had found had been sold at less than fair value.² Customs issued an antidumping duty order covering the subject merchandise on September 15, 1997.³

In July 2003, the Commission conducted its first five-year review of the order (a full review) and determined that revocation would likely lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁴

In November 2008, the Commission conducted its second five-year review of the order (an expedited review) and determined again that revocation would likely lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁵

Current Review. The Commission instituted this review on November 1, 2013.⁶ The Commission received one substantive response to the notice of institution from the Crawfish Processors Alliance (“CPA”), a trade association representing the majority of domestic producers of crawfish tail meat.⁷ It did not receive a response from any respondent interested party. On February 4, 2014, the Commission found CPA’s response to the notice of institution to be individually adequate, the domestic interested party group response to be adequate, and

¹ Commissioner Aranoff did not participate in this review. Commissioner Schmidlein assumed office on April 28, 2014, after the vote in this investigation took place.

² *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Final), USITC Pub. 3057 (August 1997) (“Original Determination”). The period of investigation (“POI”) was January 1, 1994 to December 31, 1997.

³ *Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat from the People’s Republic of China*, 62 Fed. Reg. 48218 (Sep. 15, 1997).

⁴ *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 (July 2003) (“First Review”). The review period was January 1, 1997 to December 31, 2002.

⁵ *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Second Review), USITC Pub. 4047 (November 2008) (“Second Review”).

⁶ *Crawfish Tail Meat from China: Institution of a Five-Year Review*, 78 Fed. Reg. 65709 (Nov. 1, 2013).

⁷ CPA Response to Notice Initiating Sunset Review, December 2, 2013 (“Response”).

the respondent interested party group response inadequate. The Commission did not find any circumstances that would warrant conducting a full review and determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act.⁸

II. Domestic Like Product and Industry

A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the “domestic like product” and the “industry.”⁹ The Tariff Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”¹⁰ The Commission’s practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.¹¹

Commerce has defined the imported merchandise within the scope of the order under review as follows:

Freshwater crawfish tail meat, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of this order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof.¹²

The scope definition set out above is unchanged from Commerce’s scope definition in the original investigation and prior reviews.

⁸ See Explanation of Commission Determination on Adequacy, EDIS Doc. No. 527430 (Feb. 17, 2014).

⁹ 19 U.S.C. § 1677(4)(A).

¹⁰ 19 U.S.C. § 1677(10); see, e.g., *Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); see also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

¹¹ See, e.g., *Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

¹² *Crawfish Tail Meat from China: Final Results of Expedited Third Sunset Review of the Antidumping Duty Order*, 79 Fed. Reg. 13278 (Mar. 10, 2014) (“Commerce Third Review Determination”).

Crawfish tail meat is one of three forms of crawfish sold in the United States; the other two forms are live whole crawfish and boiled whole crawfish.¹³ Crawfish tail meat is used to prepare dishes such as bisques and etouffees.¹⁴ Crawfish tail meat is produced by cooking live, whole crawfish and then separating the tails from the body. The tails are peeled and deveined by hand, then packaged, weighed, and immediately chilled or frozen.¹⁵

In the original investigation, the Commission found a single domestic like product consisting of crawfish tail meat, whether peeled or “shell on,” coextensive with Commerce’s scope.¹⁶ The Commission adopted the same domestic like product definition in the first and second five-year reviews.¹⁷

In this review, CPA states that it agrees with the definition of the domestic like product that the Commission adopted in its prior proceedings.¹⁸ There is no new information obtained during this review that would suggest any reason to revisit the Commission’s domestic like product definition from the original determination and prior reviews.¹⁹ Accordingly, we define the domestic like product as crawfish tail meat, commensurate with Commerce’s scope.

B. Domestic Industry

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”²⁰ In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In the original investigation and prior reviews, the Commission found a single domestic industry consisting of all domestic producers of crawfish tail meat, including processors, but not the farmers and fishermen who harvest the live crawfish.²¹ In this review, CPA states that it

¹³ Confidential Report (“CR”) at I-8, Public Report (“PR”) at I-6.

¹⁴ CR at I-9, PR at I-6.

¹⁵ CR at I-9, PR at I-7.

¹⁶ Original Determination, USITC Pub. 3057 at 8.

¹⁷ First Review, USITC Pub. 3614 at 5; Second Review, USITC Pub. 4047 at 9.

¹⁸ Response at 21.

¹⁹ *See generally*, CR at I-7-13, PR at I-5-9.

²⁰ 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. *See* 19 U.S.C. § 1677.

²¹ Second Review, USITC Pub. 4047 at 5. In the original determination, the Commission determined that the statutory grower/processor provision at 19 U.S.C. § 1677(4)(E) did not apply because the raw agricultural product, live crawfish, is not substantially or completely devoted to production of the processed domestic like product. Original Determination, USITC Pub. 3057 at 8-9. This remains true. CR at I-13-14, PR at I-9.

agrees with the Commission's previous domestic industry definition.²² There is no information on the record showing that any of the domestic producers imported subject merchandise from China during the review period or that otherwise presents domestic industry issues. Accordingly, in light of the definition of the domestic like product, we define the domestic industry as all U.S. producers of crawfish tail meat.

III. Revocation of the Antidumping Duty Order Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Legal Standards

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order "would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time."²³ The Uruguay Round Agreements Act Statement of Administrative Action ("SAA") states that "under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports."²⁴ Thus, the likelihood standard is prospective in nature.²⁵ The U.S. Court of International Trade has found that "likely," as used in the five-year review provisions of the Act, means "probable," and the Commission applies that standard in five-year reviews.²⁶

²² Response at 21.

²³ 19 U.S.C. § 1675a(a).

²⁴ SAA, H.R. Rep. 103-316, vol. I at 883-84 (1994). The SAA states that "[t]he likelihood of injury standard applies regardless of the nature of the Commission's original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed." *Id.* at 883.

²⁵ While the SAA states that "a separate determination regarding current material injury is not necessary," it indicates that "the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked." SAA at 884.

²⁶ See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int'l Trade 2003) ("'likely' means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)"), *aff'd mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) ("more likely than not" standard is "consistent with the court's opinion;" "the court has not interpreted 'likely' to imply any particular degree of 'certainty'"); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (Continued...)

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”²⁷ According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”²⁸

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”²⁹ It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if the orders are revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).³⁰ The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination.³¹

In evaluating the likely volume of imports of subject merchandise if the orders under review are revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.³² In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign

(...Continued)

(2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

²⁷ 19 U.S.C. § 1675a(a)(5).

²⁸ SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

²⁹ 19 U.S.C. § 1675a(a)(1).

³⁰ 19 U.S.C. § 1675a(a)(1). Commerce has not made any duty absorption findings with respect to the order currently under review. CR at I-5, PR at I-3.

³¹ 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

³² 19 U.S.C. § 1675a(a)(2).

country, which can be used to produce the subject merchandise, are currently being used to produce other products.³³

In evaluating the likely price effects of subject imports if the orders under review are revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.³⁴

In evaluating the likely impact of imports of subject merchandise if the orders under review are revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.³⁵ All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order under review and whether the industry is vulnerable to material injury upon revocation.³⁶

No respondent interested party participated in this expedited review. The record, therefore, contains limited new information with respect to the crawfish tail meat industry in China. There also is limited information on the crawfish tail meat market in the United States during the period of review. Accordingly, for our determination, we rely as appropriate on the facts available from the original investigation and prior reviews, data submitted in the response to the notice of institution, and other public data.

³³ 19 U.S.C. § 1675a(a)(2)(A-D).

³⁴ See 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

³⁵ 19 U.S.C. § 1675a(a)(4).

³⁶ The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”³⁷ The following conditions of competition inform our determination.

Demand Conditions. In the original investigation, the Commission found two markets for crawfish tail meat in the United States: the local market in and around Louisiana, where purchasers preferred fresh domestic crawfish tail meat, and the national market, where purchasers preferred a steady supply of frozen crawfish tail meat.³⁸ The Commission found that most fresh crawfish tail meat was sold during the season in which crawfish are harvested, which is from January to June of each year.³⁹ The Commission found that due to a strong preference in the Louisiana area for fresh crawfish, fresh crawfish tail meat was sold in that area during the harvest season, whereas frozen crawfish tail meat was sold outside the Louisiana area or during the off-season.⁴⁰ Apparent U.S. consumption of crawfish tail meat increased during the original period of investigation from 5.27 million pounds in 1994 to 9.52 million pounds in 1996.⁴¹

In the first review, the Commission found that the markets for crawfish tail meat remained substantially similar to those found in the original investigation.⁴² Apparent U.S. consumption of crawfish tail meat fluctuated over the first review period but was 178.7 percent higher at the end of the review period than at the beginning of the review period.⁴³

In the second review, the Commission found that there were no new data on the record to warrant revising its previous findings. It also observed that the economic havoc in the Louisiana area following Hurricanes Katrina, on August 29, 2005, and Rita, on September 24, 2005, reduced the demand for crawfish tail meat in that area.⁴⁴ Apparent U.S. consumption of crawfish tail meat declined significantly in 2005 before recovering in 2006 to 2004 levels.⁴⁵

In this review, the information available indicates that the conditions of competition that influence demand for crawfish tail meat have not changed significantly since the original investigation. Apparent U.S. consumption of crawfish tail meat in 2012, based on data from responding domestic producers, was *** pounds.⁴⁶ ***.

