Fresh Winter Tomatoes

Investigation No. TA-201-64 (Provisional Relief Phase)

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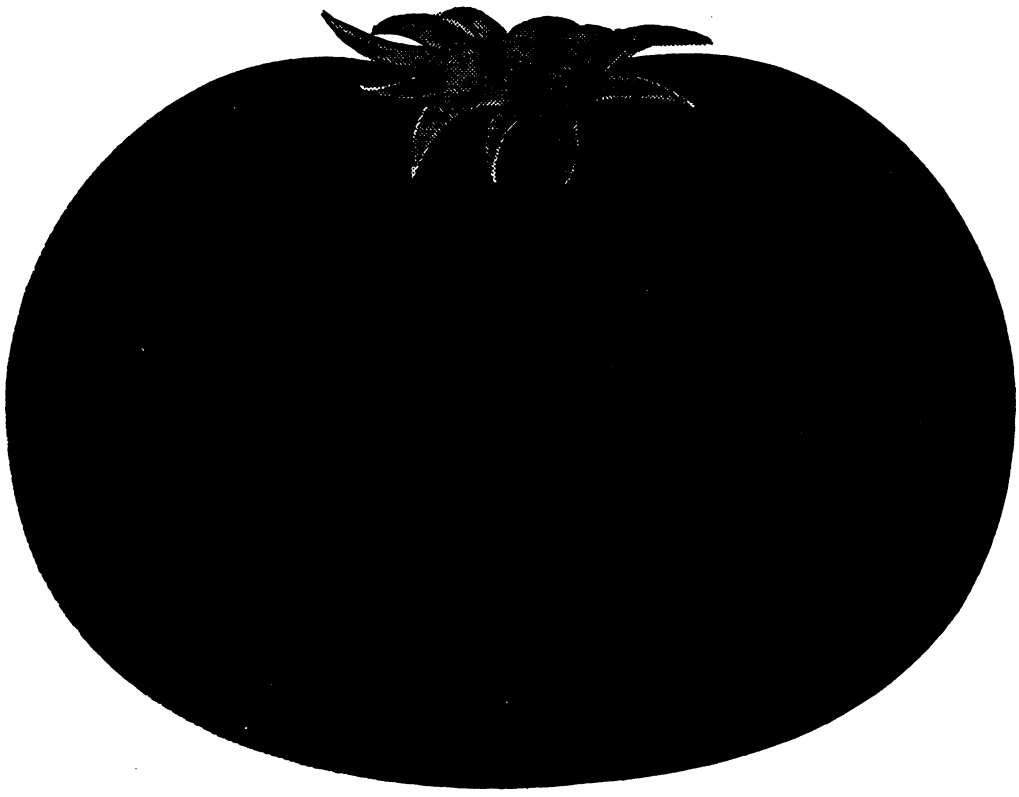
U.S. International Trade Commission



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Greta Lichtenbaum, Attorney

Vera Libeau, Supervisory Investigator

Address all communications to
Secretary to the Commission
United States International Trade Commission
Washington, DC 20436

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Glossary of Abbreviations

CNIF	Customs Net Import File
Commerce	U.S. Department of Commerce
Commission	U.S. International Trade Commission
Crop year	July 1-June 30
Customs	U.S. Customs Service
ERS	Economic Research Service
FAS	Foreign Agricultural Service
FR	Federal Register
FTE	Florida Tomato Exchange
FTGE	Florida Tomato Growers Exchange
F.O.B.	Free on board
HTS	Harmonized Tariff Schedule of the United States
Labor	U.S. Department of Labor
NAFTA Implementation Act	North American Free Trade Agreement Implementation Act
NASS	National Agricultural Statistics Service
Transcript	Transcript of the Conference
TRQ	Tariff rate quota
USDA	U.S. Department of Agriculture

PART I

DETERMINATIONS AND VIEWS OF THE COMMISSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

REPORT TO THE PRESIDENT ON INVESTIGATION NO. TA-201-64 (PROVISIONAL RELIEF PHASE)

FRESH WINTER TOMATOES[1]

Determinations[2]

On the basis of the statute and available information developed to date in the subject investigation--

Chairman Watson and Commissioners Crawford and Bragg find two full-year, national industries producing tomatoes for (1) fresh-market use and (2) processing.

Chairman Watson and Commissioner Crawford further determine that fresh winter tomatoes are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing a like or directly competitive perishable product.

Commissioner Bragg finds that the available information in this investigation, while somewhat incomplete, suggests that fresh winter tomatoes are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing a like or directly competitive perishable product; however, she makes a negative determination in this investigation based on a negative finding with respect to whether--

(I) serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

(II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

Commissioners Rohr and Newquist make a negative determination in this investigation based on a negative finding with respect to whether--

(I) serious injury or threat of serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

(II) the serious injury or threat of serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

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[1] Specifically, fresh or chilled tomatoes, excluding cherry tomatoes, if entered during the period from January 1 through April 30 inclusive, provided for in subheadings 0702.00.20 and 0702.00.60 of the Harmonized Tariff Schedules of the United States.

[2] Vice Chairman Nuzum not participating.

Background

Following receipt of a petition filed on March 29, 1995, on behalf of the Florida Tomato Exchange, Orlando, FL, and the constituent members thereof, the Commission instituted investigation No. TA-201-64 under section 202(b) of the Trade Act of 1974 to determine whether fresh winter tomatoes are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. In addition, the petitioner sought provisional relief under section 202(d) of the Act.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection with the provisional relief phase of the investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of April 3, 1995 (60 F.R. 16883). The conference was held in Washington, DC, on April 10, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

VIEWS OF CHAIRMAN PETER S. WATSON AND COMMISSIONERS CAROL T. CRAWFORD AND LYNN M. BRAGG

On the basis of the statute and the available information in this preliminary investigation, we find two full-year, national industries producing tomatoes for (1) fresh market use and (2) processing.

Chairman Watson and Commissioner Crawford further determine that fresh winter tomatoes are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing a like or directly competitive perishable product.

Commissioner Bragg further finds that (1) the available information in this investigation, while somewhat incomplete, suggests that fresh winter tomatoes are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to either of the domestic industries producing a like or directly competitive perishable product; however, (2) she makes a negative determination in this investigation based on a negative finding with respect to whether--

> (I) serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or
>
> (II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

Introduction

Section 202(d) provides, in the case of a perishable agricultural product that has been the subject of Commission monitoring for at least 90 days, that an industry filing a petition for relief under section 202(a) of the Trade Act may, in its petition, also request provisional relief pending the completion of a full 180-day Commission investigation and the 60-day Presidential review period. This is the first petition filed with the Commission to request provisional relief with respect to a perishable agricultural product.[1] The Commission has monitored imports of tomatoes since January 1994 pursuant to section 316 of the North American Free Trade Agreement (NAFTA) Implementation Act.

The petitioner has raised novel arguments with respect to the imports to be considered and the industry that is alleged to be seriously injured or threatened with serious injury by increased imports. The petitioner has asked that the Commission make an affirmative determination on the basis of imports entering during only the first 4 months of the year, as opposed to all 12 months of the year, and has urged the Commission to find a domestic industry to consist only of those producers who produce during that 4 month period, as opposed to all producers.

I. Statutory standard

To render an affirmative provisional relief determination, section 202(d)(1)(C) of the Trade Act of 1974 requires that the Commission find that:

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[1] This is also the first petition filed under section 202 of the Trade Act since the provision was amended by the NAFTA Implementation Act and the Uruguay Round Agreements Act (URAA). Both statutes made a number of technical changes to section 202, including the addition of a definition of the term "domestic industry."

on the basis of available information, whether increased imports (either actual or relative to domestic production) of the perishable agricultural product or citrus product are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive perishable product or citrus product, and whether either--

(I) the serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

(II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

As the statute makes clear, the Commission must find that two conditions are present in order to make an affirmative provisional relief determination: (1) on the basis of available information, that increased imports of the subject article are a substantial cause of serious injury or threat thereof to the domestic industry, and (2) that the serious injury is likely to be difficult to repair or cannot be timely prevented by final relief.

Section 202(d)(1)(C) states that the Commission's determination in this investigation is to be "on the basis of available information." This term is not defined in either the statute or the legislative history. The legislative history of section 202(d), however, suggests that such information would consist principally of data collected by the Commission during monitoring. The statute and legislative history respecting "available information" suggest a lower evidentiary standard than for a final investigation.[2]

II. Domestic industry

Before addressing the statutory criteria, it is necessary to define the domestic industry. In analyzing the industry question, we must consider the identity of the article or articles like or directly competitive with the imported article. We must then identify the producers of that article or articles. Finally, we must consider whether those producers should be divided into one or more industries.

Statutory framework

Under section 202(b) of the Trade Act, the Commission is required to determine "whether an article is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article."[3]

The term "like or directly competitive" is defined in the legislative history of the original 1974 Act. Therein, Congress stated:

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[2] Although the substantive injury standard is identical to that in a full investigation, the Conference Report on the Omnibus Trade and Competitiveness Act of 1988, which added the perishable agricultural product provision, states that "data collected during monitoring would enable an expedited ITC preliminary injury determination and remedy recommendation within 21 days of the request for provisional relief." *Omnibus Trade and Competitiveness Act of 1988: Conference Report to Accompany H.R. 3*, Rept. 100-576 (100th Cong. 2d Sess.), at 670. (Hereinafter "1988 Conference Report." The Committee on Ways and Means, in its report on the perishable agricultural product section of the House bill, said that "The Commission's decision would be based on the most reliable and probative information available, including that obtained during the monitoring process." *Trade and International Economy Policy Reform Act of 1987: Report of the Committee on Ways and Means . . . to Accompany H.R. 3*, H. Rept. 100-40 (100th Cong., 1st sess.), at 90.

[3] 19 U.S.C. § 2252(b)(1)(A).

> The words "like" and "directly competitive", as used previously and in this bill are not to be regarded as synonymous or explanatory of each other, but rather to distinguish between "like" articles and articles which, although not "like," are nevertheless "directly competitive." In such context, "like" articles are those which are substantially identical in inherent or intrinsic characteristics (i.e., materials from which made, appearance, quality, texture, etc.), and "directly competitive" articles are those which, although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes, that is, are adapted to the same uses and are essentially interchangeable therefor.[4]

As this language indicates, "like" means substantially identical in characteristics, and "directly competitive" means commercially interchangeable.[5]

Section 202(c)(6)(A)(i) defines the term domestic industry to mean:

> with respect to an article, the domestic producers as a whole of the like or directly competitive article or those producers whose collective production of the like or directly competitive article constitutes a major proportion of the total domestic production of such article.[6] [7]

The domestic industry or industries are not necessarily coterminous in scope with the imported articles--there may be more than one industry, and/or the industry or industries may encompass a broader or narrower array of products than that identified in the notice of investigation. In determining whether there are one or more domestic industries corresponding to producers of a like or directly competitive product under section 202, the Commission traditionally has followed a "product-line" approach, taking into account such factors as the physical properties of the article, customs treatment, where and how it is made (e.g., in a separate facility), uses, and marketing channels.[8]

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[4] H.R. Rep. No. 571, 93rd Cong., 1st Sess. 45 (1973); S. Rep. No. 1298, 93rd Cong., 2d Sess. 121-122 (1974).

[5] *See, e.g., Mushrooms*, Inv. No. TA-201-43, USITC Pub. 1089 at 8 (August 1980) ("the intent of the drafting committees was that 'like' has to do with the physical identity of the articles themselves, while 'directly competitive' relates more to the notion of commercial interchangeability").

[6] This definition was added by the Uruguay Round Agreements Act and is based on that in paragraph 1(c) of Article 4 of the Safeguards Agreement. The Statement of Administrative Action notes that this definition "codifies existing ITC practice, which is consistent with the meaning given to the term in the safeguards agreement." See Statement of Administrative Action, submitted with the implementing bill on September 27, 1994, published in H. Doc. 103-316, vol. I (103d Cong. 2d Sess.) at 961.

[7] In addition to providing that the industry is made up of the domestic producers as a whole of the like or directly competitive product, the statute provides instruction in identifying which producers or production of the like product may nevertheless, in appropriate circumstances, be excluded from the domestic industry. Sections 202(c)(4)(A)-(C), 19 U.S.C. §§ 2252(c)(4)(A)-(C).

[8] *See generally, Certain Metal Castings*, Inv. No. TA-201-58, USITC Pub. 1849 (June 1986) at 7-8 (examining production processes, facilities, physical characteristics, uses, and markets); *Stainless Steel and Alloy Tool Steel*, Inv. No. TA-201-48, USITC Pub. 1377 (May 1983) at 15-16 (examining physical characteristics and production facilities); *Wood Shakes and Shingles*, Inv. No. TA-201-56, USITC Pub. 1826 (March 1986) at 5; *Nonelectric Cooking Ware*, Inv. No. TA-201-39, USITC Pub. 1008 (Nov. 1979) at 5, 9.

Positions of the parties

Petitioners argue that the relevant domestic industry producing products "like or directly competitive" with the imported products subject to investigation is the fresh winter tomato industry. Specifically, they assert that it consists of those growers and packers who grow and ship fresh tomatoes (excluding cherry and greenhouse tomatoes) sold during the months of January through April.[9] Petitioners do not argue for a "geographic industry" as provided for in section 202(c)(4)(C); they concede, however, that substantially all such growers and packers producing fresh winter tomatoes during the 4 month period are located in the southern half of Florida, in districts one-four.[10] Although they acknowledge that growers and packers in South Florida grow and ship significant quantities of fresh tomatoes outside the 4 month period,[11] they assert that the Commission should consider the impact of imports only on the operations of those growers and packers occurring between January through April, rather than on their annual operations.[12]

At the Commission's April 10 conference, petitioners argued that the distinctive trait of this alleged winter tomato industry (as defined by the January through April period) is that its tomatoes are "directly competitive" with the subject imports as defined by their petition, and that tomatoes grown at other times of the year are not. Moreover, petitioners argued, tomatoes grown by the winter industry do not directly compete with other domestic tomatoes. These are the only distinctive traits of the fresh winter tomato industry as argued by petitioners.[13] They did not fully develop any legal argument to support this position.

Respondents expressed a desire to contest this industry definition for purposes of the final injury investigation, although they developed no fully articulated arguments in this preliminary inquiry. Further, the respondent representing the principal Mexican growing area argued that the concept of a fresh winter tomato industry during the months of January through April is an "artificial" construct.[14]

Conclusions and analysis

For reasons set forth below, we find that the statute and the available information support a definition of a like or directly competitive product which includes all growers and packers within the United States during the full calendar year of common round tomatoes scientifically referred as L. esculentum and grown for the fresh market. We do not find, however, that a basis exists for finding that cherry tomatoes (which are not included in the scope of investigation) and greenhouse tomatoes, including hydroponic tomatoes (which are included), are distinguishable from other tomatoes grown for the fresh market. Second, based on the information available, we find that tomatoes grown for the fresh market are distinguishable from tomatoes grown for the processing market.

Identity of like or directly competitive articles. The imported article is "fresh winter tomatoes", "defined as fresh or chilled tomatoes (including but not limited to the varieties known scientifically as Lycopersicon esculentum and Lycopersicon pyriforme) excluding cherry tomatoes (Lycopersicon cerasiforme), if entered during the period from January 1 through April 30, inclusive,

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[9] Petition at 6. Petitioners define the winter season as "the months of January through April of each year." Petition at 9.

[10] *See* Petition at Appendix 2 and Transcript in the Proceedings of the Staff Conference in the investigation on Fresh Winter Tomatoes (April 10, 1995) at 85 (Hawkins). (Hereinafter "Transcript.")

[11] Transcript at 86 (Hawkins).

[12] Transcript at 87 (Hawkins).

[13] Transcript at 104 (Himmelberg).

[14] Transcript at 189 (Wilner).

in any year."[15] This definition includes greenhouse tomatoes and fresh tomatoes grown for tomato processors.

All commercially-produced tomatoes sold in the domestic market, whether intended for fresh-market use or for processing, are members of the Nightshade family and are classified as Lycopersicon esculentum. The common round tomato is usually referred to as L. esculentum. A few important commercial varieties of L. esculentum include cherry tomatoes (L. esculentum Var. cerasiforme), which are small round tomatoes, and plum or pear tomatoes (L. esculentum Var. pyriforme), having a distinct oblong or oval shape.[16] Most tomatoes are field grown and are grown either for the fresh market or for tomato processors. There is also domestic production of virtually identical tomatoes in greenhouses which are grown for the fresh market.

The available information shows that there are domestically produced tomatoes that are "like" the imported articles in physical characteristics. As discussed above, the legislative history defines "like" in terms of "substantially identical" with respect to "inherent or intrinsic characteristics."[17] The available information shows that there are no significant differences between the imports and the corresponding domestic products, i.e., a mature green round tomato imported from Mexico is substantially identical in physical characteristics with a mature green round tomato produced in the United States, and a vine-ripe tomato imported from Mexico is substantially identical in physical characteristics with a vine ripe tomato produced in the United States.[18]

An issue raised in this investigation is what effect the time delimitation in the scope of investigation should have on the determination of "like or directly competitive" products. Petitioners and respondents both agree that there is nothing intrinsically different between a domestic tomato produced in April and a domestic tomato produced in May. Indeed, with respect to petitioners' tomatoes, they are grown on the same plants and packed by the same workers. Unless one were to interpret the definition of "like" as incorporating extrinsic properties, then the season factor is irrelevant to the determination of what products are "like".

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[15] 60 F.R. 16883 (April 3, 1995). The bulk of production of these products in Mexico (which represents the greater majority of imports subject to investigation) historically has been vine ripe tomatoes, with recent increases in harvested acreage and production attributed to increased production of common, round mature green tomatoes, plum (also called "Roma"), and cherry tomatoes. Most of the production in Mexico occurs in the winter months, although imports from Mexico are present in the U.S. market in all months of the year. Fresh Winter Tomatoes Report for the Provisional Relief Phase at II-6, Appendix D (hereinafter "Report").

[16] Fresh-market tomatoes are often described and priced as mature green or vine ripe tomatoes. Tomatoes grown for fresh-market use other than in the winter months are essentially the same as those grown in Florida during the winter. Additionally, winter tomatoes, grown both in Florida and to a much lesser extent in California (with very small percentages in other states), are essentially the same varieties and types of tomatoes as other fresh market tomatoes, with the only sometimes-noticeable differences being the color and hardness of the fruit. In recent years, the bulk of production in Florida was of fresh-market mature greens. Report at II-6.

[17] H.R. Rep. No. 571, 93rd Cong., 1st Sess. 45 (1973); S. Rep. No. 1298, 93rd Cong., 2d Sess. 121-122 (1974).

[18] Petitioners state that the imported products are "like" the products produced domestically, in all regions. Petitioners brief at 5. Both petitioners and respondents argue that they produce better quality products than the other. There are some differences in the range of sizes between Mexican and U.S. tomatoes. Transcript at 78 (Hawkins). In addition, Mexico produces more vine-ripe tomatoes than mature-greens, and Florida produces more mature-green than vine-ripe tomatoes. Transcript at 79 (Hawkins). Because of this, there are different packing techniques in Mexico. Transcript at 79 (Hawkins). The one physical difference between a vine-ripe tomato and a mature-green tomato is that the former is picked later. Transcript at 111 (Hawkins). In addition, mature-greens are placed in "degreening rooms" to accelerate the ripening process. Transcript at 111 (Hawkins). As shown in the Report, there are also price differences.