³⁷ 19 U.S.C. § 1675a(a)(4).

³⁸ Original Determination, USITC Pub. 3057 at 13.

³⁹ Original Determination, USITC Pub. 3057 at 11-12.

⁴⁰ Original Determination, USITC Pub. 3057 at 12.

⁴¹ Original Determination, USITC Pub. 3057 at 14.

⁴² First Review, USITC Pub. 3614 at 12-14.

⁴³ First Review, USITC Pub. 3614 at 10.

⁴⁴ Second Review, USITC Pub. 4047 at 10.

⁴⁵ Second Review, USITC Pub. 4047 at 10.

⁴⁶ CR/PR at Table I-4. Staff’s calculations are based on the reported shipments of CPA members and official import data. *Id.* CPA estimates that its members account for 85 percent of domestic crawfish tail meat production. Response at 19.

Supply Conditions. In the original investigation, the Commission found that due to the short shelf life of crawfish tail meat, sales of fresh crawfish tail meat were limited to the area in and around Louisiana but that frozen crawfish tail meat was sold nationwide.⁴⁷ It also found that the domestic industry did not produce sufficient crawfish tail meat to meet national demand.⁴⁸ Subject imports held an increasing share of the U.S. market over the POI, increasing from 57.6 percent in 1994 to 78.9 percent in 1995 and then to 86.8 percent in 1996.⁴⁹

In the first review, the Commission observed that most domestic crawfish tail meat was processed by small, family-owned businesses, which consumed around 12 percent of the annual crawfish harvest during the review period.⁵⁰ The Commission found that most of U.S. demand for crawfish tail meat was satisfied by subject imports from China, which held a market share ranging from 61.8 percent to 92.2 percent during the first review period.⁵¹ Over the first review period, the Commission observed that the domestic industry's share of the U.S. market peaked in 1997 at 38.2 percent and then declined to a period low of 4.6 percent in 2000 and 2001 due to drought conditions in Louisiana that reduced the crawfish harvest.⁵²

In the second review, the Commission found that there were no new data on the record to warrant revising its previous findings regarding supply conditions. It observed that the effects of Hurricanes Katrina and Rita reduced the domestic crawfish harvest in 2006 due to increased salinity of the water and the introduction of additional marine predators.⁵³ Domestic industry production and shipments of crawfish tail meat declined significantly in 2006 before increasing in 2007 to near-2005 levels.⁵⁴ The Commission found that China remained the principal source of imported crawfish tail meat during the period of review, but observed that small quantities were being imported from Spain and Trinidad and Tobago.⁵⁵

In this review, China remains the predominant supplier of crawfish tail meat to the U.S. market. Responding U.S. producers shipped *** pounds of crawfish tail meat, and subject imports totaled 12.5 million pounds in 2012.⁵⁶ Responding U.S. producers' U.S. shipments accounted for *** percent of apparent U.S. consumption in 2012, subject imports accounted for *** percent, and nonsubject imports of crawfish tail meat accounted for *** percent.⁵⁷

⁴⁷ Original Determination, USITC Pub. 3057 at 12.

⁴⁸ Original Determination, USITC Pub. 3057 at 19.

⁴⁹ Original Determination, USITC Pub. 3057 at 19.

⁵⁰ First Review, USITC Pub. 3614 at 11.

⁵¹ First Review, USITC Pub. 3614 at 10.

⁵² First Review, USITC Pub. 3614 at 10-11.

⁵³ Second Review, USITC Pub. 4047 at 10.

⁵⁴ Second Review, USITC Pub. 4047 at 10.

⁵⁵ Second Review, USITC Pub. 4047 at 9.

⁵⁶ CR/PR at Table I-4.

⁵⁷ CR/PR at Table I-4. CPA argues that the Staff Report, by relying on official Commerce statistics for imports from all sources, inflates the market share held by nonsubject imports and underestimates the market share held by subject imports. CPA contends that aside from China and the United States, Spain is the only other nation that produces crawfish tail meat in appreciable quantities and, therefore, the only reliable figures for nonsubject imports are imports from Spain. Comments at 2-3. However, we (Continued...)

Substitutability and Other Conditions. In the original investigation, the Commission found that despite some differences, subject imports and the domestic like product were substitutable.⁵⁸ The Commission also observed that while many purchasers reported a preference for fresh crawfish tail meat over frozen crawfish tail meat, they indicated that price was an important factor in purchasing decisions.⁵⁹

In the first review, the Commission found that subject imports and the domestic like product were direct competitors in the U.S. market, notwithstanding some differences in quality, price, and availability.⁶⁰ It observed that pricing differences were important although most purchasers stated that quality and consistency were the most important factors in their purchasing decisions.⁶¹

In the second review, the Commission found that there were no new data on the record to warrant revising its previous findings. Therefore, it again found that subject crawfish tail meat and the domestic like product were substitutable products that competed largely on the basis of price.⁶²

In this review, there is no new information on the record to suggest that the substitutability of crawfish tail meat from domestic and subject sources has changed since the original investigation and prior reviews. Accordingly, we again find that the domestic like product and subject crawfish tail meat are highly substitutable and that price continues to be an important factor in purchasing decisions.

C. Likely Volume of Subject Imports

Original Investigation and Prior Reviews. In the original investigation, the Commission found that subject imports more than tripled from the first to the second year of the POI before declining in the third year. The volume of subject imports increased from 3.39 million pounds in 1994 to nearly 11 million pounds in 1995 and then dropped to 7.77 million pounds in 1996.⁶³ The quantity of subject imports as a share of the U.S. market rose from 57.6 percent in 1994 to 78.9 percent in 1995 and then to 86.8 percent in 1996.⁶⁴ Although a portion of the rising subject import volume served demand for frozen crawfish tail meat in non-traditional markets outside Louisiana, the Commission found that most shipments of subject imports were made to purchasers in the Louisiana area.⁶⁵ In addition, the increases in subject import volume and

(...Continued)

rely on official Commerce statistics as the information available in this expedited review. The Harmonized Tariff Schedule subcategory used in the official Commerce statistics conforms closely to the subject merchandise described in the scope definition.

⁵⁸ Original Determination, USITC Pub. 3057 at 23-24.

⁵⁹ Original Determination, USITC Pub. 3057 at 23.

⁶⁰ First Review, USITC Pub. 3614 at 14-15.

⁶¹ First Review, USITC Pub. 3614 at 15.

⁶² Second Review, USITC Pub. 4047 at 9.

⁶³ Original Determination, USITC Pub. 3057 at 19.

⁶⁴ Original Determination, USITC Pub. 3057 at 19.

⁶⁵ Original Determination, USITC Pub. 3057 at 20.

market share coincided with declines in domestic industry sales volume and market share.⁶⁶ The Commission found that the volume of subject imports was significant.

In the first review, the Commission found that subject import volume increased 279.3 percent between 1997 and 2002 to 8.88 million pounds, notwithstanding the presence of the antidumping duty order.⁶⁷ It observed that responding Chinese producers reported a capacity utilization rate of *** percent, unused capacity of *** pounds, and a high degree of export orientation towards the United States.⁶⁸ The Commission concluded that subject import volume would likely be significant and would likely increase significantly should the order be revoked.

In the second review, the Commission found that subject import volume and market share were higher during the second review period than during the original period of investigation.⁶⁹ Subject import volume declined steadily from 15.4 million pounds in 2003 to 8.1 million pounds in 2005, and then increased steadily to 14.3 million pounds in 2007.⁷⁰ The Commission concluded that the subject import volume would likely be significant and would likely increase significantly should the order be revoked.⁷¹

Current Review. The information available in this review shows that subject imports have remained in the U.S. market at substantial levels. Subject imports were 2.1 million pounds in 2008, 13.1 million pounds in 2009, 12.9 million pounds in 2010, 2.8 million pounds in 2011, and 12.5 million pounds in 2012.⁷² In 2012, subject imports from China accounted for *** percent of apparent U.S. consumption.⁷³ The ratio of imports of crawfish tail meat from China to the U.S. production of crawfish tail meat in 2012 was *** percent.⁷⁴

The record does not contain any current data specific to crawfish tail meat production or capacity in China because subject producers did not participate or furnish information in this review.⁷⁵ Nonetheless, the information available in this review indicates that Chinese producers of crawfish tail meat remain very interested in the U.S. market. Subject import volumes were substantial over the period of review. Moreover, subject producers have the capability to

⁶⁶ Original Determination, USITC Pub. 3057 at 20.

⁶⁷ First Review, USITC Pub. 3614 at 16-17.

⁶⁸ First Review, USITC Pub. 3614 at 17-18. The U.S. market accounted for *** percent of Chinese producers' shipments in 2002. *Id.*

⁶⁹ Second Review, USITC Pub. 4047 at 11. In both the first and second reviews, the Commission observed that Customs had failed to collect duties on the subject imports. First Review, USITC Pub. 3614 at 12; Second Review, USITC Pub. 4047 at 10. CPA asserts that this is still the case. *See Response* at 8-9.

⁷⁰ Second Review, USITC Pub. 4047 at 11.

⁷¹ Second Review, USITC Pub. 4047 at 11.

⁷² CR/PR at Table I-3.

⁷³ CR/PR at Table I-4.

⁷⁴ CR at I-19, PR at I-13.

⁷⁵ The record also does not contain any current information about inventories of the subject merchandise or subject producers' ability to shift production between products. The record does indicate that there are no outstanding antidumping or countervailing duty orders in other markets concerning crawfish tail meat from China. CR at I-4-5, 22, PR at I-3-4, 16.

increase exports to the U.S. market; subject imports increased sharply in 2009 and 2012.⁷⁶ Global trade data show that in every year but one between 2008 and 2012, the United States has been China's largest export market for a category of exports that includes crawfish tail meat.⁷⁷ Consequently, subject producers have both the means and incentive to increase their U.S. exports of the subject merchandise should the order be revoked.

We find that the current volume of subject imports is significant. We also find that, given the continued interest that Chinese producers of crawfish tail meat have in the U.S. market, their ability to sharply increase export volumes, and the historic volume of Chinese crawfish tail meat that has entered the U.S. market, the crawfish tail meat industry in China is likely to increase exports of subject merchandise to the United States to an even higher volume upon revocation of the orders. Therefore, we find that the likely volume of subject imports, both in absolute terms and relative to consumption in the United States, would be significant if the orders were revoked.

D. Likely Price Effects

Original Investigation and Prior Reviews. In the original investigation, the Commission found that prices for the domestic like product generally increased over the POI, whereas subject import prices declined.⁷⁸ It also found that subject imports undersold the domestic like product in all comparisons at margins exceeding 20 percent.⁷⁹ The Commission considered the possibility that this indicated a lack of substitutability between subject imports and the domestic like product, but found instead that the evidence on the record indicated that purchasers were switching from the domestic like product to subject imports based primarily on price.⁸⁰ The Commission also found that because most domestic crawfish producers were small, family-owned businesses, they were unable to raise prices sufficiently to cover rising production costs. The Commission concluded that subject import underselling was significant and suppressed domestic prices to a significant degree.⁸¹

In the first review, the Commission found that despite the presence of the antidumping duty order, subject imports undersold the domestic like product in virtually all pricing comparisons at margins exceeding 20 percent.⁸² It found that domestic prices fluctuated during the period of review, and were slightly higher at the end of the period of review than at the

⁷⁶ CR/PR at Table I-3.

⁷⁷ CR/PR at Table I-7. Chinese export data are based on statistics from the Global Trade Atlas for an HTS subheading broader than the scope definition.

⁷⁸ Original Determination, USITC Pub. 3057 at 22.

⁷⁹ Original Determination, USITC Pub. 3057 at 23.

⁸⁰ Original Determination, USITC Pub. 3057 at 23 (“Many {purchasers} reported a general preference for the fresh (domestic) product over frozen tail meat, but indicated that the price differential was sufficiently large to induce them to substitute the frozen product anyway or to mix more expensive fresh tail meat with the subject imports in the same dish.”).

⁸¹ Original Determination, USITC Pub. 3057 at 24-26.

⁸² First Review, USITC Pub. 3614 at 19-20.

beginning, whereas subject import prices declined.⁸³ The Commission concluded that subject import underselling had suppressed prices for the domestic like product and concluded that revocation of the order would likely result in significant underselling by the subject imports that would likely depress and suppress domestic prices to a significant degree.⁸⁴

The record of the expedited second review did not contain pricing data. The Commission found the average unit values (“AUVs”) for subject imports were below those for the domestic like product.⁸⁵ Based on this information as well as the pricing data collected in the original investigation and first review, the Commission concluded that subject import underselling would likely be significant if the order were revoked.⁸⁶ It found that the likely underselling, combined with the likely significant subject import volume, would place downward pressure on domestic prices and have significant price-depressing and suppressing effects.

Current Review. There is no new product-specific pricing information on the record. In the absence of specific pricing data, we have considered with caution the AUV data that CPA placed on the record.⁸⁷ These data indicate that, from 2008 to 2012, the AUVs for subject imports was considerably lower than the AUVs for domestic shipments.⁸⁸ In 2012, the AUVs for the subject imports was below both the AUVs for nonsubject imports and AUVs for the domestic like product.⁸⁹

We found above that the domestic like product and the subject imports are highly substitutable and that price continues to be an important factor in purchasing decisions. Because price is an important factor in purchasing decisions, if the order were revoked, subject imports would likely increase their sales in the U.S. market by underselling the domestic like product at high margins, as they did in the in the original investigation. Given this evidence, the available AUV data, and the pervasive underselling found in the original investigation and first review, we find that subject import underselling would likely be significant if the order were revoked.

We find that if the order were revoked, the likely significant underselling by subject imports, combined with the likely higher volumes of subject imports, would likely exert downward pressure on prices for the domestic like product or suppress them. The Commission found in the original investigation that significant underselling by the subject imports suppressed domestic prices to a significant degree. There is no new information on the record

⁸³ First Review, USITC Pub. 3614 at 20.

⁸⁴ First Review, USITC Pub. 3614 at 20-21.

⁸⁵ Second Review, USITC Pub. 4047 at 13.

⁸⁶ Second Review, USITC Pub. 4047 at 13.

⁸⁷ We view comparisons of AUVs from different sources with caution because differences in AUVs may reflect differences in product mix. Indeed, here the subject imports are exclusively frozen crawfish tail meat while domestic production is a mix of both fresh and frozen tail meat.

⁸⁸ Response at Exhibit 8. CPA’s subject import AUVs are based on official import data. Its AUVs for domestic shipments are based on its members’ sale prices to distributors and retailers in Louisiana. *Id.*

⁸⁹ Response at Exhibit 8; CR/PR at Table I-3.

to suggest that, should the order be revoked, significant underselling by subject imports would not suppress domestic prices to a similar degree. Therefore, we conclude that revocation of the order would likely result in significant subject import underselling that would likely depress or suppress prices for the domestic like product to a significant degree.

E. Likely Impact⁹⁰

Original Investigation and Prior Reviews. In the original investigation, the Commission found that subject imports had a significant adverse impact on the domestic industry over the POI. Due to suppression of domestic prices by subject imports, the domestic industry experienced declines in production, sales volumes, capacity utilization, employment, and financial performance.⁹¹ By the end of the POI, the domestic industry was experiencing financial losses.⁹² The Commission considered the argument that these trends resulted from bad weather, but concluded that the domestic crawfish industry was materially injured by reason of subject imports.⁹³

In the first review, the Commission observed that the domestic industry's financial condition improved slightly after the imposition of the antidumping duty order, but, with the exception of 2002, the industry continued to lose money every year and ended the review period in worse condition than at the beginning of the review period.⁹⁴ The record in the first review also showed that the domestic industry's financial performance was significantly worse in the review period than over the original POI.⁹⁵ Capacity utilization, wages per hour, productivity, and the unit value of net sales dropped during the review period.⁹⁶ Based on this, the Commission found that the domestic industry was vulnerable to the continuation of material injury from subject imports and that any benefit it had received from the disbursement of funds under the Continued Dumping and Subsidy Offset Act ("CDSOA," also

⁹⁰ Under the statute, "the Commission may consider the magnitude of the margin of dumping" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv); *see also* SAA at 887.

Commerce expedited its antidumping duty review determination and found that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at margins ranging between 91.50 percent to 156.77 percent for individually investigated respondents, at 122.92 percent for the separate rate, and at 201.63 percent for the PRC-wide rate. *Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order*, 79 Fed. Reg. 13278 (Mar. 10, 2014) (listing each individually investigated exporter and/or producer).