The legislative history defines "directly competitive" in terms of "commercial equivalence", adaptability to the same use, and essential "interchangeability".[19] Petitioners argue that only tomatoes produced during the 4 month period are "directly competitive" with the articles subject to investigation.[20] The facts available, however, show that domestic tomatoes grown in other periods are adaptable to the same uses, that there is some overlap in competition between tomatoes grown within and outside the 4 month period,[21] and that in general there is a continuum of direct competition between imported tomatoes and tomatoes grown in other regions. For example, domestic tomatoes shipped in early May compete directly with tomatoes imported in late April. Moreover, domestic producers producing from January through April continue to produce tomatoes using the same facilities well into June, at which time other domestic producers (e.g. in South Carolina) are also directly competing with imported tomatoes.[22]

The Commission wrestled with a somewhat analogous issue in a prior investigation. In *Certain Motor Vehicles and Certain Chassis and Bodies Therefor,* the Commission chose not to draw a distinction between small, medium and large cars. Commissioner Alberger declined to draw these distinctions on the grounds that the dividing lines would be arbitrary: "the very uncertainty about where to draw the dividing line illustrates vividly that what really exists is a full continuum of products."

Thus, in summary, we conclude for the purpose of the provisional relief phase of this investigation that all domestically produced fresh tomatoes are like or directly competitive with the imported tomatoes.

No separate fresh winter tomato industry. The facts available suggest that the Florida tomato growers do not satisfy any of the three requirements of a geographical industry, namely, that (i) one or more domestic producers produce in a "major geographic area"; (ii) their production facilities constitute a "substantial portion" of the domestic industry and primarily serve the market in such area, and (iii) imports are concentrated in that area.[23] While the Florida growing area defined by petitioners is a small area geographically, it serves the whole Eastern United States (and to some degree the whole United States), and most imports enter through Arizona and California.

The domestic industry definition urged by petitioners encompasses the producers who produce the product in a specific season, which petitioners concede encompasses production in only four Florida districts.[24] It may be argued that this definition would impermissibly circumvent the three enumerated requirements of the geographic industry provision. We question whether an industry as defined by petitioners is precluded, by implication, through the "geographical industry" provision.[25]

Moreover, while the statute on its face does not expressly prohibit petitioners' proposed 4-month industry definition, it can be reconciled to the statutory language only in ways which are

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[19] H.R. Rep. No. 571, 93rd Cong., 1st Sess. 45 (1973); S. Rep. No. 1298, 93rd Cong., 2d Sess. 121-122 (1974).

[20] Transcript at 104 (Himmelberg).

[21] Report at Appendix D.

[22] Report at Appendix D.

[23] Section 202(c)(4)(C). 19 U.S.C. § 2252(c)(4)(C).

[24] Transcript at 85 (Hawkins).

[25] Under the rule of statutory construction expressio unius est exclusio alterius (express mention and implied exclusion), if a statute enumerates certain criteria, if those criteria are not satisfied the identical result cannot be reached by alternative means. *See, e.g., Trayco, Inc v. United States*, 994 F.2d 832 (Fed.Cir. 1993); *United States v. Crane*, 979 F.2d 687, 690 (9th Cir. 1993), *citing Botany Worsted Mills v. United States*, 278 U.S. 282, 289 (1929). As applied to section 202, the rules suggests that because the statute sets express criteria for a finding of a geographical industry, the Commission should not by alternative means isolate a geographic industry when those express criteria are not satisfied.

potentially illogical. As noted above, petitioners urge that the Commission should find a 4-month industry on the grounds that the producers producing in that period are the only producers producing a product which is "directly competitive" with the imports.[26] Petitioners' proposed domestic industry definition leads to the arguably illogical result of two separate industries producing tomatoes with identical characteristics and uses, some produced in the identical facilities, where the only distinction between them is that one produces products which are "directly competitive" with imports entering at certain times of the year.[27] In a somewhat analogous situation in Mushrooms, in which a previous body of Commissioners faced a potentially illogical construct of the concept of industry, three Commissioners stated that "[o]bviously, our industry concept under Section 201 can be distorted to reach an absurd outcome, and we must avoid industry definitions that are drawn artificially narrow simply to make relief more likely. While producers of the "like" product alone may constitute an industry for the purposes of section 201, this must be a classification which we are capable of analyzing under the pertinent statutory criteria."[28]

As the available information shows, such a definition would present a departure from the "product line" approach to delineate industries, where the Commission takes into account such factors as the physical properties of the article, customs treatment, where and how it is made (e.g., in a separate facility), uses, marketing channels and different production processes in determining whether a distinct industry exists.

A departure from the "product line" approach would raise other troubling questions. Petitioners argue that in determining injury under their proposed industry definition, the Commission should review industry data for the 4 month period which corresponds to the imports subject to investigation, rather than the full year.[29] The question raised is--on the assumption that decisions to enter and remain in business are based on annualized expectations, rather than expectations for part of the year--does the analysis of an industry during a 4 month period represent a valid assessment of the health of the industry?[30] Another similar question raised is whether the statute contemplates that petitioners may, through the mechanism of a narrowly tailored scope of investigation such as the one in the instant investigation, define the domestic industry in such a manner that the Commission only examines a narrow window (the time when the industry competes with imports) in determining

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[26] In our view, the concept of "directly competitive" in the statute serves to expand the class of producers of products who may seek and obtain relief, rather than to create a subclass of preferred producers who may seek and obtain relief.

[27] The Commission under a predecessor provision, section 7 of the Trade Agreements Extension Act of 1951, which had no geographic industry provision, rejected arguments to define the domestic industry as the producers of an agricultural product produced during a certain season. In *Cantaloupes*, Inv. No. 7-98, TC Pub. 7 (March 1961), at 6-7, the scope of the investigation covered all cantaloupes, regardless of season, although in actuality the only imports occurred in one season. The Commission rejected petitioners' request that the domestic industry be limited to certain states and to cantaloupes harvested in the spring stating that injury must be determined "on the basis of the impact of imports on the totality of domestic production of the like or directly competitive product, and not on the production of an individual firm or group of firms located in a particular geographic area that represents only a portion or segment of the total domestic production." *See also, Watermelons*, Inv. No. 7-99, TC Pub. 14 (April 1961) at 6.

[28] Inv. No. TA-201-43, USITC Pub. 1089 (August 1980) at 11. (Views of Commissioners Alberger, Calhoun and Stern.)

[29] Transcript at 87 (Hawkins). Petitioners suggest that an assessment of injury for only the 4 months is critical, because the industry might show a profit over a whole year, but a big loss during the 4 months. Id.

[30] Assuming the Commission first identifies the domestic producers of tomatoes during the whole calendar year as the domestic industry or industries producing "like or directly competitive" products, if the Commission (in determining whether those producers should be divided into one or more industries) finds that there is a distinct 4 month industry, is there a corresponding distinct 8 month industry?

injury. A related issue is that, through a narrowly tailored scope, petitioners in subsequent cases could potentially define certain months which would show an increase in imports (while full-year statistics would not), as required for an affirmative determination under section 202.

The available information shows little difference between the producers defined by petitioners and producers of fresh tomatoes nationwide (indeed identical producers are both included and excluded from the narrow industry proposed by petitioners, depending on the time of year). Fresh-market tomatoes from major U.S. producing areas sold outside of the 4 month period are sold in the same channels of distribution as winter grown fresh-market tomatoes. Large volumes of U.S. grown fresh-market tomatoes also are sold during this time through regional markets and roadside stands.[31] Producer perceptions of tomato production outside of the 4 months are essentially the same as during the winter months.[32] The producers during the 4 months are located in a different region than most producers during the other 8 months of the year (although identical Florida facilities produce during both periods), and there is some common ownership of production facilities as between the regions.[33] Methods of production both in and out of the 4 month period are essentially the same, although there are minor variations.[34]

With respect to the season, the available information shows that different growing seasons for tomatoes, which result from different climates within the United States, affect commercial interchangeability among U.S. producers and between U.S. producers and imports. The perishable nature of fresh-market tomatoes precludes the interchangeability of tomatoes harvested and marketed at different times of the year. Given that a fresh-market mature-green or vine-ripe tomato harvested in any month would not be suitable for consumption after about three weeks, arguably a tomato harvested in one month could not be substituted for a tomato harvested a month later.

The available information suggests, however, that there are significant overlaps in competition between tomatoes produced during the 4 month period and tomatoes produced nationwide.[35] The four Florida districts account for 45 percent of the annual production of tomatoes for the fresh market nationwide. The shipment tables in the Commission's report show that while the shipments of tomatoes from regions other than Florida are small during the 4 month period, depending on the year, approximately 50 percent of the tomatoes produced by the Florida growers that petitioner asserts constitute a winter tomato industry are produced outside the 4 month period. Indeed, the peak production month in Florida is May.[36] Florida production outside the 4 months is primarily during the months of May, June, and October-December.[37] During those months, there is significant

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[31] Report at II-7.

[32] Report at II-7.

[33] Transcript at 26 (DiMare).

[34] Transcript at 105 (DiMare). When asked at the conference to describe the distinguishing features of production in Florida, Mr. DiMare responded "good weather in the winter." Transcript at 109.

[35] These facts are different than those in the title VII investigation *Fall-Harvested Round White Potatoes From Canada*, Inv. No. 731-TA-124, USITC Pub. 1463 (Dec. 1983) which is the only known case decided by this agency which involved a scope of investigation restricted to a certain season. In finding a corresponding seasonal like product in *Potatoes*, the Commission reasoned that the fall-harvested round white potatoes had different enduses and physical differences than the round white potatoes produced in other seasons. Furthermore, as the producers of the domestic fall-harvested potato apparently did not produce the same product during other times of the year, the Commission was not faced with the question of identical products being delineated only by growing season, or what financial data (for the season or for the full year) was pertinent for purposes of determining injury. Another major distinction is that the Commission found a regional industry in *Potatoes*.

[36] Transcript at 91 (Hawkins).

[37] Report at Appendix D.

production in other regions of the country, particularly in South Carolina, California and Virginia.[38] In addition, growers in Florida and California, which are the two largest producing states, have undertaken joint promotional efforts, further suggesting that there is one national industry.[39]

Furthermore, while Florida tomatoes may be the only domestic tomatoes competing significantly with Mexican tomatoes during the 4 months, imports from Mexico enter year-round, and other regions compete with Mexico during other seasons.[40] Imports from Mexico are less significant relative to domestic production during the late spring through early fall months[41], and sales of Mexican imports during this period are believed to be concentrated in the Western United States.[42]

In summary, for purposes of this provisional relief determination, we find no factual or legal basis for a finding of a 4 month seasonal industry. We find that the statute and the available information support a definition of industry which includes all growers and packers of fresh tomatoes within the United States during the full calendar year.

Other industries. Based on the information available, we find that no basis exists for finding that cherry tomatoes (which are not included in the scope of investigation) and tomatoes grown in greenhouses (which are included in the scope of investigation), including hydroponic tomatoes (which are tomatoes grown in water in greenhouses), are distinguishable from other tomatoes grown for the fresh market. Methods of production for cherry tomatoes are not different from those for other tomatoes, although the labor is more costly. They are grown by the same group of producers as other tomatoes. The available information suggests that while consumers have certain preferences, there is substitutability between cherry tomatoes and other tomatoes.[43] Thus, under the Commission's traditional industry criteria, the facts available do not provide strong support for a finding that there is a distinct cherry tomato industry. They represent a small percentage of U.S. production.

Greenhouse tomatoes also represent a small percentage of U.S. production of tomatoes and are produced by different firms than those that produce field grown tomatoes. The production techniques are different. They can be grown year round. They are much more expensive to produce and command significantly higher prices.[44] While greenhouse tomatoes are often considered to be a higher quality specialty item,[45] they are otherwise physically identical to the round tomato.

We find, however, that processing tomatoes are distinguishable from tomatoes grown for the fresh market, and there is limited interchangeability on a commercial scale between fresh-market and processing tomatoes.[46] There are fundamental genetic differences between fresh-market and processing tomatoes. Fresh-market tomatoes are bred to have 5 to 7 interior chambers and a firm skin, which necessitates hand harvesting. Fresh-market tomatoes tend to ripen over a number of

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[38] Id. In 1994, Florida accounted for 45 percent of total domestic shipments of tomatoes grown for the fresh market, and California accounted for 29 percent, Virginia, 4 percent, South Carolina, 3 percent, and Ohio, 2 percent. In 1994, approximately 78.7 percent of domestic tomato production for the fresh market, including Florida May-December production, occurred outside the 4 month period January-April.

[39] Florida Tomato Council, *Annual Report 1993-94*, at 27.

[40] While there is significant competition between imported and domestic tomatoes in major markets in the East and Midwest during this period, the bulk of the Florida tomatoes are shipped to eastern markets and the bulk of Mexican tomatoes are shipped to states west of the Mississippi. See *USDA Outlook*, July 1994, at 16.

[41] Report at Appendix D.

[42] Report at II-7.

[43] Transcript at 109-110 (Hawkins).

[44] Transcript at 106 (DiMare).

[45] Transcript at 236 (Beukelman).

[46] See discussion in report at II-5 to II-6.

days and are generally harvested several times during a growing season. Processing tomatoes are bred to have a thicker skin (which allows for mechanical harvesting), more flesh (fewer chambers), less gelatinous material, and fewer seeds than fresh-market tomatoes. Most processing tomatoes in any plot ripen simultaneously and may be harvested at one time. Fresh-market tomatoes are manually harvested to insure that they reach the final retail market with a good appearance; processing tomatoes are mechanically harvested, and little importance is attached to the physical appearance of the fruit at harvest.

In the processing-tomato industry, an estimated 70 to 80 percent of processing production is contracted for prior to planting. Tomatoes grown under contract for processing must be delivered to the processor under the conditions of the contract. In addition, fresh-market tomatoes are generally considered to be of inferior quality in terms of the higher solids content important to processors and are not as fully mature when harvested. These factors severely limit the possibility for any meaningful routine diversion of fresh-market tomatoes to the processing market.[47]

In summary, based on the information available to us, we do not believe that there is a factual or legal basis for concluding that cherry tomatoes and tomatoes grown in greenhouses are distinguishable from field-grown tomatoes; and that producers of such tomatoes are part of a single fresh tomato industry. Based on the available information, however, we believe that a strong basis exists for concluding that tomatoes grown for the fresh market and tomatoes grown for processing constitute distinguishable products and that the respective domestic producers of fresh-market tomatoes and processing tomatoes constitute separate domestic industries.

III. Injury criteria

Increased imports

The first of the three statutory criteria is that imports must be in "increased quantities." The criterion is satisfied if the increase is "either actual or relative to domestic production". Section 202(c)(1)(C). Thus, the criterion is satisfied even if the volume of imports is declining but imports are increasing relative to domestic production. The Commission traditionally has considered import trends over the most recent 5-year period, but has considered longer and shorter periods when it found it appropriate to do so.

Petitioner has requested that the Commission find that this criterion is satisfied on the basis of imports that have entered during the first 4 months of each of the last several years rather than on the basis of imports entering on a full year basis. This is the only instance of which we are aware that a petitioner has sought to show increased imports on such a basis. Although the statute does not specify the import data that the Commission must consider in determining whether imports have increased, consideration of partial-year data for a series of years could produce results that are different from when full year data are considered. For example, imports of an article on a full-year basis may be declining, but imports that enter during a particular month of the year may have increased during the last 5 years. We do not believe that the statute permits a finding of increased

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[47] At the April 10 conference on the provisional relief phase of this investigation, counsel for tomato producers in the Baja California area of Mexico stated that growers that he represents export tomatoes for processing to California. Transcript at 225 (Glick). U.S. imports of tomatoes for processing, however, are believed to be small. Neither the petitioner nor any other person alleged during the provisional relief phase of this investigation that tomatoes for processing are being imported into the United States in such increased quantities as to be a substantial cause of serious injury or the threat of serious injury to the domestic industry producing tomatoes for processing. Accordingly, for purposes of the provisional relief phase of this investigation, we have made a negative determination with respect to imports of tomatoes for processing.

imports in such a context. In the final injury phase of this investigation, we do not intend to limit our inquiry on increased imports and the other statutory criteria to a 4-month basis.

The data before us show that imports over a 4-5 year period, whether viewed on a full-year basis or in terms of the period January-April, have increased, but only marginally. The data also show, however, wide fluctuations from year to year due to supply and weather-related factors. Full year imports of fresh-market tomatoes increased from 360.1 million kilograms in 1990 and 1991 to 396.0 million kilograms in 1994.[48] Imports, however, were higher in 1993 (418.4 million kilograms), and much lower in 1992 (196.0 million kilograms).[49] The ratio of imports to production on a full year basis was at the same level in 1994 as in 1990--24 percent. During the period the ratio was as high as 26 percent in 1993 and as low as 11 percent in 1992, when there was a serious problem with the Mexican crop.[50] Imports in the first 2 months of 1995 were running at a considerably higher level than in the same months of 1994.[51]

For the period January-April in years 1991-1994, imports of fresh-market tomatoes followed a pattern similar to that for full year imports. Imports during the 4-month period trended upwards from 526.5 million pounds in 1991 to 537.4 million pounds in 1994. Imports in January-April 1994, however, were lower than imports in the comparable period of 1993 (580.8 million pounds), but were more than double the level of imports in the comparable period of 1992 (220.6 million pounds).[52]

Serious injury or threat

The second statutory criterion which must be satisfied is serious injury or threat thereof. Section 202(c)(6) was amended by the Uruguay Round Agreements Act to include definitions of the terms "serious injury" and "threat". "Serious injury" is defined as "a significant overall impairment in the position of a domestic industry".[53] Threat of serious injury is defined as "serious injury that is clearly imminent".[54]

The statute also sets forth economic factors that the Commission is to consider in determining whether serious injury or threat exists. Section 202(c)(1) provides that the Commission is to consider "all economic factors which it considers relevant, including (but not limited to)" the following--

> (A) with respect to serious injury--
> (i) the significant idling of productive facilities in the domestic industry,
> (ii) the inability of a significant number of firms to carry out domestic production operations at a reasonable level of profit, and
> (iii) significant unemployment or underemployment within the domestic industry;

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[48] Virtually all imports of tomatoes are tomatoes grown for the fresh market.

[49] Report at C-3, table C-1.

[50] Id.

[51] Report at II-12.

[52] Report at II-11.

[53] Section 202(c)(6)(B). This new definition is consistent with the 1974 legislative history which makes it clear that "serious" injury is intended to require a greater degree of injury than "material" injury. 1974 Finance Committee Report, at 212.

[54] Section 202(c)(6)(D). This definition is also consistent with the 1974 legislative history, which defines a "threat" of serious injury to exist "when serious injury, although not yet existing, is clearly imminent if imports [sic] trends continued unabated." 1974 Finance Committee Report, at 121.

(B) with respect to threat of serious injury--

(i) a decline in sales or market share, a higher and growing inventory (whether maintained by domestic producers, importers, wholesalers, or retailers), and a downward trend in production, profits, wages, productivity, or employment (or increasing underemployment) in the domestic industry,

(ii) the extent to which firms in the domestic industry are unable to generate adequate capital to finance the modernization of their domestic plants and equipment, or are unable to maintain existing levels of expenditures for research and development,

(iii) the extent to which the United States market is the focal point for the diversion of exports of the article concerned by reason of restraints on exports of such article to, or on imports of such article into, third country markets.

The statute further provides that the term "significant idling of productive facilities" includes the closing of plants or the underutilization of production capacity. The Commission is not to regard the presence or absence of any of the factors that it is required to evaluate as being "necessarily dispositive".[55]

Serious injury. Data show that while the area planted and harvested for fresh-market tomatoes decreased over the period of investigation, the production and yield increased. Average unit values for the domestic industry have been steady.[56]

Information concerning the financial performance from domestic producers is extremely limited, with usable data received from only 36 producers (out of 850 questionnaires sent by the Commission).[57] Moreover, there are no data for 1994 and interim 1995.[58] As the data appears to be statistically unrepresentative, we decline to draw any conclusions from it for purposes of this determination.

The facts available show no evidence of underemployment and little evidence on unemployment. The Petition alleges that 23 handlers and 100 growers in Florida have ceased operations during the period of investigation.[59] Petitioners provide only one specific example of a company ceasing its operations as a result of imports.[60] According to the Florida Department of Labor, the number of seasonal farm workers in Florida has declined over time.[61] There is no additional employment information on producers outside of the Florida growing area.