⁹¹ Original Determination, USITC Pub. 3057 at 28-29.

⁹² Original Determination, USITC Pub. 3057 at 29.

⁹³ Original Determination, USITC Pub. 3057 at 30.

⁹⁴ First Review, USITC Pub. 3614 at 21-23.

⁹⁵ First Review, USITC Pub. 3614 at 23.

⁹⁶ First Review, USITC Pub. 3614 at 23.

known as the Byrd Amendment) was insufficient to reduce its vulnerability to the continuation of material injury.⁹⁷ The Commission concluded that revocation of the order would likely have a significant adverse impact on the domestic industry.⁹⁸

In the second review, the Commission observed that evidence on the record showed that domestic production and shipments were significantly lower than during either of the first two years of the POI in the original investigation.⁹⁹ Nevertheless, the Commission found that domestic average unit sales values were higher in 2007 than during the original POI, and that there were some positive effects of the order, primarily from CDSOA disbursements and the likelihood that subject volumes would have been higher and subject import prices lower, absent the order.¹⁰⁰ It concluded that revocation of the order would likely have a significant adverse impact on the domestic industry within a reasonably foreseeable time.¹⁰¹

Current Review. Because this is an expedited review, we have only limited information with respect to the domestic industry's financial performance. The limited information available concerning the domestic industry's condition in these reviews consists of the data that CPA provided in response to the notice of institution, and data from the original investigation and prior reviews. The record is insufficient for us to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury in the event of revocation of the order.¹⁰²

In 2012, the average capacity of the reporting domestic producers was 2.8 million pounds of crawfish tail meat, production was 918,000 pounds, capacity utilization was 33.1 percent, and U.S. shipments were *** pounds.¹⁰³ The domestic industry reported that its ratio of operating income to sales was *** percent.¹⁰⁴ Based on the limited information on the record, we find that should the order be revoked, the likely significant volume and adverse price effects of the subject imports would likely have a significant adverse impact on the production, shipments, sales, market share, and revenues of the domestic industry. This impact would likely cause declines in the domestic industry's financial performance.

⁹⁷ First Review, USITC Pub. 3614 at 23-24.

⁹⁸ First Review, USITC Pub. 3614 at 24.

⁹⁹ Second Review, USITC Pub. 4047 at 15.

¹⁰⁰ Second Review, USITC Pub. 4047 at 16.

¹⁰¹ Second Review, USITC Pub. 4047 at 16. The Commission found that the limited available information prevented it from determining whether the domestic industry was vulnerable. *Id.*

¹⁰² Based on the limited record of this review, Commissioner Pinkert finds that the domestic industry appears to be vulnerable. He reaches this conclusion primarily due to the relatively small market share held by the domestic industry, its high COGS/sales ratio, and its operating *** in 2012. The domestic industry only held *** percent of the market in 2012, its COGS/sales ratio was *** percent, and its operating margin that year was *** percent. He further notes that the domestic industry had significant unused capacity in 2012; its capacity utilization ratio was 33.1 percent. CR/PR at Tables I-2 and I-4.

¹⁰³ CR/PR at Table I-2.

¹⁰⁴ See CR/PR at Table I-2.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports, so as not to attribute injury from other factors to the subject imports. Nonsubject imports account for a small share of the U.S. market, accounting for 0.0 percent to *** percent of consumption based on quantity between 2008 and 2012.¹⁰⁵ During those years from 2008 to 2012 when subject import volume declined, nonsubject import volume remained at small, relatively steady levels.¹⁰⁶ There are no other possible alternative causes of injury on the record. We therefore find that we have not attributed to the subject imports any likely significant adverse impact caused by other factors.

Accordingly, we conclude that if the orders were revoked, subject imports would likely have a significant impact on the domestic industry within a reasonably foreseeable time.

IV. Conclusion

For the above reasons, we determine that revocation of the antidumping duty order on crawfish tail meat from China would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

¹⁰⁵ CR/PR at Table I-4.

¹⁰⁶ CR/PR at Table I-4.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

Background

Effective November 1, 2013, the U.S. International Trade Commission (“Commission” or “USITC”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ that it had instituted a review to determine whether revocation of the antidumping duty order on crawfish tail meat from China would likely lead to the continuation or recurrence of material injury to a domestic industry.² On February 4, 2014, the Commission determined that the domestic interested party response to the notice of institution was adequate³ and respondent party group response was inadequate.⁴ In the absence of respondent interested party responses or any other circumstances that would warrant the conduct of a full review, the Commission determined to conduct an expedited review of the antidumping duty order pursuant to section 751 (c) (3) of the Act.⁵ The following tabulation presents information relating to the background and schedule of this proceeding:

Effective date	Action
September 15, 1997	Commerce’s antidumping duty order on crawfish tail meat from China (62 FR 48218)
August 13, 2003	Continuation of antidumping duty order (68 FR 48340)
December 11, 2008	Continuation of antidumping duty order (73 FR 75392)
November 1, 2013	Commission’s institution of third five-year review (78 FR 65709)
November 1, 2013	Commerce’s initiation of third five-year review (78 FR 65614)
February 4, 2014	Commission’s notice of scheduling of an expedited five-year review (79 FR 10181)
March 10, 2014	Commerce’s final results of third sunset review (79 FR 13278)
April 4, 2014	Commission’s vote
April 28, 2014	Commission’s determination

¹ 19 U.S.C. 1675(c).

² *Crawfish Tail Meat From China Institution of a Five-Year Review*, 78 FR 65709 November 1, 2013. All interested parties were requested to respond to this notice by submitting the information requested by the Commission.

³ The Commission received one submission from the Crawfish Processors Alliance, a trade association representing domestic producers of freshwater crawfish tail meat. The CPA was a petitioner in the original investigation, in conjunction with the Louisiana Department of Agriculture and Forestry.

⁴ The Commission did not receive a response from any respondent interested parties to its notice of institution.

⁵ *Crawfish Tail Meat From China; Scheduling of an Expedited Five-Year Review Concerning the Antidumping Duty Order on Crawfish Tail Meat From China*, 79 FR 10181, February 24, 2014.

The original investigation

The original investigation resulted from a petition filed on September 20, 1996, by the Crawfish Processors Alliance (“CPA”) alleging that an industry in the United States was materially injured and threatened with material injury by reason of less-than-fair-value (“LTFV”) imports of crawfish tail meat from China. On August 1, 1997, Commerce determined that imports of crawfish tail meat from China was being sold at LTFV.⁶ On September 8, 1997, the Commission determined that an industry in the United States was materially injured by reason of LTFV imports of crawfish tail meat from China.⁷ Commerce issued an antidumping duty order on crawfish tail meat from China on September 15, 1997.⁸

First five-year review

The Commission instituted its first five-year review on August 2, 2002. The Commission received a joint response filed on behalf of the Crawfish Processors Alliance (“CPA”); its members; and the Louisiana Department of Agriculture and Forestry (“LDAF”). The Commission also received a response to the notice of institution on behalf of the China Chamber of Commerce for Import & Export of Foodstuffs, Native Produce & Animal By-Products (CCCCFNA) and 16 foreign producers and/or exporters of subject merchandise, described as representing the “overwhelming majority” of the crawfish tail meat industry in China. On November 4, 2002, the Commission determined that both the domestic and respondent interested party responses were adequate and determined that it should proceed to a full review pursuant to section 751(c)(5) of the Tariff Act of 1930, as amended.⁹

On July 28, 2003, the Commission determined that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonable foreseeable time.¹⁰ Commerce issued a continuation of the antidumping duty order on August 13, 2003.¹¹

⁶ *Final Determination of Sales at Less Than Fair Value: Freshwater Crawfish From the People’s Republic of China*, 62 FR 41347, August 1, 1997.

⁷ *Crawfish Tail Meat From China Determination*, 62 FR 49255, September 19, 1997.

⁸ *Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Freshwater Crawfish Tail Meat From the People’s Republic of China*, 62 FR 48218, September 15, 1997.

⁹ *Notice of Commission Determination To Conduct A Full Five Year Review Concerning the Antidumping Duty Order On Crawfish Tail Meat From China*, 67 FR 69557, November 18, 2002.

¹⁰ *Crawfish Tail Meat From China: Affirmative Determination of Material Injury to a US Industry*, 68 FR 45276, August 1, 2003.

¹¹ *Continuation of Antidumping Duty Order: Freshwater Crawfish From the People’s Republic of China*, 68 FR 48340, August 13, 2003.

Second five-year review

The Commission instituted its second five-year review on July 1, 2008. On October 6, 2008, the Commission determined that the domestic interested party response to its notice of institution was adequate; the Commission also determined that the respondent interested party response was inadequate. The Commission found no other circumstances that would warrant conducting a full review. Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 752(c)(3) of the Act.¹²

On November 25, 2008, the Commission determined that revocation of the antidumping duty order on crawfish tail meat from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonable foreseeable time.¹³ Commerce issued a continuation of the antidumping duty order on December 11, 2008.¹⁴

Commerce's final results of expedited third five-year review

Commerce issued its final results of its review on March 10, 2014 (Table I-1).

Commerce's administrative reviews

Commerce has completed five administrative reviews and one new shipper review of the antidumping duty order on crawfish tail meat from China since the second five-year review.¹⁵ The results of the administrative reviews are shown in Table I-1. Commerce made no duty absorption determinations since 2001.

¹² *Scheduling of an Expedited Five Year Review Concerning the Antidumping Duty Order On Crawfish Tail Meat From China*, 73 FR 62318, October 20, 2008.

¹³ *Determination of Commission of Expedited Second Sunset Review of the Antidumping Duty Order On Crawfish Tail Meat From China*, 73 FR 72833, December 1, 2008.

¹⁴ *Continuation of Antidumping Duty Order on Freshwater Crawfish From the People's Republic of China*, 73 FR 75392, December 11, 2008.

¹⁵ Commerce conducted a new-shipper review and found a weighted-average dumping margin of 12.37 percent for merchandise produced by Henan Baoshu Aquatic Products Co., Ltd. (Henan Baoshu), and exported by Nanjing Gemsen International Co., Ltd., for September 1, 2008 through August 31, 2009. *Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative and New-Shipper Reviews*, 75 FR 79337, December 20, 2010. Commerce also amended its final results of the 2005-06 administrative review for Chinese firm Xuzhou Jinjiang Foodstuffs Co., Ltd. ("Xuzhou") to reflect the revised margin of 188.52 for Xuzhou for September 1, 2005 through August 31, 2006. *Freshwater Crawfish Tail Meat From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review in Accordance With Final Court Decision*, 76 FR 30648, May 26, 2011.

Table I-1

Crawfish tail meat: Administrative reviews of the antidumping duty order completed since second five-year review, and Commerce's final results of third sunset review

Period of review	Producer or exporter	Firm-specific rate (percent)
9/1/06-8/31/07 (74 FR 6571, February 10, 2009)	Yancheng Hi-King Agriculture Developing Co. Ltd	0.00
	PRC-wide rate	223.01
9/1/07-8/31/08 (74 FR 56180, October 9, 2009)	Xiping Opeck Food Co., Ltd	0.00
	PRC-wide rate	223.01
9/1/08-8/31/09 (75 FR 79337, December 20, 2010)	Xiping Opeck Food Co., Ltd.	9.39
	Shanghai Ocean Flavor International Trading Co., Ltd.	41.92
	China Kingdom (Beijing) Import & Export Co., Ltd.	18.87
	Xuzhou Jinjiang Foodstuffs Co., Ltd	5.39
	PRC-wide	223.01
9/1/09-8/31/10 (77 FR 21529, April 10, 2012)	Xiping Opeck Food Co., Ltd	0.80
	China Kingdom (Beijing) Import & Export Co., Ltd.	3.20
	PRC-wide rate	223.01
9/1/09-8/31/10 (78 FR 22228, April 15, 2013)	Xiping Opeck Food Co., Ltd.	0.00
	China Kingdom (Beijing) Import & Export Co. Ltd.	0.00
	Yangcheng Hi-King Agriculture Developing Co. Ltd	0.00
	Nanjng Genssen International Co. Ltd.	12.37
	PRC-wide rate	223.01
March 10, 2014 (79 FR 13278)	China Everbright Trading Company	156.77
	Binzhou Prefecture Foodstuffs Import Export Corp.	119.39
	Huaiyin Foreign Trade Corp.	91.50
	Yancheng Foreign Trade Corp.	108.05
	All other exporters with a separate rate	122.92
	PRC-wide entity	201.63

Source: Cited Federal Register notices.

Previous and related title VII investigations

Other than the original investigation and subsequent first and second five-year reviews, crawfish tail meat has not been the subject of antidumping or countervailing duty investigations in the United States.

THE PRODUCT

Commerce's scope

In the most recent Federal Register notice in which the scope of the order concerning crawfish tail meat from China was published, Commerce defined the subject merchandise as follows:¹⁶

The product covered by this antidumping duty order is freshwater crawfish, in all its forms (whether washed or with fat on, whether purged or unpurged), grades, and sizes; whether frozen, fresh, or chilled; and regardless of how it is packed, preserved, or prepared. Excluded from the scope of the order are live crawfish and other whole crawfish, whether boiled, frozen, fresh, or chilled. Also excluded are saltwater crawfish of any type, and parts thereof.

US tariff treatment

Freshwater crawfish tail meat is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under statistical reporting numbers 1605.40.10.10 and 1605.40.10.90, which are the HTSUS numbers for prepared foodstuffs, indicating peeled crawfish tail meat and other, as introduced by U.S. Customs and Border Protection ("CBP") in 2000, and HTSUS statistical reporting numbers 0306.19.00.10 and 0306.29.00.00, which are reserved for fish and crustaceans in general. On February 10, 2012, the Department added HTSUS statistical reporting number 0306.29.01.00 to the scope description pursuant to a request by CBP.¹⁷ The HTSUS subheadings are provided for convenience and customs purposes only.

Domestic like product and domestic industry

The domestic like product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product.

In the original investigation, the Commission defined the domestic like product as crawfish tail meat, whether peeled or "shell on," coextensive with Commerce's scope.¹⁸ The

¹⁶ *Continuation of Antidumping Duty Order on Freshwater Crawfish Tail Meat from the People's Republic of China*, 73 FR 75392, December 11, 2008.

¹⁷ The 2014 general rate of duty for these subheadings is free.

¹⁸ *Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Final) USITC Publication 3057 (August 1997)*, p. 8.

Commission adopted the same domestic like product definition in the first five-year review and the second five-year review.¹⁹ The CPA states that it agrees with the definition of the domestic like product as stated by the Commission in its notice of institution.²⁰

In the original investigations, the Commission defined the domestic industry to encompass all domestic producers of crawfish tail meat, including processors but not the farmers and fisherman who harvest live crawfish.²¹ The Commission adopted the same domestic industry definition in the first and second five-year reviews.²² The CPA states that it agrees with the definition of the domestic industry as stated by the Commission in its notice of institution.²³

Physical characteristics and uses²⁴

In the United States, crawfish are sold for commercial consumption in three forms: live whole, whole boiled, and processed tail meat. Accounting for a very large share of U.S. sales, live whole crawfish are the complete living animals (tail, head, body, claws, and shell) that are sold to end users who boil, peel, sometimes season, and eat them. Whole boiled crawfish account for a very small share of U.S. sales; they are typically packaged with seasonings and are shipped either fresh or frozen. Processors peel blanched whole crawfish and package the meat into bags that are shipped either fresh or frozen.

Most domestic tail meat is sold fresh, whereas all the imported tail meat from China is sold frozen because of the perishable nature of the product. In addition to the fresh versus frozen distinction, domestic tail meat is usually sold with the fat on, while imported tail meat from China traditionally has been sold with the fat washed off. The fat of the crawfish is actually its hepatopancreas, which is golden-yellow in color. The fat imparts flavor and thus is generally preferred by customers in Louisiana; however, non-traditional markets served mainly by imported tail meat may be indifferent to the issue. In addition, because the fat spoils more quickly than the meat, the meat is sold washed (without fat) in frozen form to extend its shelf life. Live whole crawfish are used for crawfish “boils” or outdoor parties in Louisiana. Whole boiled crawfish are mainly consumed in Sweden for its August Waterfest festival. Crawfish tail meat is used in prepared dishes, such as bisques and etouffees.

¹⁹ *Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Review) USITC Publication 3614 (July 2003)*, p. 5. *Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Second Review) USITC Publication 4047*, p. 9.

²⁰ *Response of the CPA to the Commission’s notice of institution, December 2, 2013 (“Response, December 2, 2013”)*, p. 21.

²¹ *Crawfish Tail Meat from China, Inv. No. 731-TA-752 (Final) USITC Publication 3057, (August 1997)*, p. 9.

²² *Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Second Review) USITC Publication 4047*, p. 5.

²³ *Response, December 2, 2013*, p. 21.

²⁴ This section was taken largely from INV-AA-083, June 27, 2003 (“*Confidential Review Report*”), pp. I-10-11.

Manufacturing process²⁵

In the first stage of crawfish tail meat production, the live whole crawfish are placed in cooking baskets and heated in unseasoned and untreated water at 200°F for five to six minutes. The crawfish are then removed from the water and discharged onto a cooling table or platform. Once cooled, they are placed on large peeling tables, where the tails are separated from the body and are peeled and deveined by hand. The head, body, claws, and shell are discarded as waste.