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[55] Section 202(c)(3).

[56] Report at Table C-2. The available information shows with respect to the producers in the 4 month period only, that while acreage planted over the period 1991-1994 is down (the most recent years for which there are complete data), production, yield and acreage harvested was higher at the end of the period than at beginning of the period. Report at Tables 5 through 7. Further, while the Florida producers' average unit values declined from interim 1992 through interim 1994, they have reportedly rebounded in 1995. Report at Table 8.

[57] *Monitoring of U.S. Imports of Tomatoes*, Inv. No. 332-350, USITC Pub. 2771 (June 1994) at Table 27 (hereinafter "Commission Monitoring Report").

[58] Id. The staff requested Petitioners at the conference to provide this data. They agreed to provide it but did not. Transcript at 61 (Hawkins).

[59] Report at II-22.

[60] Id. There is additional available information which suggests that this company, Regency Farms, ceased operations in part because of bad weather and white fly infestation problems. Petition at Tab 7.

[61] Report at II-22.

The facts available show that while there is wide fluctuation in the prices for tomatoes,[62] prices during the January-April period were in almost all weeks higher in 1995 than in 1994.[63]

Threat of serious injury. The facts available contain no information with respect to the ability of U.S. firms to generate capital for purposes of modernization or research and development.[64] As discussed above, the industry shows an upward trend in production and productivity. Further, the relative market shares of importers and U.S. producers has remained steady over the period of investigation.[65]

There is no evidence that imports from Mexico, the principal supplier of imports of fresh tomatoes, will increase relative to prior years, either throughout the year or during the four month period. Consumption of tomatoes is expected to rise in Mexico.[66] Any effects on prices of imports from the recent Peso devaluation should have already occurred.[67] In the longer term however, the devaluation and the increase in interest rates in Mexico will likely increase costs and hurt Mexican production.[68] Since Mexico imports some inputs from the United States, the cost of such inputs in future production will be higher as a result of the devaluation.[69]

In view of these very limited available facts, we conclude that the domestic industry is not suffering serious injury or threat thereof.[70] [71] [72]

Causation

The third criterion requires a consideration of whether the increased imports are a "substantial cause" of serious injury or threat. While it is not necessary to discuss the issue of causation upon a finding of no injury or threat thereof, we find that it is appropriate to discuss the causation issues

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[62] Commission Monitoring Report at Table 16.

[63] Report at Tables 15 and 16. *See also* Respondent CAADES Brief at Tab 1.

[64] Petitioners indicate that they have reached a peak with respect to technological advances. Transcript at 132 (DiMare).

[65] Report at Table C-1. The relative market shares of importers and U.S. producers also remained steady during the January-April period over the period of investigation. While the data for 1995 shows a drop in U.S. producer market share, these data are for January only. Report at Table 13.

[66] Report at II-24.

[67] The new Peso weakened from MexN$3.5 in mid-December of 1994 to MexN$7.1 in mid-March of 1995. Source: IMF.

[68] The primary rate on the bellweather 28-day Cetes was over 80 percent in mid-march of 1995. Source: IMF.

[69] As noted in the September 1992 USDA report submitted with Petitioners' Brief, Mexican producers are reliant on U.S. sources for their seed. "Their costs of production, therefore, depend on the Mexican Government's exchange rate policy."

[70] We also find that the information available pertaining to producers producing during the 4 month period of January-April, in isolation from the rest of the domestic industry, also shows no injury.

[71] Commissioner Bragg finds that the limited data suggest that increased imports are not a substantial cause of serious injury or threat thereof to the domestic industry, but her negative determination is based on a negative finding with respect to whether any serious injury would be "difficult to repair" or "cannot be timely prevented" in the absence of provisional relief.

[72] Chairman Watson and Commissioner Crawford agree with the analysis below. They believe, however, that their finding of no serious injury or threat thereof is dispositive for a negative determination under the statute. Therefore, it is not necessary to reach the questions of causation, "difficult to repair," or "timely prevention." Chairman Watson joins in the following discussion to indicate to the parties issues which he considers relevant.

presented by the information available in this provisional determination in order to provide the parties with an opportunity to address these issues in the full investigation.

The term "substantial cause" is defined to mean "a cause which is important and not less than any other cause."[73] Thus, the increased imports must be both an important cause of the serious injury or threat and a cause that is equal to or greater than any other cause. The latter requires a weighing of causes. In determining whether increased imports are a substantial cause of serious injury or threat, the statute directs the Commission, as in the case of the serious injury criterion, to take into account all economic factors that it finds relevant, including but not limited to ". . . an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers."[74]

The statute directs that the Commission consider "the condition of the domestic industry over the course of the relevant business cycle," but it provides that the Commission "may not aggregate the causes of declining demand associated with a recession or economic downturn in the United States economy into a single cause of serious injury or threat of injury".[75] Also, the statute directs that the Commission "examine factors other than imports" that may be a cause of serious injury or threat to the domestic industry and include such findings in its report.[76]

The information available suggests that there is no business cycle in the conventional sense in the fresh tomato industry, although there is a production cycle in the nationwide industry characterized by changes in seasons.[77]

As discussed above, the relative market shares of importers and U.S. producers has remained steady throughout the period of investigation.[78] The information available strongly suggests that weather plays a critical role in the profitability of domestic producers. Variations in the weather appear to have both a potential positive and negative effect, however. While bad weather can lead to a reduced yield and therefore a reduced source of revenue, this decrease in supply leads to increased prices.[79] The information suggests that the extent to which a producer shows a loss or a profit may depend on how much of its crop it lost to weather, relative to its competitors. In the full investigation, the Commission will explore in greater depth the effect of weather (and other natural occurrences such as harm to crops from white flies) and the circumstances under which bad weather may be a cause of serious injury, including any decline in employment.

The available information shows that there is a certain degree of diminished competition between the imports subject to investigation and domestic production because of a concentration of production in different growing seasons,[80] but the available information shows a certain degree of overlap.[81] The available information shows some differences between imports and domestic products with respect to physical characteristics, market segments and selling regions. Mexican imports are predominantly vine-ripened, and the Florida products are predominantly mature-green.[82] Further, the information available shows some differences in quality between Mexican imports and Florida

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[73] Section 202(b)(1)(B).

[74] Section 202(c)(1)(C).

[75] Section 202(c)(2)(A).

[76] Section 202(c)(2)(B).

[77] We note that this cycle is not present in the 4 month period defined by petitioners, however, because that period essentially spans only one season.

[78] Report at Table C-1.

[79] Indeed Florida producers indicate that their most profitable years are often years in which they have experienced bad weather. Transcript at 68-69 (DiMare).

[80] Transcript at 16 (Hawkins).

[81] Report at Appendix D.

[82] Report at II-5.

products.[83] As a result of these product differences, the available information suggests that the imports supply different market segments. A large part of Florida production is sold to institutional or food service customers, whereas Mexican tomatoes are sold to retail customers.[84] Moreover, Mexican imports are concentrated in the Western region of the United States; Florida shipments supply primarily the Eastern region of the United States.[85]

The information available on these issues pertains largely to differences between the Mexican imports and the domestic products produced in Florida during the January-April period. There is no specific information on domestic products produced outside of the 4 months vis-a-vis imports of fresh-market tomatoes. For purposes of the full investigation, the Commission would like more specific information on the extent of any competition, or lack thereof, as a result of these differences between imports throughout the year and the nationwide domestic product with respect to seasons, regional markets, market segments, and product differences.

The information available shows that prices for tomatoes are heavily influenced by supply and demand conditions in the industry.[86] Other than this general conclusion however, it is difficult to draw any inferences regarding the effect of imports on prices because there are no price comparisons in the information available.[87] With the exception of the 1992 season, when extensive rains wiped out a large portion of the Mexican crop and prices increased,[88] there does not appear to be a strong correlation between the relative level of imports and domestic prices.[89] In the full investigation, the Commission will explore the effect of imports (over the full 12 months) on prices more extensively.

IV. "Difficult to repair" or "cannot be timely prevented" requirement

Section 202(d)(1)(C) also provides that the Commission, in order to make an affirmative preliminary determination, must determine whether either--

> (I) the serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or
>
> (II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

The legislative history in the House report contains additional guidance concerning these tests as follows:

> In determining whether injury is difficult to repair by reason of perishability, the Commission should consider factors normally considered in an injury analysis in relation to the perishable nature of the domestic product (e.g., short shelf life or marketing season).

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[83] Report at II-6.

[84] Report at II-26.

[85] Transcript at 164 (Silva).

[86] Report at II-26.

[87] This is because of the different packaging and weights used by Mexican imports and Florida producers. Report at II-27. The imports use more expensive packaging than the Florida producers. Id. Another circumstance which makes pricing comparisons difficult is the rebilling in the domestic industry, which is not accounted for in the published pricing data. Id.

[88] Report at II-26.

[89] *See* Appendix 3 of the Petition. In addition, prices increased in the United States during the 1989-90 season as a result of a freeze in Florida which killed a large portion of the crop. Transcript at 22 (Hawkins).

> These criteria are designed to identify emergency situations where a normal section 201 would be ineffective for a perishable agricultural product industry and fast track preliminary relief is appropriate.[90]

The two tests are expressed in the alternative. If one or the other is satisfied, then the second condition for making an affirmative preliminary determination is satisfied. If neither test is satisfied, however, the Commission must make a negative preliminary determination, even if it has determined that available information indicates that increased imports are a substantial cause of serious injury or threat of serious injury to the domestic industry. The legislative history indicates that the first test applies when serious injury is found to exist and the second, which uses the term "prevented," is to apply when *threat* of serious injury is found to exist. Normally, when a "threat" of serious injury is found to exist, the Commission recommends the relief that would "prevent" serious injury. Further, the legislative history suggests that each test requires a finding of special urgency requiring interim action pending completion of the normal section 201 process--that in the absence of provisional relief (1) the serious injury that already exists would be made difficult to repair, or (2) the threat of serious injury that currently exists will have become serious injury.

Analysis. In the present case, petitioner requested provisional relief only through April 30. Because of when the petition was filed and the nature of the relief requested, any provisional relief provided could last no more than 4 to 11 days, depending upon when the President took action. Petitioners did not present any evidence that demonstrates why the absence of provisional relief for this short period of time and at this late date in the season for imports would make any serious injury "difficult to repair," nor did petitioners show how such provisional relief would prevent serious injury from occurring if the Commission found a threat of serious injury to exist.

Even if we had made an affirmative injury determination, the provisional relief requested by petitioners would be too short in duration and come too late in the season to have any beneficial effect on the industry. Imports are generally highest during the months of February and March and decline in April. For example, in 1994, weekly imports during late April averaged less than half the level of weekly imports in March.[91] Further, imports tend to fall rapidly thereafter into May. For example, the monthly May 1994 total was less than that for any one week in March of that year.[92] U.S. production at the same time is rapidly increasing. Production in Florida, which is the principal producing state at this time, peaks in May. In late April 1994, domestic fresh-market tomato production was more than twice the level of imports, whereas in February and March 1994 imports of tomatoes exceeded domestic production in 7 of the 8 weeks in the 2-month period.[93] Thus, in late April, imports are rapidly declining and U.S. production is rapidly increasing, making imports a much less significant factor in the marketplace than in February and March. Based on past seasonal patterns in import levels, imports will not become a significant factor again in the marketplace relative to domestic production until late December, well after the Commission will have completed its investigation and the President will have had time to impose relief, were the Commission to make an affirmative injury determination and recommend relief after a full investigation.

Further, relief of such short duration would likely have little or no impact on overall import levels and be of little or no benefit to the industry. There will be little need for foreign suppliers to divert tomatoes away from the U.S. market because the shelf life of most imported tomatoes will likely span the period of any such short-term provisional relief action. (Imported tomatoes, like

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[90] *Trade and International Economy Policy Reform Act of 1987: Report of the Committee on Ways and Means . . . to Accompany H.R. 3*, H. Rept. 100-40 (100th Cong., 1st sess.), at 90.

[91] Report at C-7.

[92] Id.

[93] Id.

domestic tomatoes, generally have a shelf life of 1 to 3 weeks, depending upon whether the tomatoes are picked green or are vine ripened.) The effect of any such short-term action would likely be a brief surge in imports just prior to the commencement of the action and a brief surge again after termination of the action, with little or no overall effect on import levels.

Thus, in summary, even if we had made an affirmative determination that increased imports are a substantial cause of serious injury or threat thereof, we would make a negative determination with respect to whether serious injury would be difficult to repair or cannot be timely prevented in the absence of provisional relief.

SEPARATE VIEWS OF COMMISSIONERS DAVID B. ROHR AND DON E. NEWQUIST ON PROVISIONAL RELIEF

Like our colleagues, in this investigation, we make a negative determination with regard to provisional relief. As our analytical framework, however, differs from theirs in important aspects, we provide these separate views.

I. OVERVIEW

Under the provisional relief provisions of section 201(d)(1)(C),[1] the Commission, prior to determining whether to recommend provisional relief to the President, must first determine, whether (i) imports are in "increased quantities, either actual or relative to domestic production"; (ii) the domestic industry producing the like or directly competitive product is seriously injured or threatened with serious injury; and (iii) the increased imports are a "substantial cause" of the serious injury or threat of serious injury.[2] In the event these determinations are affirmative, provisional relief is to be recommended only in two instances:

> (i) [if] the serious injury [or threat of serious injury] is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or,
> (ii) [if] the serious injury [or threat of serious injury] cannot be timely prevented through [an ordinary section 202 investigation].[3]

Based on the limited data obtained in this phase of the investigation, we believe that the three underlying questions may be answered in the affirmative. Our determination with regard to provisional relief, however, is negative. Simply, we find that any serious injury or threat of serious injury to the domestic fresh winter tomato industry is not likely to be difficult to repair by reason of the perishability of the product; we similarly find that serious injury or threat of serious injury can be timely prevented under the ordinary timeframe of a section 202 investigation.

The provisional relief phase of this investigation is significant in several respects. First, this is a case of "first impression" for the Commission. Never, since enactment of the provisional relief language in the statute in 1988, has a domestic industry sought this form of relief; thus, there is no Commission "precedent" administering this provision nor interpreting Congress' underlying intent.

Second, unlike an antidumping or countervailing duty investigation, a negative determination at this stage of the proceeding, in effect a "preliminary" stage, does not result in termination of this investigation. This investigation will continue. While this negative determination is not dispositive, it does, in our view, importantly affect the relative roles of those in support of provisional relief, those in opposition to provisional relief, and the Commission.

Finally, in our opinion, if one of the two "tests" for provisional relief is not met, then whether the underlying prerequisites themselves are answered in the affirmative, or at all, is irrelevant. The statute, however, requires that we make these underlying findings. Thus, to satisfy this mandate, we assume, for the reasons discussed in greater detail below, that there are increased imports, that the domestic industry is seriously injured or threatened with serious injury, and the increased imports are a substantial cause of this serious injury or threat.

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[1] Section 202 of the Trade Act of 1974, 19 U.S.C. Section 2252 (the "Trade Act").

[2] Section 201(d)(1)(C).

[3] Id.

II. SCOPE OF THE INVESTIGATION AND DOMESTIC INDUSTRY

A. SCOPE OF THE INVESTIGATION

The scope of the investigation, as asserted by Petitioners in the petition and adopted by the Commission in instituting the investigation, is:

> fresh or chilled tomatoes (including but not limited to the varieties known scientifically as *Lycopersicon esculentum* and *Lycopersicon pyriforme*), excluding cherry tomatoes (*Lycopersicon cerasiforme*), if entered during the period from January 1 through April 30, inclusive, in any year, provided for in subheadings No. 0702.00.20 and 0702.00.60 of the Harmonized Tariff Schedule (HTS).

This scope definition presents several issues, the most important of which is whether a time-based definition of an article subject to investigation is proper. The Commission has never before instituted a section 202 investigation limited to imports entering in certain months, when the article or product is imported throughout the year. While there is no language in the statute that specifically precludes such a definition, parties in opposition to the imposition of provisional relief have suggested that such a scope is not warranted.

As noted above, this provisional relief investigation is a case of first impression for the Commission. Due to the extraordinary nature of such relief, the Commission has just three weeks from the time of institution to conduct this phase of the investigation and report its remedy recommendations, if any, to the President. Although there is no statutory dictate on how soon after receipt of the petition the Commission must determine whether to institute the investigation, the request for provisional relief -- an extraordinary measure -- implicitly mandates that the Commission determine whether to institute with extraordinary expediency. And, in doing so here, the Commission accepted petitioner's proposed scope.

In fact, the Commission may determine to amend the scope definition as the investigation proceeds.[4] In our view, however, any altering of the scope is not appropriate for this phase of the investigation. Both those in favor of and in opposition to provisional relief were "put on notice" that the scope of investigation is fresh winter tomatoes, entering the U.S. between January 1 and April 30. And both those in favor and those opposed framed their positions accordingly.

For the Commission to determine whether to recommend provisional relief on the basis of a broader or different scope, is at odds with the predictable and logical administration of the statute. We clearly intend to revisit the scope question as the investigation continues, and urge all participants to do so as well.[5] For purposes of this phase of the investigation, however, we proceed with the scope as the Commission itself defined it at institution.

Additional issues presented by the scope definition include the exclusion of cherry tomatoes from the definition of the imported article, while greenhouse tomatoes and tomatoes for processing

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[4] See Non-Electric Cooking Ware, TA-201-39, USITC Publication No. 1008 (November 1979).

[5] For example, the time period as proposed by the petitioners differs from the time period in the HTS. Specifically, the HTS divides the year into four distinct periods: November 15 - February 28/29 (0702.00.60); March 1 - July 14 (0702.00.20); July 15 - August 31 (0702.00.40); and, September 1 - November 14 (0702.00.20). The petitioners definition encompasses, then divides, two periods (November 15 - February 28/29 and March 1 -July 14). While the petitioners allege that their definition is more reflective of commercial realities, it is only since the preparation and filing of this current complaint that they have requested a revision of the HTS definition. It is not clear whether the January-April definition, or a broader definition more in line with the HTS definition, is the more acceptable one for defining the imported article.

are included. While there appears to be sufficient information to support exclusion of tomatoes for processing from the scope, the Commission has more limited information on greenhouse tomatoes.[6] Available information would tend to support also the exclusion of greenhouse tomatoes, based on distinctions such as production methods and price. This issue, however, merits further consideration in the remaining portion of this investigation.

B. DOMESTIC INDUSTRY AND LIKE OR DIRECTLY COMPETITIVE PRODUCT

The relevant domestic industry, as defined by the like or directly competitive product, and as proposed by the petitioners, includes "only those producers of fresh tomatoes who grow in the United States during the January through April period of each year," and also excludes cherry, greenhouse, and processing tomatoes.[7]

Section 202(c)(6)(A)(C) defines the term domestic industry as:

> The producers as a whole of the like or directly competitive article or those producers whose collective production of the like or directly competitive article constitutes a major proportion of the total domestic production of such article.

As discussed above, in our view, for purposes of this provisional relief phase, sound and predictable administration of the statute requires that we accept the scope of the investigation as the Commission defined it at institution. Concomitantly, in our view, we are statutorily compelled to define the domestic industry as growers and producers of fresh winter tomatoes during the period January 1 through April 30.[8]

Although it may be somewhat unusual to define an industry on the basis of less than full-year production, in this instance, in our view, such a definition more fully realizes the statute's disjunctive mandate that the industry produce an article "directly competitive" with the imports. Clearly, tomatoes harvested in the U.S. in the summer and fall months do not compete directly, nor for that matter indirectly, with imports which enter the U.S. between January and April.

Of course, as we have indicated that we will revisit the scope issue, we necessarily will revisit this issue as well as this investigation continues.

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[6] See Staff Report at pp. II-4 -II-10.

[7] Petition at 11. Even if these types of tomatoes are included in the domestic industry, there is little effect on industry data, since they account for only a very limited share of U.S. production and imports. According to Wayne Hawkins, Executive Vice President of the Florida Tomato Exchange, cherry tomato statistics are not maintained by the State of Florida, are not involved in the marketing order, and have no quality standards. Transcript at 109.

[8] Petitioners themselves have made statements that call this specific time period into question. Growers in the portion of Florida that produce fresh winter tomatoes, when asked what they consider the growing season for the domestic industry to be, responded that they start planting in late July, and continue through the end of March, and that harvesting follows planting by 90 days, e.g., the last week of October through mid-June (Transcript at 86, and Petition at 16). We note that this season closely comports with the HTS defined time periods, and that imports enter the market both prior to and following the January-April period, albeit in significantly reduced quantities (Staff Report at Table C-4).

III. WHETHER INCREASED IMPORTS OF THE PERISHABLE PRODUCT ARE A SUBSTANTIAL CAUSE OF SERIOUS INJURY, OR THE THREAT THEREOF, TO THE DOMESTIC INDUSTRY[9]

A. INCREASED IMPORTS

Petitioners allege that imports of fresh winter tomatoes have entered the U.S. market in increased quantities. The statute requires only that this increase be either actual or relative to domestic production. There is no requirement that this increase be of any particular magnitude. Since 1991, and except for the 1992 crop year in which flooding in Mexico severely reduced production, imports of fresh winter tomatoes fluctuated in actual quantities, but were equivalent to two-thirds to three-fourths of U.S. production during January-April. Imports were higher in absolute terms in 1993 and 1994 compared to 1991 and 1992. The ratio of imports to U.S. shipments was lower in 1994 than in either 1991 or 1993.[10]

B. SERIOUS INJURY OR THREAT OF SERIOUS INJURY

Serious injury is defined as "a significant overall impairment in the position of the domestic industry," while threat of serious injury is defined as "serious injury that is clearly imminent."[11] The statute also sets forth economic factors that the Commission is to consider in determining whether serious injury or threat exists.[12] Section 202(c)(1) provides that the Commission is to consider "all economic factors which it considers relevant, including (but not limited to)"

> (A) with respect to serious injury --
> (i) the significant idling of productive facilities in the domestic industry,[13]
> (ii) the inability of a significant number of firms to carry out domestic production operations at a reasonable level of profit, and
> (iii) significant unemployment or underemployment within the domestic industry;
> (B) with respect to threat of serious injury --
> (i) a decline in sales or market share, a higher and growing inventory (whether maintained by domestic producers, importers, wholesalers, or retailers), and a downward trend in production, profits, wages, productivity, or employment (or increasing underemployment) in the domestic industry,
> (ii) the extent to which firms in the domestic industry are unable to generate adequate capital to finance the modernization of their domestic plants and equipment, or are unable to maintain existing levels of expenditures for research and development,

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[9] We present our views on this portion of the statute based on a time-defined imported article and domestic industry, as discussed above -- January -April.

[10] Staff Report at II-12, and Table 4. It is difficult to draw a conclusion about the current crop year, since Mexican imports, the dominant source during the period, generally decline in April, and thus the ratios for January-March 1995 may not be indicative of a four-month average.

[11] Section 202(c)(6)(B).

[12] The Commission is not to regard the presence or absence of any of the factors as being "necessarily dispositive." Section 202(c)(3).

[13] This includes the closing of plants or the underutilization of production capacity.

(iii) the extent to which the United States market is the focal point for the diversion of exports of the article concerned by reason of restraints on exports of such article to, or on imports of such article into, third country markets.

Petitioners have alleged a downward trend in domestic production, based on a decrease in acres planted, acres harvested and production shipped, and growers shifting to other crops.[14] Acreage planted varied during the period, and was lower in 1995 compared to three of the four previous crop years.[15] Acreage harvested, on the other hand, showed an increase in 1994, compared to earlier years, although data for 1995 were not yet available.[16]

Petitioners submitted one instance in which a grower and packer of fresh winter tomatoes closed, allegedly due to the effects of increasing imports, and suggested that a number of other growing and packing operations have closed.[17] Petitioners further allege that the size of the workforce growing and packing fresh winter tomatoes has decreased since 1991. Available data on employment in the fresh winter tomato industry are limited. Florida Department of Labor data, however, suggest that on both an aggregate and monthly basis, the number of workers required for tomato production declined from January-April 1992 to January-April 1994.[18]

Petitioners have argued as well that imports of fresh winter tomatoes have not allowed the domestic industry to operate at reasonable levels of profit.[19] There are no public data on the profit and loss experience of fresh winter tomato growers, and in the course of the Commission's monitoring investigation only a very limited number of Florida growers reported such data.[20]

During 1991-1994, Mexico irregularly increased its total area planted for fresh market use, and area harvested followed a similar trend.[21]

C. SUBSTANTIAL CAUSE

The Commission is required to consider whether increased imports are a substantial cause of any serious injury or threat. Substantial cause is defined as "a cause which is important and not less than any other cause."[22] For purposes of this provisional relief phase, we determined that the increase in imports is a substantial cause of serious injury or threat of serious injury. We find it important, however, that we present our concerns with this conclusion.

First, it is not clear that acreage planted, harvested, and domestic shipment data rise to a level that requires a finding of either serious injury or threat of such injury. There have been other indicators during the period that may also be an important contributing cause of serious injury to the fresh winter tomato industry, such as weather-related losses.

Factors affecting industry profitability must also be closely examined. Petitioners claim that while they may be profitable on an annual basis, losses occurred during the January-April period.

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[14] Petition at 14.

[15] Staff Report at Table 5.

[16] Id.

[17] Petition at 19-21, Transcript at 15, and Post-Conference Submission of Petitioners at Attachment 7.

[18] Staff Report at II-22 and Table 11.

[19] Petition at 23.

[20] The Commission did not verify if those growers that responded are located within the Florida fresh winter tomato growing area.

[21] Staff Report at Table C-2. These data, however, are for total hectares planted and harvested on an annual basis.

[22] Section 202 (b)(1)(B).

According to petitioners, even in years when they are affected by factors such as weather-related declines in production yield, prices should adjust to compensate for decreased supply.[23] A simple analysis, however, of price trends and comparison of domestic and import prices does not necessarily support a serious injury or threat finding as required under this statute.[24] Rather, it is in industry profitability statements that such a conclusion, if justified, would be indicated. While petitioners have been asked specifically to provide such data,[25] nothing was submitted for our review during this provisional relief phase.[26]

IV. NEGATIVE DETERMINATION CONCERNING PROVISIONAL RELIEF

Section 202(d)(1)(C) provides that for the Commission to reach an affirmative provisional relief determination, one of two conditions must be met:

> (i) [if] the serious injury [or threat of serious injury] is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or,
> (ii) [if] the serious injury [or threat of serious injury] cannot be timely prevented through [an ordinary section 202 investigation].

Based on the available information, we do not find that either condition is met in this investigation. Legislative history provides some guidance in determining whether a domestic industry meets these conditions:

> In determining whether injury is difficult to repair by reason of perishability, the Commission should consider factors normally considered in an injury analysis in relation to the perishable nature of the domestic product (e.g. short shelf life or marketing season).
>
> These criteria are designed to identify emergency situations where a normal section 201 would be ineffective for a perishable agricultural product industry and fast track preliminary relief is appropriate.[27]

While provisional relief, if granted, is intended to remain in effect during the pendency of the section 201 investigation, the fresh winter tomato industry requested relief only through April 30.

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[23] See, for example, Transcript at 69.

[24] Prices for fresh winter tomatoes are affected by a number of factors, including supply and demand conditions and type of packaging. Prices for U.S.-grown tomatoes are generally quoted on the basis of 25-pound cartons, while Mexican-grown tomatoes are packed and quoted on the basis of either 20- or 30-pound cartons. Staff Report at II-26, and note 43.

[25] Petitioners indicated that the University of Florida publishes profitability data in a document, "Cost and Returns for Vegetable Crops in Florida," and that such data could be isolated for the January-April period. Transcript at 61.

[26] Additional questions arise as to the method by which costs would be allocated in a time-based industry. While petitioners allege that they may be profitable on a full-year basis, but lose money during the January-April period (Transcript at 86-87), costs associated with the January-April period will be incurred outside the period, since planting begins in July and harvesting continues through mid-June.

[27] *Trade and International Economic Policy Reform Act of 1987: Report of the Committee on Ways and Means . . . to Accompany H.R. 3*, H. Report 100-40 (100 Cong., 1st Sess.), at 90.

And, given the definition of the scope, if provisional relief would be limited to such dates, then it would at best be in effect for 11 days, and possibly for only 4 days.[28]

Petitioners themselves conceded in statements made in their petition and at the staff conference that any serious injury is not likely to be repaired or prevented during the course of this investigation by provisional relief. Provisional relief in this case would expire prior to the next fresh winter tomato growing season, and Petitioners admitted that imports during non-winter months are not injurious in terms of actual and relative numbers.[29] Therefore, the decision we must make on whether provisional relief would remedy or prevent serious injury can only relate to any injury being caused in the days remaining between our determination and the end of April.

During this late April period, imports from Mexico, which account for virtually all imports of fresh winter tomatoes, are entering at significantly reduced volumes compared to earlier in the January-April period. In 1994, imports during the last two weeks of April accounted for 3.3 percent of total imports, and 1.4 percent of total apparent consumption.[30]

Petitioners further state that the very nature of the product and the realities of the marketplace argue against the effectiveness of any relief, much less provisional relief, in preventing serious injury to the domestic industry. In response to direct questions about how provisional relief would affect the serious injury being alleged, the petitioners indicated only non-economic effects of any such relief.[31] In their own words, "it is most difficult to bring a provisional relief request that would provide some relief during the current season. And when brought, it would be most difficult to provide relief during the same season."[32]

In short, there is no evidence that provisional relief is likely to remedy or prevent serious injury during the pendency of this investigation.

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[28] After receiving the advice from the Commission, the President has seven days to determine the type and level of relief to be imposed.

[29] Petition at 10.

[30] Remedy Memorandum, Fresh Winter Tomatoes, p. 7.

[31] See, for example, Transcript at 98, 99, and 113.

[32] Transcript at 11.

PART II

INFORMATION OBTAINED IN THE INVESTIGATION

INTRODUCTION

This investigation results from a petition filed by the FTE, Orlando, FL, and its constituent members, alleging that fresh winter tomatoes, provided for in subheadings 0702.00.20 and 0702.00.60 of the HTS, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.[1] The petitioner, having indicated that the subject tomatoes are perishable agricultural products that have been the subject of Commission monitoring under section 332(g) of the Tariff Act of 1930 for more than 90 days, also requests that, pursuant to section 202(d) of the Trade Act of 1974, provisional relief be provided, in order to avoid circumstances in which a delay in taking action would cause such harm that would significantly impair the effectiveness of final import relief. Information relating to the schedule of the investigation is provided below.

Date	*Action*
March 29, 1995 . .	Petition filed with the Commission; institution of inv. No. TA-201-64 (60 FR 16883, Apr. 3, 1995)[2]
April 10	Conference on provisional relief[3]
April 17	Vote on provisional relief
April 19	Commission's findings and recommendations on provisional relief due to the President
July 6	Hearing on injury
July 27	Scheduled date for vote on injury
August 17	Hearing on remedy (if necessary)
September 15	Scheduled date for vote on remedy (if necessary)
September 25	Commission's findings and recommendations due to the President

PREVIOUS AND RELATED INVESTIGATIONS

Section 316 of the NAFTA Implementation Act requires the Commission to monitor U.S. imports of "fresh or chilled tomatoes" until January 1, 2009, for purposes of expediting a request for provisional relief made in a petition for bilateral relief regarding imports from Canada or Mexico under section 302 of the NAFTA Implementation Act or in a petition for relief regarding all countries filed under section 202 of the Trade Act of 1974. As a result, the Commission instituted investigation No. 332-350 (Monitoring of U.S. Imports of Tomatoes) under section 332(g) of the Tariff Act of 1930. In June 1994, the Commission issued the first report on this monitoring effort (*Monitoring of U.S. Imports of Tomatoes*, Inv. No. 332-350, USITC Pub. 2771 (June 1994)). A second monitoring report is currently under development and is scheduled to be issued during 1995. As contemplated by section 316 of the NAFTA Implementation Act, and as indicated below, information from the monitoring efforts has been extensively used, as appropriate, in the preparation of this report. Information gathered for the monitoring reports is presented in appendix C.

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[1] For purposes of this investigation, "fresh winter tomatoes" are defined as fresh or chilled tomatoes (including but not limited to the varieties known scientifically as *Lycopersicon esculentum* and *Lycopersicon pyriforme*), excluding cherry tomatoes (*Lycopersicon cerasiforme*), if entered during the period from January 1 through April 30, inclusive, in any year.

[2] A copy of the cited *Federal Register* notice is presented in appendix A.

[3] A list of witnesses appearing at the conference is presented in appendix B.

THE PRODUCT

There are two main issues in the context of this investigation regarding the appropriate domestic product that is "like" or "directly competitive with" imported fresh winter tomatoes. The first of these issues is whether the domestic product should be limited to tomatoes grown for the fresh market (fresh-market tomatoes), or whether it should include tomatoes grown for processing (processing tomatoes). Secondly, the Commission must consider whether the domestic product should be limited to those tomatoes (or fresh-market tomatoes) harvested and sold in the winter season -- defined in the petition as the period January 1 through April 30 -- or whether it should comprise all tomatoes (or fresh-market tomatoes) regardless of the season in which they are harvested and/or sold.

Physical Characteristics and Uses

All tomatoes of commerce, whether intended for fresh-market use or for processing, are members of the Nightshade family. The common round tomato of commerce is usually referred to as *Lycopersicon esculentum*, plum or pear tomatoes as *Lycopersicon pyriforme*, and cherry tomatoes as *Lycopersicon cerasiforme*. All tomato types share some of the same essential physical characteristics; all have multiple locules (chambers that are filled with a substance that surrounds the seeds), are generally self-pollinating plants, and are used as a food for human consumption. *Lycopersicon esculentum* and *Lycopersicon pyriforme* are used in both the fresh market and in processing, and there are generally only small differences in acidity, water content, or concentration of soluble solids between fresh-market and processing tomatoes.

Although harvested fresh-market and processing tomatoes share several physical characteristics, there are distinguishable differences in the characteristics of both types of tomatoes, principally as a result of their intended end uses. Fresh-market tomatoes are manually harvested and handled to ensure that they reach the final retail market with a good appearance. As fresh-market tomatoes are commonly served sliced or cut in wedges for use in salads or sandwiches, appearance remains an important consideration in retail sales. To a lesser extent, fresh-market tomatoes also may be used by retail consumers as an ingredient in sauces, soups, and dressings. Processing tomatoes, on the other hand, are mechanically harvested to produce tomato-based products with a minimal amount of labor, and hence, lower costs incurred by the grower, with little importance attached to the physical appearance of the fruit at harvest.

There are also fundamental genetic differences between fresh-market and processing tomatoes. Fresh-market tomatoes are bred to have 5 to 7 interior chambers and a firm skin, which necessitates hand harvesting. Fresh-market tomatoes tend to ripen over a number of days and are generally harvested several times during a growing season. Processing tomatoes are bred to have a thicker skin (which allows for mechanical harvesting), more flesh (fewer chambers), less gelatinous material, and fewer seeds than fresh-market tomatoes. In addition, most of the processing tomatoes in any plot ripen simultaneously and may be harvested at one time. A higher solids content (the ratio of flesh to gelatinous material and seeds) is one of the primary objectives of growing tomatoes for processing, as tomato paste is the primary intermediate product of tomato processors. Tomato paste also serves as the base for sauces and soups made by other industrial users; lesser amounts of processing tomatoes are made into whole, sliced, or chopped peeled tomatoes, salsa, juice, and powder.

Fresh-market winter tomatoes, grown both in Florida and Mexico, are essentially the same varieties and types of tomatoes, but with occasional differences in the color and hardness of the fruit. Fresh-market tomatoes are often described and priced as either mature-green or vine-ripe tomatoes. In recent years, the bulk of production in Florida was of mature greens; in the 1993/94 season, five 25-pound cartons of mature greens were shipped for every one 20-pound carton of vine-ripe

tomatoes.[4] The bulk of production in Mexico was historically vine-ripe tomatoes, with recent increases in harvested acreage and production attributed to increased production of mature-green, plum, and cherry tomatoes.[5] Tomatoes grown for fresh-market use other than in the January-April months are essentially the same as those grown in Florida and Mexico during the winter, except that there are more fresh-market/processing hybrids grown during the summer months throughout the United States.

Interchangeability

The degree to which fresh-market and processing tomatoes are interchangeable in the United States on a commercial scale is limited. U.S. winter fresh-market tomatoes are grown only in Florida. Currently, there is no known commercial tomato processing in Florida and no known diversion of Florida-grown fresh-market tomatoes for processing in other states. During this same winter production period, there is Mexican production for both fresh-market sales and for processing, and Mexican-grown tomatoes have moved between each end use in Mexico depending upon conditions in existence at the time of harvest. Virtually all imports, however, of tomatoes from Mexico are intended for the fresh market and have been sold as such.[6] During the 1993/94 marketing year, less than 0.5 percent of all fresh tomatoes imported from Mexico were rejected by the Arizona Federal-State Inspection Service as not meeting USDA standards for fresh-market grades. While these tomatoes legally could enter the United States to be used for processing, all such tomatoes were either returned to Mexico or discarded.[7]

As U.S. fresh-market tomato production shifts to northern Florida, California, and eventually to most other states in late spring and throughout the summer, tomatoes grown for the fresh market may be used for processing to a very limited extent. The costs involved and cultural techniques used in raising fresh-market tomatoes are such that sales of fresh-market tomatoes for processing would generally be considered distress sales.[8] U.S. growers have sold very limited quantities of fresh-market tomatoes for processing in recent years, with most of these sales occurring in the eastern United States. Limited amounts of fresh-market tomatoes, left in the field after the primary harvest in Florida has been completed, have been sold for processing in Georgia in recent years.[9]

In the tomato processing industry, an estimated 70 to 80 percent of the tomatoes used are contracted for prior to planting.[10] Nearly all major processors may accept small amounts of product not contracted for before harvesting, but virtually all of this product is still of processing-type tomatoes. In addition, fresh-market tomatoes are generally considered to be of inferior quality in terms of the slightly higher solids content important to processors and are not as fully mature when harvested. These factors severely limit the possibility for any meaningful routine diversion of fresh-market tomatoes to the processing market.

Tomatoes grown under contract for processing must be delivered to the processor under the conditions of the contract. Such tomatoes, grown and harvested in the traditional manner for

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[4] *Annual Report: 1993-94*, Florida Tomato Committee, Orlando, FL, p. 35.

[5] *Competition in the U.S. Winter Fresh Vegetable Industry*, ERS, USDA, Washington, DC, Agricultural Economic Report Number 691, July 1994, p. 35.

[6] Some imports of fresh tomatoes from the Baja California area have been sold to processors. Transcript, p. 225.

[7] Conversation with Charles Everette, District Manager, Arizona Federal-State Inspection Service, USDA, Nogales, AZ, Oct. 1994.

[8] In this situation, a grower or handler is trying to gain whatever return possible, regardless of whether or not such returns cover any or all of its costs.

[9] Transcript, p. 62.

[10] Telephone conversation with the California League of Food Processors, Dec. 1994.

processing tomatoes, are unsuitable for the fresh market. As processing tomatoes are machine harvested when more fully ripe, these tomatoes are often bruised, subject to rapid decay, and generally unmarketable through existing fresh-market tomato channels. Unlike fresh-market tomatoes, which are field- or shed-packed in 25-pound cartons, processing tomatoes are field-loaded into large wooden boxes or directly into open-topped tractor trailer trucks for delivery to a processor. Even if processing tomatoes were hand harvested, most would still not be generally acceptable at the fresh-market consumer level.