Peeled tail meat is delivered directly to the packaging room, where the meat is inspected for extraneous pieces of shell or debris missed by the peelers. The meat is then placed in plastic bags, weighed, and immediately chilled. The bags are packed in boxes, iced, and placed in a cooler room, ready for shipment as fresh tail meat. Meat intended to be frozen is placed directly in the freezer. After freezing, the bags are boxed and placed in freezer storage, usually to be sold after the season, which typically begins as early as January and runs until the end of May.

Interchangeability and customer and producer perceptions

During the original investigation, the Commission found that despite the large differential in prices between the fresh domestic crawfish tail meat and the frozen subject imports, the products were substitutable. The Commission found that while some portion of the market had a preference for the fresh domestic product, the preference was neither as absolute nor as widespread as the respondents suggested. Among 14 responding purchasers, seven reported that fresh and frozen tail meats were easily substituted and an additional two reported that they were occasionally substituted. Moreover, a number of purchasers, mostly located in Louisiana, reported that they had switched from either fresh or frozen domestic tail meat to the Chinese product on the basis of price.²⁶

During the first review, the Commission found that most domestically produced crawfish tail meat was sold fresh, and all subject imports were sold frozen. Some quality differences, such as taste and texture, may have existed between the domestic like product and the subject imports. Such quality differences were more important to some Louisiana purchasers than to national purchasers, especially restaurant chains. Most market participants agreed that some differences in availability and price existed between the domestic like product and subject imports. However, most market participants, including purchasers, agreed that domestically produced crawfish tail meat and subject imports were direct competitors in the U.S. market. Moreover, pricing differences were important. Only a handful of customers would choose higher priced domestically produced crawfish tail meat over less expensive subject imports given price differences of 40 percent or more. Among purchasers, most ranked

²⁵ This section was taken largely from the *Confidential Review Report*, p. I-12.

²⁶ *Published Investigation Report*, p. 23.

quality/consistency as the most important factor, but price as the second most important factor.²⁷

During the second review, the Commission found that “domestic and Chinese crawfish tail meat are, in the eyes of most purchasers, fungible commodities that compete largely on the basis of price. In its response to the Commission’s notice of institution in this current review, the CPA indicated that crawfish tail meat from the United States and China remains fungible.”²⁸

Channels of distribution²⁹

In the U.S. market, sales of crawfish tail meat are made to distributors, restaurants, food stores, seafood markets, and other customers. During the period examined in the original investigation, the channels of distribution were similar but with a trend toward increasing sales by U.S. producers to food stores, away from restaurants and distributors. For U.S. importers, there was a trend toward more sales to food stores and slightly less sales to distributors. Overall, U.S. importers during the original investigation sold 70 percent to distributors, 11 percent to restaurants, and 19 percent to food stores in 1996. U.S. processors sold 11 percent to distributors, 15 percent to restaurants, 61 percent to food stores, 12 percent to seafood markets, and 1 percent to other markets in 1996.

During the the first review, U.S. processors sold primarily to food stores and the U.S. importers sold primarily to distributors. Food stores and restaurants, however, were the primary final outlets for both the U.S.-produced and imported tail meat. During the second review, the Commission noted the absence of any new information that would cause it to reconsider its findings that subject imports are sold into the same markets and through the same channels of distribution, as the domestic like product.

Pricing and related information

During the original investigation, the Commission found underselling by the subject imports to be significant, and concluded that subject imports had suppressed prices for the domestic product to a significant degree. All price comparisons between subject imports and the domestic like product, in every market, showed underselling in excess of 20 percent. Subject imports undersold the domestic like product in every comparison. The Commission considered, and rejected, the possibility that the significant price differences represented a lack of substitutability between the subject imports and the domestic like product, finding that the preference for the domestic like product was neither as absolute nor as widespread as the respondents suggested.³⁰

²⁷ *Published Review Report*, p. 11.

²⁸ *Response*, December 2, 2013 p. 7.

²⁹ This section was taken largely from the *Confidential Review Report*, p. I-16.

³⁰ *Published Investigation Report*, p. 23.

During the first review, underselling by the subject imports was persistent and widespread despite the existence of the order. Subject imports undersold the domestic like product in virtually every comparison, regardless of product, region, or type of purchaser. Underselling margins typically exceeded 20 percent. Subject import prices were lower than prices for fresh domestically produced tail meat, but even undersold domestically produced frozen tail meat by significant margins.³¹ For example, in the fourth quarter of 2002, fresh domestic crawfish tail meat sold for \$7.32 per pound, frozen domestic crawfish tail meat sold for \$7.16 per pound, and frozen imported crawfish tail meat from China sold for \$*** per pound.³²

According to the CPA in the second review, average quarterly unit values for CPA members' commercial shipments in 2007 ranged from \$6.71 to \$9.17 per pound. By comparison, the landed, duty-paid average unit value of imports of crawfish tail meat from China in 2007 was \$3.03 per pound (the average unit value of imports under the most relevant HTS statistical reporting number, 1605.40.1010, was \$3.44 per pound).³³

According to the CPA in the current third review, average quarterly unit values for CPA members' commercial shipments in CY2012 was \$10.62 to \$13.46 per pound. By comparison, imports from China under HTSUS 1605.40.1010 had average quarterly unit values of \$6.21 to \$6.38 per pound. The differential in average unit value would seem to support the CPA's contention that underselling in the U.S. crawfish market is a continuing issue of concern.³⁴

THE INDUSTRY IN THE UNITED STATES

U.S. producers

In the original investigation, the U.S. crawfish tail meat industry was comprised of about 40 processors, all but one of which was located in Louisiana. The processors were generally small, family-owned businesses, with sales averaging between \$350,000 and \$500,000 per year. Thirty-one firms, accounting for between 80 and 85 percent of U.S. production of crawfish tail meat during 1996, provided the Commission with usable data.

At the time of the Commission's first review in 2002, the composition of the U.S. crawfish tail meat industry was substantially the same as in 1996. Processors were small family-owned businesses with annual sales averaging between \$300,000 and \$800,000 per year. Complete responses to the Commission's questionnaire in that full review were provided by 37 U.S. processors, which accounted for 85-90 percent of domestic production of crawfish tail meat.

In its response to the Commission's notice of institution in the second five-year review, the CPA provided a list of 63 U.S. producers of the domestic like product; however, the CPA

³¹ *Published Review Report*, p. 14.

³² *Confidential Review Report*, tables V-1 and V-2.

³³ *Response*, August 20, 2008, p. 12.

³⁴ *Response*, December 2, 2013, p. 14.

noted that some of the entities it listed may not have been in operation.³⁵ The CPA reported that there had been “temporary disruptions” that adversely affected the domestic crawfish industry during the 2006 season, namely, the drought of the summer of 2005 and hurricanes Katrina and Rita in August-September 2005. In particular, the hurricanes resulted in incursions of sea water from the storm surge that increased salinity and introduced marine predators in some crawfish harvesting areas, resulting in a significant loss of demand in some of the domestic industry's most important traditional markets.³⁶

In its response to the Commission’s notice of institution of this third five-year review, the CPA provided a list of 53 U.S. producers of the domestic like product.³⁷

U.S. producers’ trade and financial data

Table I-2 presents data on U.S. producers’ select trade and financial data.

Table I-2
Crawfish tail meat: U.S. producers’ trade and financial data, 1996, 2002, 2007, and 2012

Item	Calendar year						
	1996		2002		2007		2012
Average capacity (1,000 pounds)	3,260		4,311		(¹)		2,770
Production quantity (1,000 pounds)	1,260		1,304		1,233		918
Capacity utilization	38.6		30.2		(¹)		33.1
U.S. shipments:							
Quantity (1,000 pounds)	1,254		1,380		***		***
Value (\$1,000)	7,118		8,431		***		***
Unit value (dollars per pound)	\$5.67		\$6.11		\$***		\$***
Net sales (\$1,000)	7,114		7,410		(¹)		***
Purchased crawfish (\$1,000)	4,402		4,962		(¹)		(¹)
Total expenses (\$1,000)	7,300		9,144		(¹)		(¹)
Net income or (loss) ² (\$1,000)	(186)		988		(¹)		(¹)
Total expenses/sales (percent)	102.6		123.4		(¹)		(¹)
Net income or (loss)/sales (percent)	(2.6)		13.3		(¹)		(¹)

Table continued on next page.

³⁵ The CPA explained that all domestic processors of crawfish tail meat, which are located in the State of Louisiana, are required to be licensed by the state. The list of domestic producers that the CPA included in its response to the Commission’s notice of institution was obtained from the Louisiana Department of Agriculture and Forestry and includes all entities in Louisiana that are licensed by the State of Louisiana to process crawfish tail meat.