The perishable nature of fresh-market tomatoes also precludes the interchangeability of fresh-market tomatoes harvested and marketed at different times of the year. Given that a fresh-market mature-green or vine-ripe tomato harvested in any month would not be suitable for consumption after about 3 weeks, a tomato harvested in one month could not be substituted for a tomato harvested a month later.[11] Therefore, the market conditions present in one month should have little, if any, influence over the market conditions 4 weeks later. USDA, for example, reports data separately for fresh-market tomatoes grown in various seasons of the year.

Fresh-market tomatoes grown in Mexico are interchangeable with fresh-market tomatoes grown in Florida in virtually all uses. Florida industry officials state that the growing location of the fresh-market tomato is immaterial.[12] Other than Roma tomatoes or a Florida-grown tomato variety that results in yellow meated tomatoes, fresh-market tomatoes from both sources are the same general shape and color. Growers in both countries are raising the same red round tomato, with the same outward appearance and structure, although the variety of tomato grown in Mexico may be different from that grown in Florida.

The most noticeable difference between Florida-grown and Mexican-grown tomatoes may be the color of the majority of the fruit shipped from each source. The bulk of Florida shipments are described as mature green tomatoes, which are the same tomato as that grown in Mexico but are harvested at an earlier stage of development. If left on the plant longer to ripen further, the mature-green color would change to a darker red similar to that of both Florida- and Mexican-grown vine-ripe tomatoes. Both mature green and vine ripe tomatoes are believed to be interchangeable with each other.

From a producer standpoint, fresh-market red round tomatoes grown in Florida are the same as those grown in Mexico, with the same basic cultural requirements. Producers are believed to perceive tomatoes from each source as interchangeable. Thus, there would be little if any incentive to switch from growing one variety to the other.

Channels of Distribution

Fresh-market and processing tomatoes do not share common channels of distribution. During the winter, nearly all U.S. commercially grown fresh-market tomatoes are graded and packed, then sold from shipping point packing houses to wholesalers, distributors, and food brokers. These intermediaries then sell the fresh-market tomatoes to other distributors, retailers, or food service users in basically the same form. Mexican-grown fresh-market tomatoes are packed in Mexico and shipped to a Customs port of entry (principally Nogales, AZ) from which, after entry, sales are arranged by U.S. importers and brokers with many of the same purchasers and shipped through most of the same distribution channels as U.S.-grown tomatoes. There are no processing facilities at Nogales, AZ, or San Ysidro, CA to handle any diversion of fresh-market tomatoes to the processing market.

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[11] A U.S. fresh-market tomato harvested at the vine-ripe stage has an estimated marketable shelf life of at least 7 days while a fresh-market tomato harvested at the mature-green stage has an estimated marketable shelf life of 1 to 3 weeks.

[12] Transcript, p. 19.

During the non-winter months, fresh-market tomatoes from major U.S. producing areas generally are sold through the same channels as winter fresh-market tomatoes, but with the addition of a large volume of sales through regional markets and roadside stands. Imports from Mexico are much less significant during the late winter/early spring through early fall months and are concentrated in the Western United States.

Processing tomatoes do not pass through the same channels of distribution as fresh-market tomatoes and are not available for sale during the winter months. As mentioned, an estimated 70 to 80 percent of U.S.-grown processing tomatoes are contracted for between a grower and processor before planting, and only rarely have they been sold on the fresh market. These tomatoes are planted during the spring and early summer for processing in early to late fall. An estimated 85 percent of processing tomatoes are grown in California.

Producer and Consumer Perceptions

At the grower/processor level, neither fresh-market tomato growers in Florida nor processing tomato growers in California consider fresh-market and processing tomatoes to be like one another, because of the differences in industry structure; harvesting methods; and tomato solids content, appearance, and end uses.[13] Winter fresh-market tomato growers in Florida describe the industry as strictly oriented to the fresh market. There is no known processing tomato production in Florida.

Grower perceptions of tomato production during the rest of the year are much the same as during the winter months, with some exceptions. There are two distinct grower organizations in California, the principal U.S. processing tomato production area and a significant source of fresh-market tomatoes in the non-winter months. The California Tomato Board represents growers of fresh-market tomatoes and the California Tomato Growers Association, Inc. represents growers of processing tomatoes. The existence of these two separate associations indicates that California tomato producers believe the two industries to be separate and fresh-market and processing tomatoes to be distinct products.

Growers in Ohio and Pennsylvania, states with significant tomato processing industries, also have indicated that processing tomatoes are distinct from fresh-market tomatoes. In the eastern United States, however, there are some states (such as New Jersey, Maryland, and Virginia) with a number of growers that raise tomatoes both for processing and fresh-market use and shift their production to either market as prices and supplies change throughout their harvest period. The total volume of sales by these producers is estimated to be less than 5 percent of total U.S. sales of fresh-market and processing tomatoes annually.

At the customer level, wholesale and retail consumers of fresh-market and processing tomatoes are purchasing different products for distinctly different end uses. Brokers, wholesalers, and retailers of fresh-market tomatoes are looking for certain product characteristics (such as desirable overall appearance -- good color, size, and firmness -- and a relatively long shelf life) that are common in specific varieties of tomatoes sold in the fresh market. In general, individual consumers are looking for these same characteristics in their fresh-market tomatoes, although some consumers may purchase small quantities of processing tomatoes, if available, because they perceive these tomatoes to be more mature and to have a perceived better or fuller taste. There is no known trade, however, in processing-type tomatoes for fresh-market sales on a commercial scale. Indeed, the fact that purchasers of fresh produce have historically purchased only fresh-market tomatoes and have not created a demand for substantially lower-priced processing tomatoes further suggests that fresh-market tomato customers perceive only fresh-market tomatoes to be suitable for their purposes.

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[13] Submissions on behalf of the FTE and John C. Welty, Executive Vice President, California Tomato Growers Association, Inc., in connection with Inv. No. 332-350, *Monitoring of U.S. Imports of Tomatoes*, Apr. 14, 1994.

On a commercial scale, virtually all customers purchasing processing tomatoes are the firms that process the tomatoes and that are interested in very specific physical characteristics found in processing tomatoes. These consumers perceive processing tomatoes to be better suited for their processing uses, while at the same time being much lower in price than fresh-market tomatoes. Indeed, processing tomatoes are generally purchased under contract on a per-ton basis, as opposed to fresh-market tomatoes which are sold on a per-carton or per-pound basis.

In recent years, consumption of fresh-market tomatoes has remained relatively high, even though the bulk of Florida shipments were mature greens and the bulk of imports from Mexico were vine ripes. Consumer perceptions, therefore, appear to show that either type is suitable for fresh market use, although there may be slight differences in color and firmness. In addition, in many instances, institutional, chain store, and retail consumers are usually unaware of the origin of the tomatoes offered for sale. Although there may be some consumer perception of a difference in quality or taste as a result of a difference in color, most tomatoes are displayed in stores in loose bins or boxes wherein most of the tomatoes are nearly all the same color.

Production Facilities and Employees

For the most part, there is virtually no overlap between commercial fresh-market and processing tomato growers, especially for Florida fresh-market growers and California processing tomato growers, and therefore no overlap in production facilities or employees. Florida is the leading State in terms of fresh-market production area, accounting for 37 percent of the total annual U.S. production area and an estimated 90 percent of the winter production area in recent years. California accounts for about 27 percent of annual U.S. production area of fresh-market tomatoes, with production principally in late spring and summer. A number of other states have significant planted areas of fresh-market tomatoes, especially during the summer and fall months. Some of the production in these areas was intended for fresh-market sales but was sold for processing use, resulting in some overlap of production facilities and employees.

There is no known processing tomato production in Florida. California accounts for an estimated 91 percent of the total U.S. processing tomato area planted; virtually all of the production from this area is intended for processing. Although fresh-market and processing tomatoes can technically be grown on the same field, current economic conditions have led the processing tomato industry to concentrate in the interior valleys of California and to remain in processing tomato production. Other states with significant processing tomato production area include Ohio, Indiana, Michigan, and Pennsylvania. Some of the production area in these latter states may be planted in either fresh-market or processing tomatoes in certain years, with some overlap in both production facilities and employees.

There are also significant differences in the production methods of fresh-market and processing tomatoes that preclude the sharing of acreage planted. Fresh-market tomatoes are commonly grown with the assistance of stakes to raise the plant and keep the fruit away from the ground. These stakes would prevent the use of mechanical harvesters that are commonly used for processing tomatoes. In addition, much of the commercial production of fresh-market tomatoes is grown using micro- or drip irrigation for both water and fertilizer application. This procedure requires the installation of plastic tubing within rows, an expensive practice usually intended to be kept in place for more than one season and which constitutes a hindrance to mechanical harvesting. Furthermore, fresh-market tomatoes are harvested by hand, as no commercially viable mechanical harvesting technology currently exists that does not severely damage the fruit. Fresh-market tomatoes are generally harvested when they are fully mature in size but still either green or pink in color to allow for the controlled ripening of the fruit and to reduce handling and shipping damage.

In contrast, most processing tomatoes are grown on the ground, where the plant and fruit may incur higher rates of insect or disease damage. Processing tomato plants are more closely spaced, and furrow irrigation methods are used for watering. In addition, processing tomatoes are

machine harvested, and are harvested more fully ripe. The extensive reliance on manual labor for harvesting fresh-market tomatoes compared to the machine harvesting of processing tomatoes dictates the differences in employees used to produce fresh-market and processing tomatoes. As a result of these factors, harvesting (including hauling, packing, and the cost of containers) of fresh-market tomatoes costs an estimated $0.27 to $0.32 per kilogram, whereas harvesting of processing tomatoes costs $0.008 to $0.02 per kilogram.

The packing and shipping procedures for fresh-market and processing tomatoes also are distinctly different. Fresh-market tomatoes may either be field-packed into cartons at the time of harvesting or brought to a packing shed, where the fruit is graded, sorted, and packed in cartons holding either 20 or 25 pounds of tomatoes. These tomatoes may be exposed either at the shipping point or the destination market to ethylene gas in order to hasten the ripening of the fruit. The fruit is then shipped in boxes throughout the country from the production point. In contrast, processing tomatoes are harvested directly in bulk into large trucks and are then transported to a nearby processing facility to be processed immediately. Processing tomatoes are not held in temporary cold storage for possible diversion to the fresh market nor are they hand sorted to remove a percentage of the product for fresh market outlets.

Price

USDA price data indicate that there are significant price differences between fresh-market and processing tomatoes. Average prices received by shippers of fresh-market tomatoes were $0.60 per kilogram in 1994, while growers of processing tomatoes received roughly $0.07 per kilogram.[14] Thus, prices for fresh-market tomatoes are many times greater than those of processing tomatoes. Also, the prices of processing tomatoes are negotiated prior to planting or harvesting, whereas fresh-market prices are not known until after the product is harvested, packed, and sold, with prices fluctuating widely on a daily basis.

U.S. Tariff Treatment

The tariff treatment of fresh or chilled tomatoes, other than cherry tomatoes, (as of Jan. 1, 1995) is shown in the following tabulation (*per kilogram*):

HTS No.	Column 1	Canada	Mexico
0702.00.60 (Nov. 15-Feb. 28/29)	$0.032	$0.009	$0.026[1] (within 1995 quota of 172,300,000 kg.) .032 (over quota)
0702.00.20 (Mar. 1-July 14)	.045	.013	.036[1] (within 1995 quota of 170,465,000 kg.) .045 (over quota)
0702.00.40 (July 15-Aug. 31)	.032	.009	.019[2]
0702.00.20 (Sept. 1-Nov. 14)	.045	.013	.027[2]

[1] Declining each year until completely eliminated in 2003. At the same time, the TRQ amount increases annually.

[2] Declining each year until completely eliminated in 1998.

[14] *Vegetables: 1994 Summary*, NASS, USDA, Washington, DC, VG 1-2(95), pp. 38 and 83.

THE U.S. MARKET

U.S. Producers

The FTE, the petitioner in this proceeding, is a cooperative association of "first handlers" of fresh-market tomatoes, incorporated in 1974, which spends most of its efforts on public relations, production research, tomato promotion, legislative activities, legal aid, and other activities not provided for under the Federal Tomato Marketing Order. The FTE is a voluntary association and is designed to assist the Florida Tomato Committee in providing collective action with regard to the orderly marketing and distribution of fresh Florida tomatoes.[15] For the 1994-95 season, there were 27 members of the FTE.[16] According to the Florida Tomato Committee's most recent annual report, FTE members account for more than 95 percent of the volume of production of fresh winter tomatoes in the "Production Area."[17] The petition claims that FTE members are growers of tomatoes as well as packer/shippers.[18]

The FTGE, formed in 1989, is a separate group generally limited to growers who may or may not also be members of the FTE or the Florida Tomato Committee.[19] This group's activities are limited to providing collective action with respect to the orderly marketing and distribution of fresh-market tomatoes only. During the period of investigation, this group has functioned only sporadically, with many members resigning and subsequently rejoining, and has operated primarily in response to unusual market conditions.

As indicated above in the section of this report entitled "The Product," available information indicates that virtually all fresh-market tomatoes produced in the United States during the January-April period were produced in Florida. Appendix D indicates that, except for small levels of shipments from Puerto Rico, Florida and Mexico account for the vast majority of the tomato market in those months.[20]

U.S. Importers

During the January-April period, most imports of fresh-market tomatoes from Mexico enter through the port of Nogales, AZ. A review of the CNIF indicated 198 significant importers of tomatoes valued at over $100,000 per year. Of this group, 74 were located in Nogales. In 1994, 16 of the 20 largest importers of fresh-market tomatoes from Mexico (ranked by value), were based in Nogales. Other imports from Mexico enter primarily in southern California through the San Diego Customs district. Imports from Mexico do not enter the United States through any Florida ports.

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[15] The Florida Tomato Committee is a federally-created advisory committee (authorized by USDA) to administer the Federal Marketing Order for Florida tomatoes, and issues regulations dealing primarily with quality standards.

[16] Petition, Exhibit 1. The FTE, however, estimates that there are about 90 growers of fresh winter tomatoes in Florida; transcript, p. 52. FTE members often "handle" tomatoes from several growers.

[17] The "Production Area" is defined as the Florida counties of Pinellas, Hillsborough, Polk, Osceola, and Brevard, and all counties southward. Petition, p. 4.

[18] Petition, p. 3. At least one FTE member has growing and shipping interests in Mexico. Transcript, p. 139.

[19] The degree to which overlap exists among these organizations is unknown. The Commission has repeatedly requested the petitioner to provide a list of members of the FTGE, but to date has not received such a list. The FTGE is not limited to growers, but contains some handler members as well. Annual Report of the Florida Tomato Committee (1993-94), p. 16.

[20] As seen in app. D, Florida also ships significant quantities of tomatoes in all months of the year except for August and September.

Apparent U.S. Consumption

As seen in table 1, apparent consumption of fresh winter tomatoes showed no particular trend during the period under investigation. Consumption in the 1992 winter season dipped slightly, as imports from Mexico plummeted because of adverse weather conditions, but Florida production almost took up the entire slack.[21] Consumption rebounded in the 1993 season, and slowed somewhat in 1994.

Table 1
Fresh winter tomatoes: U.S. shipments of domestic product, U.S. imports, by sources, and apparent U.S. consumption, Jan.-Apr. 1991-Jan.-Apr. 1995[1]

Item	January-April-- 1991	1992	1993	1994	1995[2]
	Quantity (*1,000 pounds*)				
Producers' U.S. shipments	691,847	928,866	761,703	757,066	144,992
U.S. imports from:					
Mexico	523,694	208,669	573,389	530,541	144,960
Other sources	2,806	11,974	7,404	6,893	1,337
Total	526,500	220,643	580,793	537,434	146,297
Apparent consumption	1,218,347	1,149,509	1,342,496	1,294,500	291,289
	Value (*1,000 dollars*)				
Producers' U.S. shipments	252,953	481,052	229,393	185,324	61,147
U.S. imports from:					
Mexico	188,057	92,292	234,822	239,117	59,940
Other sources	4,235	13,277	7,423	10,104	2,040
Total	192,292	105,569	242,246	249,220	61,980
Apparent consumption	445,245	586,621	471,639	434,544	123,127

[1] U.S. shipment data exclude cherry tomatoes; U.S. import data include such tomatoes.
[2] 1995 data are for January only.

Source: Compiled from annual reports of the Florida Tomato Committee and official statistics of Commerce.

Value-based consumption trends were similar except in the 1992 season, when the value of apparent consumption actually increased despite more than a 50-percent drop in imports from Mexico. This discrepancy is attributable to the higher prices received during that season by Florida growers. Apparent consumption of fresh-market tomatoes, on an annual and countrywide basis, is presented in appendix C, table C-1.

[21] Imports from non-Mexican sources also surged in that season.

THE QUESTION OF INCREASED IMPORTS

U.S. Imports

Commerce statistics for imports of fresh winter tomatoes from all sources, by individual source, during the period January 1 through April 30, are presented in table 2.[22] Monthly data for imports from Mexico and from all other sources combined are shown in table 3.

Periodic data show that, except for the unusual 1992 season, imports from Mexico increased from 1991 to 1993, both in terms of quantity and value (table 2). In crop year 1994, the quantity of imports from Mexico declined but the value increased slightly. Trends in total imports, heavily influenced by imports from Mexico, were identical. Imports from Mexico were well over 85 percent of total imports in all periods.

Unit values of imports from Mexico increased overall during the period examined, and generally showed a steady rise when crop year 1992 is excluded.[23] These unit values were consistently below the majority of alternate regular suppliers of tomatoes to the U.S. market, however. Among such suppliers, only the Dominican Republic and the Bahamas had unit values as low as those for Mexico. Unit values for suppliers of greenhouse tomatoes such as the Netherlands, Belgium, and Canada were considerably higher than those for Mexico.

Monthly data show that in three of the four crop years for which complete data are available, most imports from Mexico entered in February or March (table 3). This pattern was particularly marked in crop year 1994. For January, the only month for which a full series of data are available, import volume fluctuated across the period of investigation, but was higher in crop year 1995 than at any previous point during the period. More current information on weekly import levels from Mexico, as compiled by USDA, is presented in appendix C, table C-5. Similar data for 1994 are presented in table C-4. On the basis of data in those tables, average weekly imports from Mexico during January-April 1994 and 1995 were as follows (*in 1,000 pounds*):

Month	1994	1995
January	24,642	35,592
February	39,250	57,158
March	45,320	45,253 (3 weeks)
April	27,152	([1])

[1] Not available.

U.S. Imports Relative to Production

Table 4 indicates the ratio of U.S. imports of fresh winter tomatoes to domestic production. In this context, U.S. shipments, as compiled by the Florida Tomato Committee, are used as a proxy for production.

Except for the 1992 crop year, in which imports from Mexico were severely curtailed by flooding, imports from Mexico were equivalent to from two-thirds to three-fourths of U.S. production during the January-April period. Imports from other sources were consistently equal to 1 percent or less of U.S. production except in the 1992 season, when they increased to 1.3 percent of such production.

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[22] Full-year crop year data for 1995 are not available.

[23] The value of imports from Mexico are estimates based on the previous month's price for tomatoes at the Los Angeles Wholesale Terminal Market. Interview with Customs Import Specialist, Nogales, AZ, Sept. 1994.

Table 2
Fresh winter tomatoes: U.S. imports for consumption, by sources, Jan.-Apr. 1991-Jan.-Apr. 1995[1]

Source	January-April– 1991	1992	1993	1994	1995
	Quantity (*1,000 pounds*)				
Mexico	523,694	208,669	573,389	530,541	144,960
Israel	1,345	3,123	2,451	3,630	378
Netherlands	197	1,826	992	1,305	433
Canada	485	716	1,075	1,138	150
Bahamas	0	4,546	1,972	0	0
Dominican Republic	708	1,065	709	33	0
Belgium	21	218	139	761	7
Spain	3	0	0	0	368
Venezuela	0	257	0	0	0
Costa Rica	0	162	0	0	0
France	0	22	58	25	0
Colombia	32	0	0	0	0
Somalia	16	0	0	0	0
Dominica	0	21	0	0	0
Argentina	0	17	0	0	0
Chile	0	0	8	1	0
Italy	0	1	0	0	0
Total, world	526,500	220,643	580,793	537,434	146,297
	Value (*1,000 dollars*)				
Mexico	188,057	92,292	234,822	239,117	59,940
Israel	2,971	8,055	4,047	6,087	372
Netherlands	302	3,023	1,575	1,973	933
Canada	535	702	803	800	189
Bahamas	0	338	329	0	0
Dominican Republic	348	541	323	14	0
Belgium	43	358	243	1,178	10
Spain	4	0	0	0	535
Venezuela	0	124	0	0	0
Costa Rica	0	79	0	0	0
France	0	42	93	41	0
Colombia	25	0	0	0	0
Somalia	7	0	0	0	0
Dominica	0	7	0	0	0
Argentina	0	4	0	0	0
Chile	0	0	10	11	0
Italy	0	4	0	0	0
Total, world	192,292	105,569	242,246	249,220	61,980
	Unit value (*per lb.*)				
Mexico	$0.35	$0.44	$0.40	$0.45	$0.41
Israel	2.20	2.57	1.65	1.67	0.98
Netherlands	1.53	1.65	1.58	1.51	2.15
Canada	1.10	0.97	0.74	0.70	1.26
Bahamas	(2)	0.07	0.16	(2)	(2)
Dominican Republic	0.49	0.53	0.45	0.41	(2)
Belgium	2.05	1.64	1.75	1.54	1.48
Spain	1.45	(2)	(2)	(2)	1.45
Venezuela	(2)	0.48	(2)	(2)	(2)
Costa Rica	(2)	0.48	(2)	(2)	(2)
France	(2)	2.06	1.62	1.64	(2)
Colombia	0.79	(2)	(2)	(2)	(2)
Somalia	0.42	(2)	(2)	(2)	(2)
Dominica	(2)	0.35	(2)	(2)	(2)
Argentina	(2)	0.21	(2)	(2)	(2)
Chile	(2)	5.06	(2)	(2)	(2)
Italy	(2)	(2)	1.21	21.60	(2)
Average, world	0.36	0.47	0.41	0.46	0.42

[1] 1995 data are for January only.
[2] Not applicable.

Source: Compiled from official statistics of Commerce.

Table 3
Fresh winter tomatoes: U.S. imports for consumption, by sources and by months, Jan.-Apr. 1991-Jan.-Apr. 1995

Source/month	1991	1992	1993	1994	1995
Mexico:					
January:					
Quantity (*1,000 lbs.*)	100,655	75,818	127,304	108,067	144,960
Value (*1,000 dollars*)	28,624	22,261	67,953	65,753	59,940
Unit value (*$/lb.*)	0.29	0.29	0.54	0.61	0.41
February:					
Quantity (*1,000 lbs.*)	145,717	53,350	154,336	137,870	[1]
Value (*1,000 dollars*)	39,528	21,299	60,109	95,575	[1]
Unit value (*$/lb.*)	0.27	0.40	0.39	0.69	[1]
March:					
Quantity (*1,000 lbs.*)	148,879	38,585	157,753	184,313	[1]
Value (*1,000 dollars*)	63,625	16,280	62,234	49,472	[1]
Unit value (*$/lb.*)	0.43	0.42	0.39	0.27	[1]
April:					
Quantity (*1,000 lbs.*)	128,442	40,915	133,996	100,292	[1]
Value (*1,000 dollars*)	56,281	32,452	44,526	28,317	[1]
Unit value (*$/lb.*)	0.44	0.79	0.33	0.28	[1]
Total, January-April:					
Quantity (*1,000 lbs.*)	523,694	208,669	573,389	530,541	[1]
Value (*1,000 dollars*)	188,057	92,292	234,822	239,117	[1]
Unit value (*$/lb.*)	0.35	0.44	0.40	0.45	[1]
Other sources:					
January:					
Quantity (*1,000 lbs.*)	718	667	1,574	2,495	1,337
Value (*1,000 dollars*)	1,300	1,699	1,983	3,813	2,040
Unit value (*$/lb.*)	1.81	2.55	1.26	1.53	1.53
February:					
Quantity (*1,000 lbs.*)	803	1,314	2,063	848	[1]
Value (*1,000 dollars*)	977	2,438	1,891	1,480	[1]
Unit value (*$/lb.*)	1.22	1.86	0.92	1.74	[1]
March:					
Quantity (*1,000 lbs.*)	589	7,722	1,923	1,033	[1]
Value (*1,000 dollars*)	1,101	6,413	1,590	1,801	[1]
Unit value (*$/lb.*)	1.87	0.83	0.83	1.74	[1]
April:					
Quantity (*1,000 lbs.*)	698	2,272	1,844	2,516	[1]
Value (*1,000 dollars*)	856	2,728	1,961	3,010	[1]
Unit value (*$/lb.*)	1.23	1.20	1.06	1.20	[1]
Total, January-April:					
Quantity (*1,000 lbs.*)	2,806	11,974	7,404	6,893	[1]
Value (*1,000 dollars*)	4,235	13,277	7,424	10,103	[1]
Unit value (*$/lb.*)	1.51	1.11	1.00	1.47	[1]
All imports:					
January:					
Quantity (*1,000 lbs.*)	101,373	76,485	128,878	110,562	146,297
Value (*1,000 dollars*)	29,924	23,960	69,936	69,566	61,980
Unit value (*$/lb.*)	0.29	0.31	0.54	0.63	0.42
February:					
Quantity (*1,000 lbs.*)	146,520	54,664	156,399	138,718	[1]
Value (*1,000 dollars*)	40,505	23,737	62,000	97,055	[1]
Unit value (*$/lb.*)	0.28	0.44	0.39	0.70	[1]
March:					
Quantity (*1,000 lbs.*)	149,468	46,307	159,676	185,346	[1]
Value (*1,000 dollars*)	64,726	22,693	63,824	51,273	[1]
Unit value (*$/lb.*)	0.43	0.49	0.40	0.28	[1]
April:					
Quantity (*1,000 lbs.*)	129,140	43,187	135,840	102,808	[1]
Value (*1,000 dollars*)	57,137	35,180	46,487	31,327	[1]
Unit value (*$/lb.*)	0.44	0.82	0.34	0.30	[1]
Total, January-April:					
Quantity (*1,000 lbs.*)	526,500	220,643	580,793	537,434	[1]
Value (*1,000 dollars*)	192,292	105,569	242,246	249,220	[1]
Unit value (*$/lb.*)	0.36	0.47	0.41	0.46	[1]

[1] Not available.

Source: Compiled from official statistics of Commerce.

Table 4
Fresh winter tomatoes: U.S. imports for consumption relative to U.S. shipments, by sources, Jan.-Apr. 1991-Jan.-Apr. 1995[1]

Source	January-April-- 1991	1992	1993	1994	1995
	Quantity (*1,000 pounds*)				
U.S. imports from:					
Mexico	523,694	208,669	573,389	530,541	144,960
Other sources	2,806	11,974	7,404	6,893	1,337
Total	526,500	220,643	580,793	537,434	146,297
	Ratio to U.S. shipments (*percent*)				
U.S. imports from:					
Mexico	75.6	22.5	75.3	70.1	100.0
Other sources	0.4	1.3	1.0	0.9	0.9
Total	76.1	23.8	76.2	71.0	100.9

[1] January-April 1995 data are for January only.

Source: Compiled from official statistics of Commerce and from annual reports of the FTE.

On the basis of data in tables C-4 and C-5, ratios of imports from Mexico to U.S. shipments during January-April 1994 and 1995 were as follows (*in percent*):

Month	1994	1995
January	76	75
February	113	277
March	150	250 (3 weeks)
April	58	([1])

[1] Not available.

THE QUESTION OF SERIOUS INJURY[24]

U.S. Acreage, Production, and Yield

Data on total U.S. acreage planted in fresh winter tomatoes, production of such tomatoes, and the tomato yield per acre, are presented in table 5. Acreage and yield figures are presented on an annual basis, while production data are shown on a monthly basis.[25] These data show that planted acreage in the winter tomato production area of Central and South Florida showed no clear pattern

[24] Data on the condition of the Florida producers are primarily based on information from the annual reports of the Florida Tomato Committee through the 1993-94 season, the last season for which a report was published. The Commission obtained access to draft data for the 1994-95 season for tomato shipments, but not to data regarding acreage planted and harvested.

[25] Conceptually, planted acreage and yield can only be measured on an annual basis as acres are generally planted only once per growing season. Likewise, the yield of a tomato field can only be assessed at the end of each growing season.

over the period examined. More acres were planted to tomatoes in crop year 1992 than in any other year during the period, with a marked decline in the following season.[26] Since crop year 1993, acres planted have remained relatively constant, with a small dip in the current crop year.

Table 5
Fresh winter tomatoes: U.S. acreage planted, production, and yield, by months and years, crop years 1991-95[1]

Item	Crop year-- 1991	1992	1993	1994	1995
	Quantity (*acres*)				
Acreage planted	45,597	46,255	43,613	45,189	43,670
	Quantity (*1,000 pounds*)				
Production:					
January	200,706	263,038	153,665	165,781	130,595
February	128,997	173,399	160,388	154,234	141,603
March	201,070	165,068	199,391	191,117	123,026
April	159,466	380,583	244,780	253,913	(2)
Total, January-April	690,239	982,088	758,224	765,045	(2)
Total, crop year	1,499,145	1,939,570	1,753,303	1,635,622	(2)
	Yield (*pounds/acre*)				
Yield	32,878	41,932	40,201	36,195	(2)

[1] Data on acreage planted and yield are based on an entire crop year (July-June).
[2] Not available.

Source: Federal/State Florida Agricultural Statistics Service, Orlando, FL.

When viewed on a monthly basis, production fell overall in each month except for April.[27] In January-April 1992, total production surged to nearly 1 billion pounds, but since then it has declined steadily.[28] Crop yields have also decreased consistently since crop year 1992 and, unless April 1995 production is unusually high, are likely to fall this year as well.

Data are also available for total acreage harvested in the Production Area, and are presented in tables 6 and 7. Data for the four-month winter season, as indicated in table 6, show that between crop years 1991 and 1994, acreage harvested in those four months first declined between crop year 1991 and 1992, then rebounded in crop year 1993 and continued to rise in crop year 1994. In general, harvesting in February and March tended to be more stable from year to year than that occurring in January or April. These same data, broken out on a weekly basis, are presented in table 7. A historical compilation of harvested Florida acreage is presented in appendix C, table C-3.

[26] It is not known whether any of the 1992 crop year planting response was a reaction to weather-related events in Mexico.

[27] Crop year 1995 data are not available for April.

[28] Fresh-market tomato production on an annual, countrywide basis is shown in appendix C, table C-1.

Table 6
Fresh winter tomatoes: U.S. acreage harvested, by months, Jan.-Apr. 1991-Jan.-Apr. 1995

(*Acres*)

Month	1991	1992	1993	1994	1995
January	8,940	4,889	4,832	6,170	(1)
February	3,325	3,365	4,387	4,363	(1)
March	2,731	4,065	4,396	4,986	(1)
April	6,405	6,764	8,272	7,366	(1)
Total, January-April	21,400	19,083	21,887	22,885	(1)

[1] Not available.

Source: Annual Reports of the Florida Tomato Committee.

In addition, as can be seen by comparing table 7 to table 5, a significant amount of planted acreage is harvested outside the January-April period. For example, in crop year 1992, total acreage harvested in the January-April period was 19,083 acres, which was less than half the 46,255 acres planted for the entire growing season.

U.S. Producers' Shipments

As seen in table 8, the majority of U.S. producers' shipments of tomatoes during the winter season are of the mature-green variety. Overall, the volume and value of shipments since the record 1992 season have declined. Unit values have also declined, hitting a periodic low of 25 cents a pound in crop year 1994. Industry participants have indicated that prices in the current season are, however, somewhat higher.[29]

Table 9 presents the same data on a monthly basis, and table 10 on a weekly basis.[30] When viewed on a monthly basis, shipments show a slight tendency to concentrate either in January or April rather than in the middle two months. In fact, Florida producers stated at the conference that May is generally the month in which shipments are highest.[31]

On the basis of data in tables C-4 and C-5, average weekly U.S. shipments during January-April 1994 and 1995 were as follows:

Month	1994	1995
January	32,446	20,312
February	34,750	20,665
March	30,190	18,123 (3 weeks)
April	46,724	(1)

[1] Not available.

[29] Transcript, p. 43.

[30] More current weekly shipment data, based on information from USDA's Agricultural Marketing Service, are presented in appendix C, tables C-4 and C-5.

[31] Transcript, p. 91.

Table 7
Fresh winter tomatoes: U.S. acreage harvested, by weeks,[1] Jan.-Apr. 1991-Jan.-Apr. 1995

(Acres)

Month	1991	1992	1993	1994	1995
January:					
Week 1	2,479	510	2,034	1,582	(2)
Week 2	1,654	415	287	1,842	(2)
Week 3	1,313	1,254	1,596	1,613	(2)
Week 4	3,156	1,777	1,117	1,265	(2)
Week 5	-	-	1,144	839	(2)
Total, January[3]	8,940	4,889	4,832	6,170	(2)
February:					
Week 1	1,464	1,344	749	1,453	(2)
Week 2	609	1,019	1,269	1,062	(2)
Week 3	1,042	785	1,096	1,070	(2)
Week 4	753	855	1,155	885	(2)
Week 5	-	514	-	-	(2)
Total, February[3]	3,325	3,365	4,387	4,363	(2)
March:					
Week 1	704	1,359	1,574	1,077	(2)
Week 2	718	744	833	738	(2)
Week 3	965	932	1,329	1,060	(2)
Week 4	157	604	355	1,558	(2)
Week 5	487	-	-	-	(2)
Total, March[3]	2,731	4,065	4,396	4,986	(2)
April:					
Week 1	1,417	995	927	1,205	(2)
Week 2	525	1,110	2,773	1,838	(2)
Week 3	1,495	1,195	2,660	1,910	(2)
Week 4	2,324	2,214	1,187	1,803	(2)
Week 5	-	-	-	1,471	(2)
Total, April[3]	6,405	6,764	8,272	7,366	(2)
Grand Total, January-April	21,400	19,083	21,887	22,885	(2)

[1] Weeks ending in months shown.
[2] Not available.
[3] The sum of the weeks in each month will not add to the totals for the months because the first week of each month listed (i.e., Week 1) may include days from the previous month.

Source: Annual Reports of the Florida Tomato Committee.

Table 8
Fresh winter tomatoes: U.S. producers' shipments, by types, Jan.-Apr. 1991-Jan.-Apr. 1995

Item	January-April-- 1991	1992	1993	1994	1995[1]
Mature green:					
Quantity (*1,000 pounds*)	594,007	799,421	658,678	649,237	364,895
Value (*1,000 dollars*)	215,741	410,161	197,543	159,766	129,494
Unit value (*$/lb.*)	0.36	0.51	0.30	0.25	0.35
Vine ripe:					
Quantity (*1,000 pounds*)	97,841	129,445	103,026	107,829	50,129
Value (*1,000 dollars*)	37,212	70,891	31,849	25,558	15,906
Unit value (*$/lb.*)	0.38	0.55	0.31	0.24	0.32
All maturities:					
Quantity (*1,000 pounds*)	691,847	928,866	761,703	757,066	415,024
Value (*1,000 dollars*)	252,953	481,052	229,393	185,324	145,400
Unit value (*$/lb.*)	0.37	0.52	0.30	0.25	0.35

[1] 1995 data are for January through March only.

Source: Annual Reports of the Florida Tomato Committee.

Table 9
Fresh winter tomatoes: U.S. producers' shipments, by months, Jan.-Apr. 1991-Jan.-Apr. 1995

Year/month	Quantity	Value	Unit value
	1,000 lbs.	*1,000 dollars*	*Per pound*
1991:			
January	204,485	47,563	$0.23
February	131,436	41,544	0.32
March	179,563	76,854	0.43
April	176,363	86,992	0.49
1992:			
January	229,653	95,350	0.42
February	179,873	133,827	0.74
March	194,541	153,217	0.79
April	324,799	98,658	0.30
1993:			
January	164,363	64,176	0.39
February	168,490	34,497	0.20
March	229,962	48,435	0.21
April	198,888	82,285	0.41
1994:			
January	173,617	70,465	0.41
February	151,480	29,520	0.19
March	166,465	41,422	0.25
April	265,504	43,917	0.17
1995:			
January	144,992	61,147	0.42
February	138,229	33,670	0.24
March	131,803	50,583	0.38
April	(1)	(1)	(1)

[1] Not available.

Source: Annual Reports of the Florida Tomato Committee.

Table 10
Fresh winter tomatoes: U.S. producers' shipments, by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

Year/month/week	Quantity	Value	Unit value
	1,000 lbs.	*1,000 dollars*	*Per pound*
1991:			
January:			
Week 1	64,833	13,783	$0.21
Week 2	54,848	13,342	0.24
Week 3	37,930	10,204	0.27
Week 4	41,581	8,527	0.21
Week 5	-	-	-
February:			
Week 1	33,344	7,903	0.24
Week 2	30,605	9,829	0.32
Week 3	33,380	12,805	0.38
Week 4	31,334	10,113	0.32
Week 5	-	-	-
March:			
Week 1	37,227	9,154	0.25
Week 2	46,990	14,216	0.30
Week 3	30,048	13,618	0.45
Week 4	42,124	26,706	0.63
Week 5	43,824	17,235	0.39
April:			
Week 1	41,595	17,246	0.41
Week 2	38,388	22,674	0.59
Week 3	35,707	18,226	0.51
Week 4	42,974	20,069	0.47
Week 5	-	-	-
1992:			
January:			
Week 1	57,832	18,608	0.32
Week 2	57,271	19,946	0.35
Week 3	53,532	28,060	0.52
Week 4	42,347	21,257	0.50
Week 5	-	-	-
February:			
Week 1	50,699	18,030	0.36
Week 2	40,294	23,354	0.58
Week 3	43,271	34,704	0.80
Week 4	39,343	32,098	0.82
Week 5	49,722	41,095	0.83
March:			
Week 1	37,604	27,596	0.73
Week 2	33,712	22,369	0.66
Week 3	53,976	41,608	0.77
Week 4	38,716	40,786	1.05
Week 5	-	-	-
April:			
Week 1	71,245	48,670	0.68
Week 2	65,472	28,425	0.43
Week 3	87,391	24,552	0.28
Week 4	73,135	10,224	0.14
Week 5	-	-	-
1993:			
January:			
Week 1	53,825	15,146	0.28
Week 2	47,672	11,559	0.24
Week 3	42,454	19,090	0.45
Week 4	38,374	18,348	0.48
Week 5	23,900	9,430	0.39
February:			
Week 1	41,086	9,956	0.24
Week 2	35,474	9,705	0.27
Week 3	40,956	8,301	0.20
Week 4	41,736	6,831	0.16
Week 5	-	-	-
March:			
Week 1	40,767	7,880	0.19
Week 2	46,105	9,931	0.22
Week 3	50,408	10,560	0.21
Week 4	60,783	12,645	0.21
Week 5	-	-	-
April:			
Week 1	66,017	14,954	0.23
Week 2	55,412	13,905	0.25
Week 3	45,143	22,354	0.50
Week 4	36,654	17,639	0.48
Week 5	-	-	-

Table continued on next page.