³⁶ *Response*, August 20, 2008, p. 18 and exh. 10.

³⁷ *Response*, December 2, 2013, exh. 9.

Table I-2
Crawfish tail meat: U.S. producers' trade and financial data, 1996, 2002, 2007, and 2012

Item	Calendar year						
	1996		2002		2007		2012
Cost of goods sold	(¹)		(¹)		(¹)		***
Gross profit or (loss)	(¹)		(¹)		(¹)		***
SG&A	(¹)		(¹)		(¹)		***
Operating income or (loss)	(¹)		(¹)		(¹)		***
Unit cost of goods sold	(¹)		(¹)		(¹)		***
Unit operating income or (loss)	(¹)		(¹)		(¹)		***
Cost of goods sold/sales (percent)	(¹)		(¹)		(¹)		***
Operating income or (loss)/sales	(¹)		(¹)		(¹)		***

¹ Not available.

² Other income was added to net sales to calculate net income in 2002. The only amount of consequence was \$2,723,000 in Byrd Amendment receipts in 2002. The amount reported by questionnaire respondents was far less than the \$7,468,892 amount disbursed by Customs in that year in part because of the exclusion of several respondents from the reporting data in the first review, but was primarily attributable to a lag in the receipt of funds into 2003 by questionnaire respondents.

Note.--Data reported for 1996 accounted for approximately 80-85 percent of U.S. production during the original investigation. Data reported for 2002 accounted for approximately 85-90 percent of U.S. production in the first review. Data reported for 2007 accounted for approximately 85 percent of U.S. production in the second review. Data reported for 2012 accounted for approximately 85 percent of U.S. production in the third review.

Note.--Because of rounding, figures may not add to the totals shown. Calculated data are based on unrounded numbers.

Source: Compiled from data appearing in the *Confidential Investigation Report*, tables III-5, VI-2, and C-1; the *Confidential Review Report*, tables I-1, III-4, and III-5; *Response*, August 20, 2008, exh. 5 and *Response*, December 2, 2013.

Related parties

Previously (i.e., in the original investigation and in the second review), in the limited instances in which the Commission has identified companies as both producers and importers of crawfish tail meat, it did not find that circumstances warranted exclusion from the domestic industry. In the current review, no CPA members were characterized as related parties and there were no overlapping entries for domestic producers and U.S. importers.³⁸

³⁸ *Response*, December 2, 2013, p. 18.

U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

U.S. importers

In the original investigations, 12 U.S. importers responded to the Commission's questionnaires, accounting for about 80 percent of estimated U.S. imports from China during 1996. All reported imports from China were of frozen crawfish tail meat and were primarily imported from export trading companies rather than from the processors themselves. In their responses to the Commission's notice of institution in the first review, Chinese respondents listed 18 U.S. companies that imported crawfish tail meat during May-July 2002, while the domestic respondents listed over 90 U.S. importers of the subject merchandise. During the Commission's second five-year review, seven U.S. importers of the subject merchandise from China provided usable data in response to Commission questionnaires. At the time, counsel for the CPA noted that there had been problems enforcing the antidumping duty order, partly because importers had been setting up small "dummy" companies to enter and exit the U.S. market, complicating duty collection. The CPA provided in its response to the Commission's notice of institution in the second review a listing of 169 currently operating U.S. importers of the subject merchandise from China. In the current review the CPA has identified 45 importers, and has again noted the challenges of duty collection (citing Customs sources to note that \$368 million in duty assessments were owed but uncollected as of September 30, 2011).³⁹

U.S. imports

Table I-3 presents U.S. imports of crawfish tail meat during 2008-12.

³⁹ *Response*, December 2, 2013, pp. 8-9.

Table I-3
Crawfish tail meat: U.S. imports, by source, 2008-2012

Item	Calendar year				
	2008	2009	2010	2011	2012
	Quantity (1,000 pounds)				
U.S. imports:					
China	2,070	13,137	12,893	2,829	12,507
Other sources	580	1,532	414	624	752
Total imports	2,650	14,669	13,307	3,452	13,258
	LDP (\$1,000)				
U.S. imports:					
China	9,007	62,218	75,687	16,456	78,752
Other sources	2,906	7,735	2,511	4,061	5,307
Total imports	11,913	69,953	78,198	20,517	84,059
	LDP value (per pound)				
U.S. imports:					
China	\$4.35	\$4.74	\$5.87	\$5.82	\$6.30
Other sources	5.01	5.05	6.06	6.51	7.06
Total imports	4.50	4.77	5.88	5.94	6.34
	Share of total quantity (percent)				
U.S. imports:					
China	78.1	89.6	96.9	81.9	94.3
Other sources	21.9	10.4	3.1	18.1	5.7
Total imports	100.0	100.0	100.0	100.0	100.0
	Share of total value (percent)				
U.S. imports:					
China	75.6	88.9	96.8	80.2	93.7
Other sources	24.4	11.1	3.2	19.8	6.3
Total imports	100.0	100.0	100.0	100.0	100.0

Note: HTS statistical reporting number 1605.40.1010.

Source: Official Commerce statistics.

Ratio of imports to U.S. production

The ratio of imports of crawfish tail meat from China to the U.S. production of crawfish tail meat in 2012 was *** percent. The ratio of imports from nonsubject sources to U.S. production of crawfish tail meat was *** percent and the ratio of imports from all sources was *** percent.

Apparent U.S. consumption and market shares

Table I-4 present data on U.S. producers' U.S. shipments, U.S. shipments of imports, and apparent U.S. consumption.

Table I-4

Crawfish tail meat: U.S. shipments of domestic product, U.S. imports, apparent consumption, and market shares, 1996, 2002, 2007, and 2012

Item	Calendar year				
	1996		2002	2007	2012
	Quantity (1,000 pounds)				
U.S. producers' U.S. shipments	1,254		1,380	***	***
U.S. imports:					
China	8,268		8,875	14,323	12,507
Other sources	0		290	490	752
Total imports	8,268		9,165	14,813	13,258
Apparent U.S. consumption ¹	9,522		10,546	***	***
	Value (\$1,000)				
U.S. producers' U.S. shipments	7,118		8,431	***	***
U.S. imports:					
China	22,635		23,621	43,439	78,752
Other sources	0		808	2,488	5,307
Total imports	22,635		24,429	45,927	84,059
Apparent U.S. consumption	29,753		32,860	***	***
	Share of consumption based on quantity (percent)				
U.S. producers' U.S. shipments	13.2		13.1	***	***
U.S. imports:					
China	86.8		84.2	***	***
Other sources ¹	0.0		2.8	***	***
Total imports	86.8		86.9	***	***
Total	100.0		100.0	100.0	100.0
	Share of consumption based on value (percent)				
U.S. producers' U.S. shipments	23.9		25.7	***	***
U.S. imports:					
China	76.1		71.9	***	***
Other sources ¹	0.0		2.5	***	***
Total imports	76.1		74.3	***	***
Total	100.0		100.0	100.0	100.0

Note.--For 1996, data consist of U.S. producers' internal consumption and U.S. commercial shipments plus *shipments of imports*; for 2002 and 2007, data consist of U.S. producers' internal consumption and U.S. commercial shipments plus *imports*.

Note.--Because of rounding, figures may not add to the totals shown. Calculated data are based on unrounded numbers. Imports from 1996 are based on questionnaire data; imports from 2007 are based on official statistics. (The quantities of subject imports based on official statistics for the original investigation period were the following: 1.6 million pounds in 1994; 2.8 million pounds in 1995; and 2.8 million pounds in 1996).

Footnotes continued on next page.

Note.--Imports reported from official statistics are based on HTS statistical reporting numbers 0306.19.0010 (freshwater crawfish), 0306.29.0000 (crustaceans, not frozen, other), and 1605.40.1010 (peeled freshwater crawfish tail meat). During the original investigation, crawfish tail meat was classified under HTS subheadings 0306.19.00 and 0306.29.00. After the first review, the continuation order in August 2003 defined the scope as including two additional HTS statistical reporting numbers-- 1605.40.10.10 and 1605.40.10.90. In July 2000, HTS 1605.40.1000 split into 1605.40.1010 (peeled freshwater crawfish tail meat) and 1605.40.1090 (crustaceans other than peeled crawfish tail meat), the latter of which was determined by the Commission to contain only a small quantity of in-scope merchandise but a majority of out-of-scope products.

Source: Confidential Review Report, table I-1 for 1994-2002 (wherein data for 1994-96 are based on questionnaire data and data for 1997-2002 are based on official Commerce statistics); official Commerce statistics (HTS statistical reporting numbers 0306.19.0010, 0306.29.0000, and 1605.40.1010) for 2003-07; and official Commerce statistics (HTS statistical reporting number 1605.40.1010) for 2008-12.