Table 10--Continued
Fresh winter tomatoes: U.S. producers' shipments, by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

Year/month/week	Quantity	Value	Unit value
	1,000 lbs.	*1,000 dollars*	*Per pound*
1994:			
January:			
Week 1	28,707	16,395	$0.57
Week 2	46,116	26,572	0.58
Week 3	46,209	14,718	0.32
Week 4	43,683	10,661	0.24
Week 5	-	-	-
February:			
Week 1	31,162	7,414	0.24
Week 2	60,220	10,862	0.18
Week 3	32,320	5,931	0.18
Week 4	28,210	5,070	0.18
Week 5	-	-	-
March:			
Week 1	29,650	8,268	0.28
Week 2	40,788	11,102	0.27
Week 3	28,188	6,786	0.24
Week 4	40,807	11,370	0.28
Week 5	-	-	-
April:			
Week 1	49,705	8,760	0.18
Week 2	69,004	13,643	0.20
Week 3	68,581	9,057	0.13
Week 4	55,096	7,652	0.14
Week 5	58,622	11,149	0.19
1995:			
January:			
Week 1	41,720	15,758	0.37
Week 2	37,670	16,781	0.45
Week 3	29,481	12,529	0.42
Week 4	20,922	8,917	0.43
Week 5	-	-	-
February:			
Week 1	35,464	16,710	0.47
Week 2	37,152	8,004	0.22
Week 3	39,269	7,343	0.19
Week 4	28,869	5,924	0.21
Week 5	-	-	-
March:			
Week 1	29,575	6,651	0.22
Week 2	32,268	8,680	0.27
Week 3	33,447	15,539	0.46
Week 4	27,175	13,761	0.51
Week 5	-	-	-
April:			
Week 1	25,681	10,269	0.40
Week 2	(1)	(1)	(1)
Week 3	(1)	(1)	(1)
Week 4	(1)	(1)	(1)
Week 5	(1)	(1)	(1)

[1] Not available.

Source: Annual Reports of the Florida Tomato Committee.

U.S. Employment, Wages, and Productivity

In its petition, the FTE alleged that at least 12 "first handlers" and over 100 growers have ceased operations during the period of investigation as a result of imports from Mexico, but did not provide details on the names of the companies involved.[32] It did, however, make extensive reference to the shutdown of the Regency Packing Company and Regency Realty Associates, which the U.S. Department of Labor determined was attributable to increases in imports from NAFTA countries.[33]

Although public data on fresh winter tomato producers' employment are not generally available, both the petitioner and the Commission have been able to gain access to data from the Florida Department of Labor concerning annual trends in the number of seasonal farm workers. These data are shown in table 11.[34] The data show clearly that on both an aggregate and monthly basis, the number of workers required for tomato production in the winter season has declined over time.

Table 11
Fresh winter tomatoes: Number of seasonal tomato farm workers,[1] by months, Jan.-Apr. 1991-Jan.-Apr. 1995

(Number of workers)

Month	Crop year-- 1991	1992	1993	1994	1995
January	(2)	3,950	3,810	3,655	(2)
February	(2)	3,365	3,150	2,750	(2)
March	(2)	3,400	2,860	1,998	(2)
April	(2)	4,040	3,385	3,317	(2)
Average, January-April	(2)	3,689	3,301	2,930	(2)

[1] Defined as those workers who spent 80 percent or more of their time exclusively in tomato field work.
[2] Not available.

Source: Federal/State Farm Labor Unit, U.S./Florida Department of Labor.

Financial Experience of Domestic Producers

No public data are available on the profit-and-loss experience of fresh winter tomato producers. The Commission did, however, receive extremely limited data directly from tomato growers in the context of its monitoring investigation. Usable income-and-loss data, as shown in table 12, were reported by only eight respondents from Florida in that investigation. Because of this low response, the reported data may not be representative of the income-and-loss experience of all growers in the Florida industry.

[32] Petition, pp. 19-23.
[33] Labor NAFTA-TAA 00325, 60 FR 8425 (Feb. 14, 1995).
[34] A partial list of these data appears in Exhibit 9 of the petition.

Table 12
Income-and-loss experience of the reporting Florida growers on their operations producing tomatoes, fiscal years 1989-93

Item	1989	1990	1991	1992	1993
	Quantity (*1,000 pounds*)				
Net sales	47,084	40,883	48,476	41,651	44,883
	Value (*1,000 dollars*)				
Net sales	9,923	7,156	12,306	9,483	12,505
Total expenses	7,798	9,643	11,725	10,095	13,589
Net income or (loss) before income taxes	2,125	(2,487)	581	(612)	(1,083)
	Ratio to net sales (*percent*)				
Expenses	78.6	134.8	95.3	106.5	108.7
Net income or (loss) before income taxes	21.4	(34.8)	4.7	(6.5)	(8.7)
	Value (*per 1,000 pounds*)[1]				
Net sales	$210.21	$174.99	$253.21	$227.67	$276.67
Expenses	163.89	234.28	239.53	240.83	298.55
Net income or (loss) before income taxes	46.32	(59.29)	13.67	(13.16)	(21.88)
	Number of growers reporting				
Net losses	4	5	4	6	4
Data	7	7	8	8	8

[1] Values per 1,000 pounds were computed only for those growers providing both quantities and values.

Note.--Because of rounding, value figures may not add to the totals shown. Ratios were calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires.

THE QUESTION OF THREAT OF SERIOUS INJURY

The Industry in Mexico[35]

Production of fresh winter tomatoes in Mexico is concentrated in the states of Sinaloa, Sonora, and, to a lesser, extent, Jalisco, which are situated along Mexico's west coast, and which are usually frost-free year round. In particular, Sinaloa accounts for 35 percent of total area planted in tomatoes in Mexico. Smaller amounts are produced in the two states of Baja California. On an annual basis, the northwestern part of Mexico produces all of that country's processing tomatoes and about one-third of its fresh-market tomatoes. Vegetable producers in this area tend to raise several crops, including cucumbers, bell peppers, tomatoes, and eggplant, depending on a number of factors, including expected prices.

USDA reports that total area planted in tomatoes in Mexico in crop year 1995 is estimated at 72,500 hectares, with about 90 percent of such area planted in fresh-market tomatoes as opposed to processing tomatoes. The total area planted represents a slight decline from the previous season. Yields have increased in Sinaloa because of technological improvements. Yields in other regions of the country are generally lower because of lower use of inputs (e.g., fertilizer) and fewer pest-control efforts. A comparison of relative acreage, production, and yields in the United States and Mexico, for both fresh-market and processing tomatoes, is presented in appendix C, table C-2.

USDA characterizes demand for tomatoes in Mexico as unstable because of widely fluctuating prices. Tomato consumption in Mexico is around 35 pounds per capita, which is considerably higher than that in the United States.[36] USDA notes that consumption is expected to grow at a slow pace in the future. Mexico imports small quantities of tomatoes from the United States; in 1993, imports from the United States amounted to 22,038 metric tons, compared to 231,701 metric tons of exports from Mexico to the United States.

CONSIDERATION OF THE QUESTION OF THE CAUSAL RELATIONSHIP BETWEEN THE ALLEGED SERIOUS INJURY AND IMPORTS

Market Penetration of Imports

As seen in table 13, U.S. producers and Mexico dominate the market for fresh winter tomatoes, holding in excess of 99 percent of the market in all crop years examined. Moreover, quantity-based market shares have been relatively stable, except for the unusual 1992 crop year, when Florida producers held over 80 percent of the market. Further, in no year did any import source other than Mexico account for more than 0.5 percent of the market in terms of volume, or 1.5 percent in terms of value.

Prices

Marketing Characteristics

Fresh winter tomatoes are available in an assortment of varieties, types, and sizes, and prices tend to vary according to the type or grade and the size. The majority of the tomatoes grown in Florida are round, mature-green tomatoes. Imports from Mexico, on the other hand, tend to be

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[35] Except where noted, information in this section is taken from FAS, USDA, Annual Report, *Tomatoes and Tomato Products 1994*, Jan. 13, 1995.

[36] Transcript, p. 151.

Table 13
Fresh winter tomatoes: Apparent U.S. consumption and market shares, Jan.-Apr. 1991-Jan.-Apr. 1995

Item	January-April-- 1991	1992	1993	1994	1995[1]
	Quantity (*1,000 pounds*)				
Apparent consumption	1,218,347	1,149,509	1,342,496	1,294,500	291,289
	Value (*1,000 dollars*)				
Apparent consumption	445,245	586,621	471,639	434,544	123,127
	Share of the quantity of U.S. consumption (*percent*)				
Producers' U.S. shipments	56.8	80.8	56.7	58.5	49.7
U.S. imports from:					
Mexico	43.0	18.2	42.7	41.0	49.7
Israel	0.1	0.3	0.2	0.3	0.1
Netherlands	(2)	0.2	0.1	0.1	0.1
Canada	(2)	0.1	0.1	0.1	(2)
Bahamas	(3)	0.4	0.1	(3)	(3)
Dominican Republic	0.1	0.1	0.1	(2)	(3)
Belgium	(2)	(2)	(2)	0.1	(2)
Spain	(2)	(3)	(3)	(3)	0.1
Venezuela	(3)	(2)	(3)	(3)	(3)
Costa Rica	(3)	(2)	(3)	(3)	(3)
France	(3)	(2)	(2)	(2)	(3)
Colombia	(2)	(3)	(3)	(3)	(3)
Somalia	(2)	(3)	(3)	(3)	(3)
Dominica	(3)	(2)	(3)	(3)	(3)
Argentina	(3)	(2)	(3)	(3)	(3)
Chile	(3)	(3)	(2)	(2)	(3)
Italy	(3)	(2)	(3)	(3)	(3)
Total	43.2	19.2	43.3	41.5	50.2
	Share of the value of U.S. consumption (*percent*)				
Producers' U.S. shipments	56.8	82.0	48.6	42.6	49.6
U.S. imports from:					
Mexico	42.2	15.7	49.8	55.0	48.6
Israel	0.7	1.4	0.9	1.4	0.3
Netherlands	0.1	0.5	0.3	0.5	0.7
Canada	0.1	0.1	0.2	0.2	0.1
Bahamas	(3)	0.1	0.1	(3)	(3)
Dominican Republic	0.1	0.1	0.1	(2)	(3)
Belgium	(2)	0.1	0.1	0.3	(2)
Spain	(2)	(3)	(3)	(3)	0.4
Venezuela	(3)	(2)	(3)	(3)	(3)
Costa Rica	(3)	(2)	(3)	(3)	(3)
France	(3)	(2)	(2)	(2)	(3)
Colombia	(2)	(3)	(3)	(3)	(3)
Somalia	(2)	(3)	(3)	(3)	(3)
Dominica	(3)	(2)	(3)	(3)	(3)
Argentina	(3)	(2)	(3)	(3)	(3)
Chile	(3)	(3)	(2)	(2)	(3)
Italy	(3)	(2)	(3)	(3)	(1)
Total	43.2	18.0	51.4	57.4	50.3

[1] 1995 data are for January only.
[2] Less than 0.05 percent.
[3] Not applicable.

Source: Compiled from annual reports of the Florida Tomato Committee and from official statistics of Commerce.

vine-ripe tomatoes.[37] In addition, there have been small amounts of imports of tomatoes from countries other than Mexico during the months of January to April. Imports of tomatoes from the Netherlands and Canada tend to be greenhouse tomatoes which are more expensive than field-grown tomatoes.

In addition to the different types of tomatoes available, there are also several different end-use market segments to which these tomatoes are sold. In general, there are three basic groups of customers for fresh winter tomatoes: repackers, retailers, and institutional or food service buyers.[38] Representatives for the Mexican industry reported that their products, vine-ripe tomatoes, are frequently sold to retailers, whereas the domestic mature greens are often sold to the institutional or food service industry.[39] Available data indicate that while these customer groups may buy similar types of tomatoes, they tend to consider different factors to be important in their purchasing decisions. For example, while retailers want good quality tomatoes, they are more concerned with price. Institutional buyers, however, are much more concerned with the assurance of supply and guaranteed delivery.[40]

Prices for tomatoes are heavily influenced by supply and demand conditions in the industry, with prices rising in times of tight supply and falling in times of excess supply.[41] Factors such as weather and disease can have a large impact on the amount of tomatoes available in the marketplace. During the period for which data were collected (crop years 1991-95), several incidents affected the supply of tomatoes in the marketplace. For example, in 1992, Mexico received very heavy rainfall in December and January that destroyed a good portion of its crop, thus reducing shipments for the balance of the season. Similarly, this year's Florida winter tomato crop is lower than normal due to a tropical storm in mid-November 1994 and near-freezing temperatures in February 1995.

Prices for fresh winter tomatoes also vary depending on the type of packaging. Domestic winter tomatoes are usually packed in 25-pound bulk boxes containing a single size of tomato,[42] while Mexican winter tomatoes are usually "place packed" in flats with several different sizes often contained in a single box. Place packing, a more labor intensive and costly method of packing, involves placing the tomatoes in boxes in rows generally configured 4x4 or 5x5. Petitioner reports that it is difficult to know what is really in a box of Mexican tomatoes; Mexican growers/packers do not pack according to as exacting U.S. grade standards as handlers in Florida do (e.g., the product only has to meet U.S. grade No. 3 to cross the border). Prices for domestic tomatoes are quoted on the basis of 25-pound boxes. Mexican tomatoes, on the other hand, are priced on the basis of 20- and 30-pound cartons.[43]

Most of the sales in the tomato industry are made through telephone contacts on a verbal agreement basis; no written contracts are used.[44] Prices change very frequently in the tomato

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[37] Counsel for the Mexicans stated that in the past there was a discount for Mexican tomatoes because customers believed that the shelf life of the vine-ripe tomatoes was shorter than that of the mature-green tomatoes grown in the United States (Transcript, p. 150).

[38] Institutional or food service buyers include fast food restaurants, hotels, airlines, the military, etc.

[39] The food service industry tends to like the mature-green tomatoes because they are easier to slice (Transcript, p. 197).

[40] Transcript, p. 210.

[41] According to the petitioner, excessive shipments for a short period of time can usually be handled if the supplies decrease the following week. If the excessive shipments continue for that week or into the second or third week, it usually has a drastic, negative effect on the average price (Petition, p. 16).

[42] U.S. producers grow and sell tomatoes in four sizes, including extra large, large, medium, and small; these sizes are defined by USDA.

[43] The difference in types of packing and the weight differences makes it difficult to compare prices as the published prices are generally expressed in terms of dollars per 25-pound carton for domestic tomatoes and in terms of dollars per either 20- or 30-pound box for Mexican tomatoes.

[44] Transcript, p. 118.

industry, as frequently as every day or even several times within a given day. Domestic growers reported that they pack tomatoes daily but take orders for 2 to 3 days in advance in order to avoid having product sitting around and spoiling. According to U.S. handlers, once prices are agreed upon, the product is sent to a degreening room and shipped shortly thereafter.

U.S. handlers reported that they often have to "rebill" for tomatoes after they have sold the product. Rebilling refers to the process of having to lower the previously agreed upon price of the tomatoes after they have been sold. Customers may come back and report that prices have recently fallen in the marketplace or that the customer is being offered tomatoes at substantially lower prices. As a result, handlers then decrease the price of the tomatoes that have already been sold and shipped. Generally, since sales terms are net 30 or 45 days, the rebilling occurs after shipment but before payment has been made, so the handler will send a new bill which reflects the revised price.[45]

Winter tomatoes are also sometimes sold on a consignment basis in the U.S. marketplace. In general, consignment sales involve taking delivery of the shipment, selling it for the shipper's account at some price, then deducting the handling fee and returning the balance to the shipper. While U.S. growers reported that only a small portion of their total sales of winter tomatoes are made on a consignment basis, many Mexican tomatoes are sold on this basis.[46] Handlers of Mexican-grown tomatoes, however, report that although the exact amount of consignment sales of Mexican tomatoes is not known, many of their sales are based on a business relationship between the customer and the Mexican shipper that is not necessarily a consignment transaction.[47] It is reported to have occurred less than 15 percent of the time in recent years.[48]

Price Trends

Two sources of published price data are presented in this report; prices reported by USDA and those reported by the Florida Tomato Committee. The prices reported by USDA are weekly f.o.b. prices for sales of different sizes of tomatoes (i.e., separate price series for different sizes and types (mature greens and vine ripes)); data from the Florida Tomato Committee are weighted-average prices for all sizes of tomatoes. There are several important factors to note about both of these series of published prices. Neither the data from USDA nor that from the Florida Tomato Committee include any adjustments for rebilling; therefore, prices do not reflect discounts given after the sale has been made and, thus, may not reflect actual final transaction prices. Moreover, data from the Florida Tomato Committee are only available through the 1994 growing season and only for domestic tomatoes grown in South Central Florida. USDA data are available for sales of fresh tomatoes grown in Florida and, separately, imported from Mexico.[49] Finally, as stated earlier, prices for U.S. tomatoes are based on 25-pound bulk cartons whereas the imports from Mexico are priced on the basis of 20- or 30-pound, hand-packed cartons. Because of the differences in the packing and weights of domestic and imported tomatoes, price comparisons are not made.

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[45] Transcript, p. 121.

[46] Petitioners allege that 100 percent of Mexican sales are on a consignment basis (Transcript, p. 246). Florida growers, however, also technically do not receive a "price" for their tomatoes until the packing house/broker sells the product.

[47] Transcript, p. 177.

[48] Post-conference submission to the Commission by Sherman and Sterling.

[49] Prices for the imported tomatoes are f.o.b. prices based on Nogales, AZ; Mexican respondents estimate that 80 percent of all tomatoes imported from Mexico are sold on the basis of f.o.b. prices in Nogales.

USDA Price Data

Tables 14 and 15 present data published by USDA for sales of fresh tomatoes during January-April for the period 1991 to 1995 (see also figures 1 and 2). In general, f.o.b. prices for domestic mature-green tomatoes varied depending on the size of the tomato, with the extra-large size commanding slightly higher prices; trends in prices of different sizes, however, were similar. Prices for fresh winter tomatoes, as reported by USDA, fluctuated fairly significantly within each year of the period. F.o.b. prices for domestic tomatoes were generally at their highest levels during 1992, particularly in February, March, and the first week of April; however, it was during 1992 that Mexico suffered flooding and the amount of tomatoes grown in Mexico was significantly lower. Prices for the most recent period, January-March 1995, were within the ranges of the other years (i.e., 1995 data were not the lowest of the period). As compared with 1994 data, prices in 1995 were generally lower in the beginning of January, higher through late February, and mixed in March.

Data reported by USDA are also presented for imports of fresh tomatoes from Mexico. Prices for these products also fluctuated fairly significantly throughout the period, with prices for 1992 again being the highest. In the most recent period (i.e., 1995), prices for Mexican tomatoes were lower for most of January but higher through February and most of March, as compared with 1994.

Florida Tomato Committee Data

Price data published by the Florida Tomato Committee are only for domestically grown tomatoes; these data are only available for the period 1991-94 (table 16 and figure 3). These prices represent a weighted-average price for all sizes of mature-green tomatoes and vine-ripe tomatoes.[50] F.o.b. prices for domestic green tomatoes fluctuated at different times within each year. For example, in 1991, prices were highest in late March and mid-April. In 1992, these prices were generally at their highest from the second week of February to the first week of April. Prices for mature greens in January 1994 were higher than in that same month of other years.

F.o.b. prices for vine-ripe tomatoes were generally lower than those for mature-green tomatoes throughout the period; however, prices tended to be at high levels at similar times within each year.

Exchange Rates

Quarterly data reported by the International Monetary Fund indicate that during January 1991-March 1995, the nominal value of the Mexican peso depreciated by 46.2 percent relative to the U.S. dollar (figure 4). Adjusted for movements in producer price indexes in the United States and Mexico, the real value of the Mexican peso showed an overall appreciation of 11.5 percent through the fourth quarter of 1994, the latest period for which data were available.