THE INDUSTRY IN CHINA

During the original investigation, the Commission noted that the number of Chinese processors of crawfish tail meat stood at approximately 50 in 1995, but fell to about 15 during 1996. Approximately 95 percent of the Chinese production of crawfish at that time was located in Jiangsu Province, with the remaining 5 percent located in Anhui and Hubei Provinces. No Chinese processors of crawfish tail meat participated in the original investigation. Ten firms were listed as exporters of Chinese crawfish tail meat during the period for which data were collected in the original final investigation. During the conduct of the Commission's first full review, 10 out of 16 participating Chinese processors/exporters provided usable data in response to the Commission's questionnaire. In its response to the Commission's notice of institution in the second review, the CPA provided a list of 119 producers of the subject merchandise in China that currently export or have exported subject merchandise to the United States or other countries since 2002. In the current review, the CPA has identified 34 known producers/exporters of crawfish tail meat in China.

Table I-7 presents data on Chinese export shipments, by export market, during 2008-12. As detailed in table I-7, the United States was the largest export market for China in all but one year between 2008-12.⁴⁰

⁴⁰ HTS subheading 1605.40 includes nonsubject merchandise such as other crustaceans and prepared meals using fish meat.

Table I-7
Crawfish tail meat: China's export shipments, by export market, 2008-12

Export market	Calendar year				
	2008	2009	2010	2011	2012
	Value (\$1,000)				
United States	32,112	31,233	60,289	17,911	104,619
Denmark	29,501	22,786	24,275	41,162	38,995
Sweden	22,112	24,804	33,263	30,719	35,175
Belgium	19,394	17,064	20,533	23,360	28,222
Netherlands	24,518	20,400	14,334	30,008	25,762
Singapore	3,500	28,915	26,635	6,121	27,386
Japan	6,651	4,935	8,137	6,523	7,772
United Kingdom	10,923	6,907	5,602	8,212	7,124
France	662	954	1,783	758	1,792
South Korea	967	1,014	490	509	794
All Others	15,931	7,190	11,705	12,788	6,229
World	166,271	166,201	207,046	178,072	283,869

Source: Global Trade Atlas, (HTS subheading 1605.40, which includes not only the subject merchandise but also nonsubject merchandise such as other crustaceans and prepared meals using fish meat).

Tariff or non-tariff barriers to trade

There are no outstanding antidumping and/or countervailing duty measures against crawfish tail meat produced in China in third country markets.

THE GLOBAL MARKET

Table I-8 shows the ten largest exporting countries of crawfish tail meat.⁴¹ As detailed in table I-8, China is the world's largest exporter of crawfish tail meat in the world. According to Global Trade Atlas, exports from China increased by 70.7 percent during 2008-12.

⁴¹ HTS subheading 1605.40 includes nonsubject merchandise such as other crustaceans and prepared meals using fish meat.

Table I-8
Crawfish tail meat: Top ten largest exporting countries, 2008-12

Country	Calendar year				
	2008	2009	2010	2011	2012
	Value (\$1,000)				
China	166,458	166,201	207,046	178,072	283,869
Netherlands	27,113	25,939	35,241	46,505	42,347
Denmark	26,383	26,479	25,032	31,083	32,468
Spain	10,839	10,956	11,135	10,463	13,437
Turkey	14,401	10,382	12,279	11,641	8,400
Colombia	3,524	2,310	3,011	4,260	6,682
Belgium	9,310	3,976	4,981	8,034	4,590
Sweden	1,535	1,615	1,580	2,041	3,993
Japan	1,401	1,840	1,892	2,912	3,140
Canada	379	139	854	1,397	2,848

Source: Global Trade Atlas, (HTS subheading 1605.40, which includes not only the subject merchandise but also nonsubject merchandise such as other crustaceans and prepared meals using fish meat).

APPENDIX A
SUMMARY DATA

**Table I-3
Crawfish tail meat: U.S. producers' trade, employment, and financial data, 1994-96, 1997-2002, and 2003-07**

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Average capacity (1,000 pounds)	3,585	3,111	3,260	4,175	4,875	4,218	3,861	4,154	4,311	(¹)	(¹)	(¹)	(¹)	(¹)
Production (1,000 pounds)	2,237	1,886	1,260	1,300	1,548	959	308	573	1,304	1,455	1,376	1,359	710	1,233
Capacity utilization (percent)	62.4	60.6	38.6	31.1	31.8	22.7	8.0	13.8	30.2	(¹)	(¹)	(¹)	(¹)	(¹)
U.S. shipments: Quantity (1,000 pounds)	2,232	1,877	1,254	1,444	1,725	997	315	625	1,380	***	***	***	***	***
Value (\$1,000)	11,461	10,352	7,118	8,262	10,801	6,737	2,609	4,540	8,431	***	***	***	***	***
Unit value (\$/pound)	\$5.13	\$5.51	\$5.67	\$5.72	\$6.26	\$6.76	\$8.28	\$7.27	\$6.11	\$****	\$****	\$****	\$****	\$****
Inventories/U.S. shipments	1.1	1.2	2.3	0.4	0.7	0.9	4.8	1.8	0.8	(¹)	(¹)	(¹)	(¹)	(¹)
PRWs (number)	1,392	862	760	787	940	808	495	673	940	(¹)	(¹)	(¹)	(¹)	(¹)
Hours worked (1,000 hours)	530	348	253	436	555	417	201	360	592	(¹)	(¹)	(¹)	(¹)	(¹)
Wages paid (\$1,000)	2,596	2,242	1,634	2,200	2,692	1,884	707	1,438	2,948	(¹)	(¹)	(¹)	(¹)	(¹)
Hourly wages	\$4.90	\$6.45	\$6.47	\$5.05	\$4.85	\$4.51	\$3.52	\$4.00	\$4.98	(¹)	(¹)	(¹)	(¹)	(¹)
Productivity (pounds per hour)	4.2	5.4	5.0	3.0	3.0	2.3	1.5	1.7	2.3	(¹)	(¹)	(¹)	(¹)	(¹)
Unit labor costs (per pound)	\$1.16	\$1.19	\$1.30	\$1.65	\$1.60	\$1.92	\$2.27	\$2.23	\$2.09	(¹)	(¹)	(¹)	(¹)	(¹)

Table continued on following page.

Table I-3--Continued
Crawfish tail meat: U.S. producers' trade, employment, and financial data, 1994-96, 1997-2002, and 2003-07

Item	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Net sales (\$1,000)	11,514	10,241	7,114	7,098	9,354	5,991	2,477	4,026	7,410	(¹)	(¹)	(¹)	(¹)	(¹)
Purchased crawfish (\$1,000)	6,820	5,963	4,402	4,495	6,035	4,250	1,754	2,996	4,962	(¹)	(¹)	(¹)	(¹)	(¹)
Total expenses (\$1,000)	11,058	9,952	7,300	7,309	10,257	7,024	2,753	4,908	9,144	(¹)	(¹)	(¹)	(¹)	(¹)
Net income or (loss) ² (\$1,000)	456	288	(186)	(211)	(902)	(1,017)	(275)	(882)	988	(¹)	(¹)	(¹)	(¹)	(¹)
Total expenses/sales (percent)	96.0	97.2	102.6	103.0	109.7	117.2	111.1	121.9	123.4	(¹)	(¹)	(¹)	(¹)	(¹)
Net income or (loss)/sales (percent)	4.0	2.8	(2.6)	(3.0)	(9.6)	(17.0)	(11.1)	(21.9)	13.3	(¹)	(¹)	(¹)	(¹)	(¹)

¹ Not available.

² Other income was added to net sales to calculate net income in 1998, 1999, and 2002. The only amount of consequence was \$2,723,000 in Byrd Amendment receipts in 2002. The amount reported by questionnaire respondents was far less than the \$7,468,892 amount disbursed by Customs in that year in part because of the exclusion of several respondents from the reporting data in the first review, but was primarily attributable to a lag in the receipt of funds into 2003 by questionnaire respondents.

Note.--Data reported for 1994-96 accounted for approximately 80-85 percent of U.S. production during the original investigation. Data reported for 1997-2002 accounted for approximately 85-90 percent of U.S. production in the first review. Data reported for 2003-07 accounted for approximately 85 percent of U.S. production in the second review.

Note.--Because of rounding, figures may not add to the totals shown. Calculated data are based on unrounded numbers.

Source: Compiled from data appearing in the *Confidential Investigation Report*, tables III-5, VI-2, and C-1; the *Confidential Review Report*, tables I-1, III-4, and III-5; and *Response*, August 20, 2008, exh. 5.