[50] Prices for the mature-green tomatoes are reported on the basis of dollars per 25-pound container, whereas prices for the vine-ripe tomatoes are for 20-pound containers.

Table 14
F.o.b. prices for domestic mature-green tomatoes (85 percent or more U.S. No. 1 quality), by sizes and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

(Per 25-pound container)

Size and period	1991	1992	1993	1994	1995
Extra-large:					
January:					
Week 1	$7.00	$8.50	$6.00	$16.00	$12.00
Week 2	9.00	10.00	12.00	16.00	13.50
Week 3	7.50	14.00	15.00	16.00	12.50
Week 4	7.00	14.00	14.00	10.00	12.00
Week 5	7.00	11.00	10.00	9.00	14.00
February:					
Week 1	8.00	16.00	9.00	9.00	14.00
Week 2	11.00	22.00	6.00	6.00	10.00
Week 3	10.00	23.00	4.00	5.00	7.00
Week 4	7.00	23.50	4.25	8.00	7.50
March:					
Week 1	9.00	22.00	7.00	10.00	8.00
Week 2	12.00	20.00	10.50	7.00	14.00
Week 3	18.00	22.00	7.50	9.00	(1)
Week 4	15.50	28.00	8.00	15.00	(1)
April:					
Week 1	16.00	28.00	8.50	5.00	(1)
Week 2	20.00	12.00	14.00	8.50	(1)
Week 3	19.00	8.00	15.00	5.00	(1)
Week 4	16.00	4.50	20.00	6.00	(1)
Large:					
January:					
Week 1	5.00	7.50	7.00	15.00	10.00
Week 2	6.00	9.00	12.00	15.50	12.00
Week 3	5.00	14.00	13.00	16.00	12.50
Week 4	6.00	14.00	12.00	9.00	12.00
Week 5	6.00	11.00	8.00	7.00	13.50
February:					
Week 1	7.00	16.00	7.00	6.50	13.00
Week 2	10.00	19.50	6.00	5.00	8.00
Week 3	10.00	21.00	5.00	4.00	6.00
Week 4	6.00	19.00	5.75	7.00	7.00
March:					
Week 1	8.00	19.00	6.00	9.00	8.00
Week 2	11.00	17.00	10.00	7.00	13.00
Week 3	17.00	20.00	6.00	9.00	(1)
Week 4	12.00	27.00	6.00	8.00	(1)
April:					
Week 1	11.00	27.00	6.50	5.00	(1)
Week 2	16.00	11.00	12.00	7.00	(1)
Week 3	15.50	8.00	13.00	4.00	(1)
Week 4	13.00	4.50	18.00	6.00	(1)

Table continued on next page.

Table 14--Continued
F.o.b. prices for domestic mature-green tomatoes (85 percent or more U.S. No. 1 quality), by sizes and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

(Per 25-pound container)

Size and period	1991	1992	1993	1994	1995
Medium:					
January:					
Week 1	$4.00	$7.00	$7.00	$14.00	$8.00
Week 2	5.00	9.00	12.00	15.00	11.00
Week 3	4.00	14.00	12.00	16.00	12.50
Week 4	6.00	14.00	9.00	7.50	12.00
Week 5	6.00	11.00	6.00	5.50	12.50
February:					
Week 1	7.00	16.00	6.00	5.00	9.50
Week 2	10.00	18.00	6.00	5.00	6.00
Week 3	10.00	19.00	5.00	4.00	4.00
Week 4	6.00	16.00	5.75	6.00	6.50
March:					
Week 1	8.00	17.00	6.00	8.00	7.00
Week 2	10.00	15.00	9.00	7.00	9.50
Week 3	15.00	18.00	5.00	9.00	(1)
Week 4	8.00	25.00	4.50	8.00	(1)
April:					
Week 1	7.00	25.00	4.50	5.00	(1)
Week 2	10.00	11.00	8.00	5.00	(1)
Week 3	10.00	8.00	7.50	3.00	(1)
Week 4	9.00	4.50	12.00	6.00	(1)

[1] Data not available.

Source: *Marketing Florida Vegetables*, USDA, Agricultural Marketing Service, Fruit and Vegetable Division, Market News Branch.

Figure 1
F.o.b. prices for domestic mature-green tomatoes (85 percent or more U.S. No. 1 quality), by sizes and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

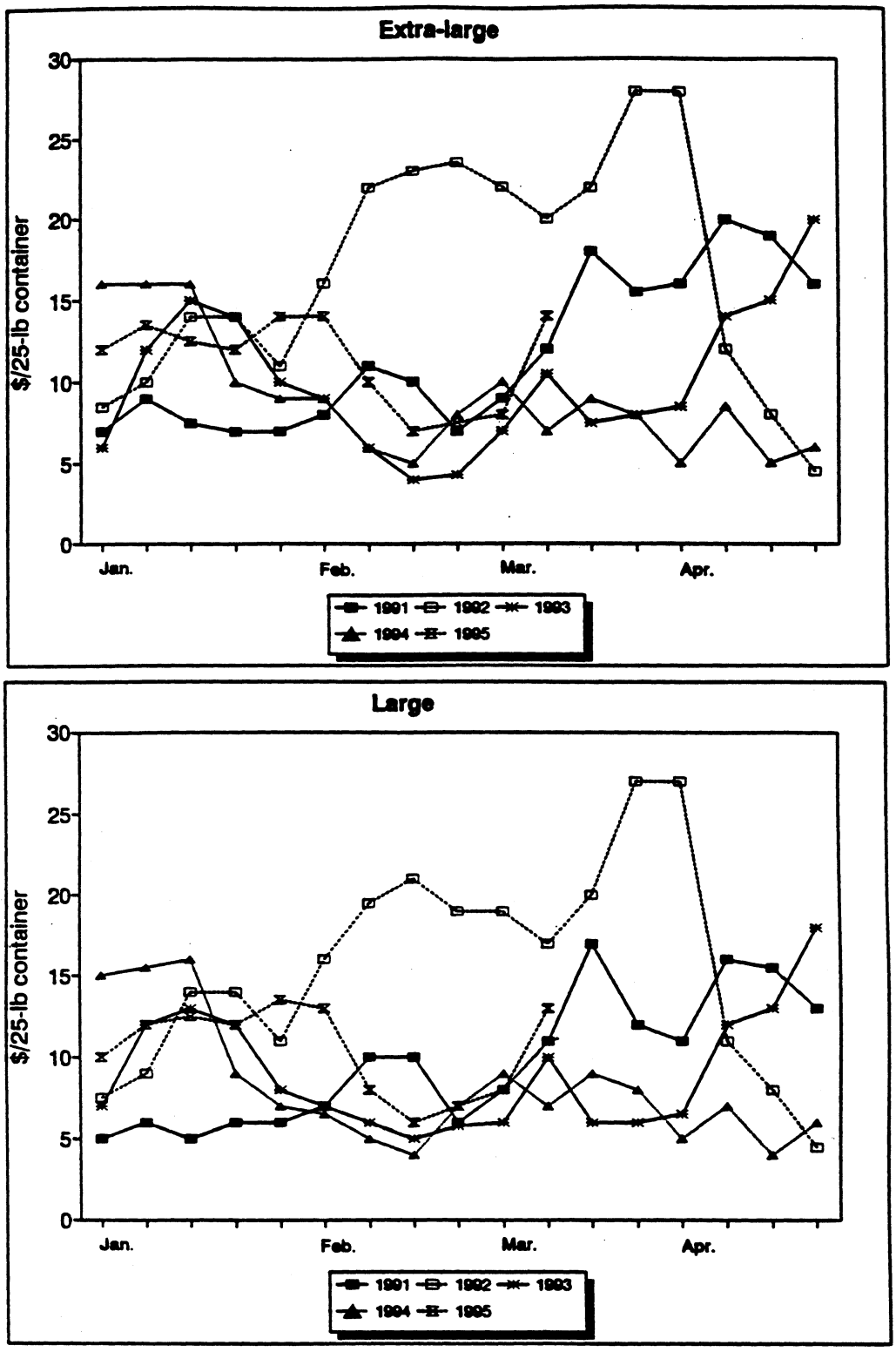
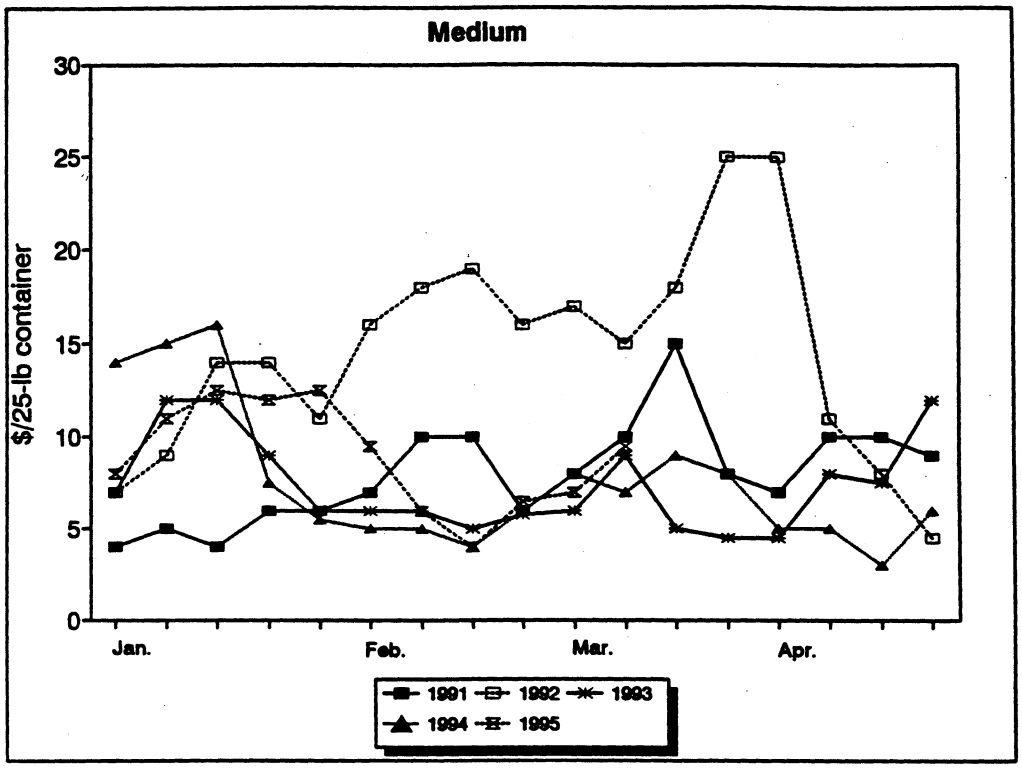


Figure continued on next page.

Figure 1--Continued
F.o.b. prices for domestic mature-green tomatoes (85 percent or more U.S. No. 1 quality), by sizes and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995



Source: *Marketing Florida Vegetables*, USDA, Agricultural Marketing Service, Fruit and Vegetable Division, Market News Branch.

Table 15
F.o.b. prices for vine-ripe tomatoes imported from Mexico, by packing configurations and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

Pack and period	1991	1992	1993	1994	1995
4x4's and 4x5's (20-pound containers):					
January:					
Week 1	(1)	$8.00	(1)	$16.98	$12.65
Week 2	(1)	8.50	(1)	15.90	14.65
Week 3	$4.00	9.00	$10.00	17.15	10.65
Week 4	4.50	8.50	10.00	11.65	10.65
Week 5	4.50	(1)	11.00	9.95	14.05
February:					
Week 1	5.00	13.00	9.00	10.58	14.15
Week 2	6.50	15.00	5.50	6.40	9.15
Week 3	5.00	(1)	4.50	4.55	5.65
Week 4	4.50	20.00	3.50	5.55	6.15
March:					
Week 1	7.50	19.00	4.00	8.50	7.55
Week 2	9.00	(1)	8.00	5.60	12.15
Week 3	12.50	30.00	4.00	7.60	14.00
Week 4	9.00	28.00	4.00	5.58	9.15
April:					
Week 1	9.00	14.00	7.00	4.65	(1)
Week 2	13.00	12.00	12.00	8.15	(1)
Week 3	12.00	5.50	12.00	8.15	(1)
Week 4	9.50	(1)	14.00	7.15	(1)
5x5's (20-pound containers):					
January:					
Week 1	(1)	8.00	(1)	14.98	8.65
Week 2	(1)	8.50	(1)	14.95	12.65
Week 3	$4.00	9.00	8.50	15.15	8.15
Week 4	4.50	8.50	7.50	9.65	8.15
Week 5	4.50	(1)	9.50	8.45	11.65
February:					
Week 1	5.00	13.00	7.00	8.58	12.00
Week 2	6.50	15.00	4.00	4.93	7.15
Week 3	5.00	(1)	3.00	3.58	4.65
Week 4	4.50	20.00	2.75	5.15	4.65
March:					
Week 1	7.50	19.00	3.25	7.50	6.55
Week 2	9.00	(1)	8.00	5.05	11.15
Week 3	12.50	30.00	4.00	6.65	13.15
Week 4	9.00	28.00	3.25	5.58	8.15
April:					
Week 1	9.00	14.00	6.00	4.65	(1)
Week 2	13.00	12.00	10.00	7.15	(1)
Week 3	12.00	5.50	9.00	6.15	(1)
Week 4	9.50	(1)	12.00	5.15	(1)

Table continued on next page.

Table 15--Continued
F.o.b. prices for vine-ripe tomatoes imported from Mexico, by packing configurations and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

Pack and period	1991	1992	1993	1994	1995
5x6's (20-pound containers):					
January:					
Week 1	(1)	$8.00	(1)	$12.98	$6.55
Week 2	(1)	7.00	(1)	13.95	10.65
Week 3	$3.00	8.00	$7.50	13.65	7.65
Week 4	3.50	6.50	6.00	8.65	7.65
Week 5	3.00	(1)	7.00	7.45	9.65
February:					
Week 1	3.50	13.00	5.50	6.58	9.50
Week 2	5.00	14.00	3.25	4.40	6.15
Week 3	3.50	(1)	2.50	3.58	3.65
Week 4	3.00	20.00	2.50	4.15	4.05
March:					
Week 1	6.00	18.50	3.00	6.50	5.55
Week 2	7.50	(1)	7.00	4.55	10.15
Week 3	11.00	30.00	3.75	6.08	12.15
Week 4	6.00	27.00	2.75	5.50	7.15
April:					
Week 1	6.00	14.00	5.00	4.65	(1)
Week 2	10.00	12.00	8.00	4.15	(1)
Week 3	8.00	4.00	6.50	5.15	(1)
Week 4	5.50	(1)	10.00	4.65	(1)
6x6's (30-pound containers):					
January:					
Week 1	(1)	9.00	(1)	(1)	8.15
Week 2	(1)	10.00	(1)	16.45	12.00
Week 3	5.00	11.50	10.00	17.65	12.05
Week 4	5.00	11.00	9.00	12.48	11.55
Week 5	4.50	(1)	8.50	8.95	13.15
February:					
Week 1	5.50	14.00	6.50	8.45	13.00
Week 2	7.00	15.00	4.25	6.35	8.65
Week 3	5.50	(1)	5.50	4.55	4.65
Week 4	5.00	20.00	6.00	6.05	4.65
March:					
Week 1	8.00	20.00	7.00	8.50	6.00
Week 2	9.50	(1)	9.00	5.65	11.55
Week 3	13.00	30.00	6.00	8.05	13.50
Week 4	7.50	28.00	5.00	7.48	9.15
April:					
Week 1	6.50	18.00	5.00	5.58	(1)
Week 2	9.00	13.00	7.00	5.65	(1)
Week 3	7.50	6.00	6.00	5.15	(1)
Week 4	5.50	(1)	10.00	5.55	(1)

[1] Data not available.

Source: *Marketing Mexico Fruits & Vegetables*, USDA, Agricultural Marketing Service, Fruit and Vegetable Division, Marketing News Branch.

Figure 2
F.o.b. prices for vine-ripe tomatoes imported from Mexico, by packing configurations and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

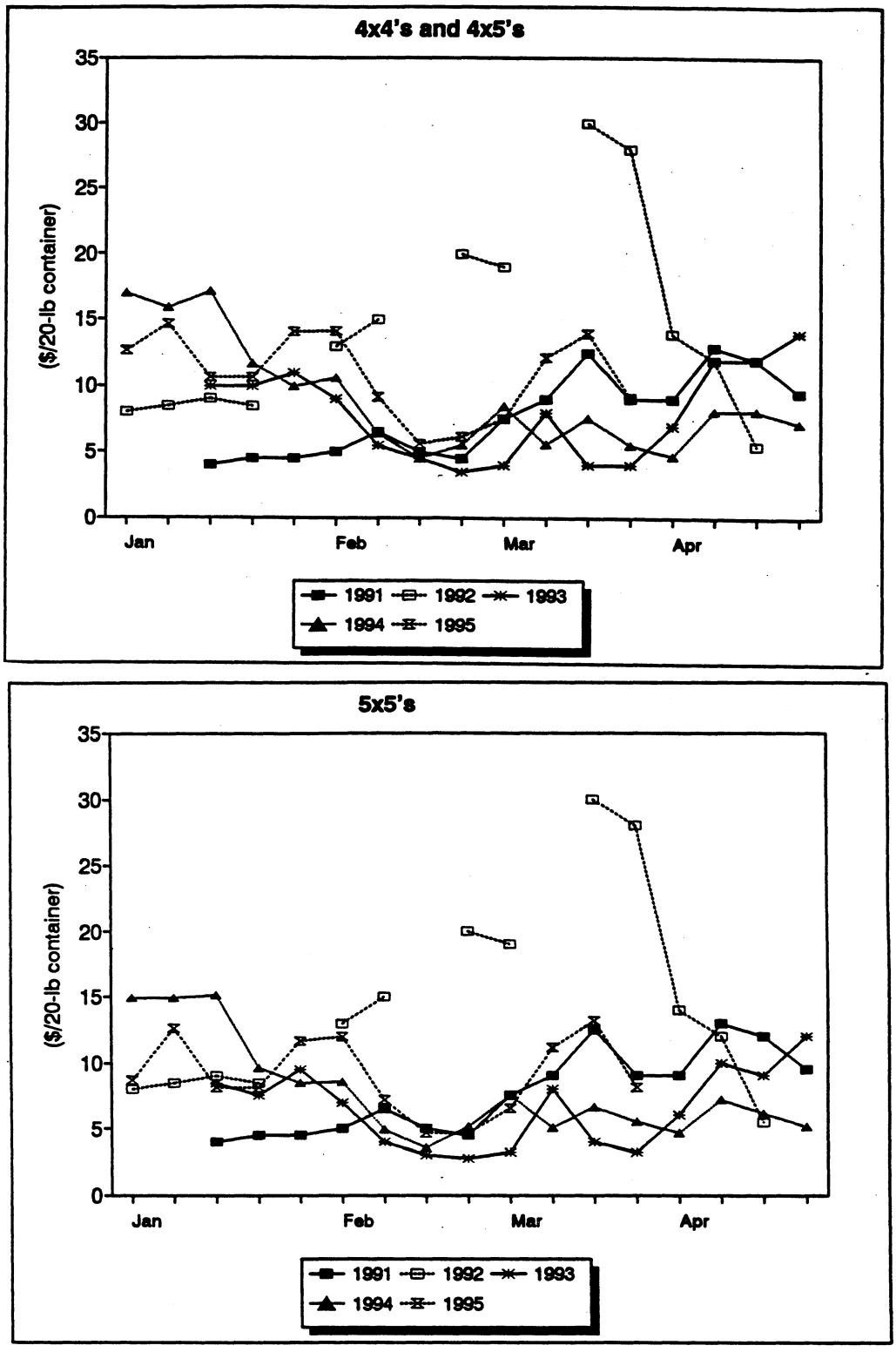
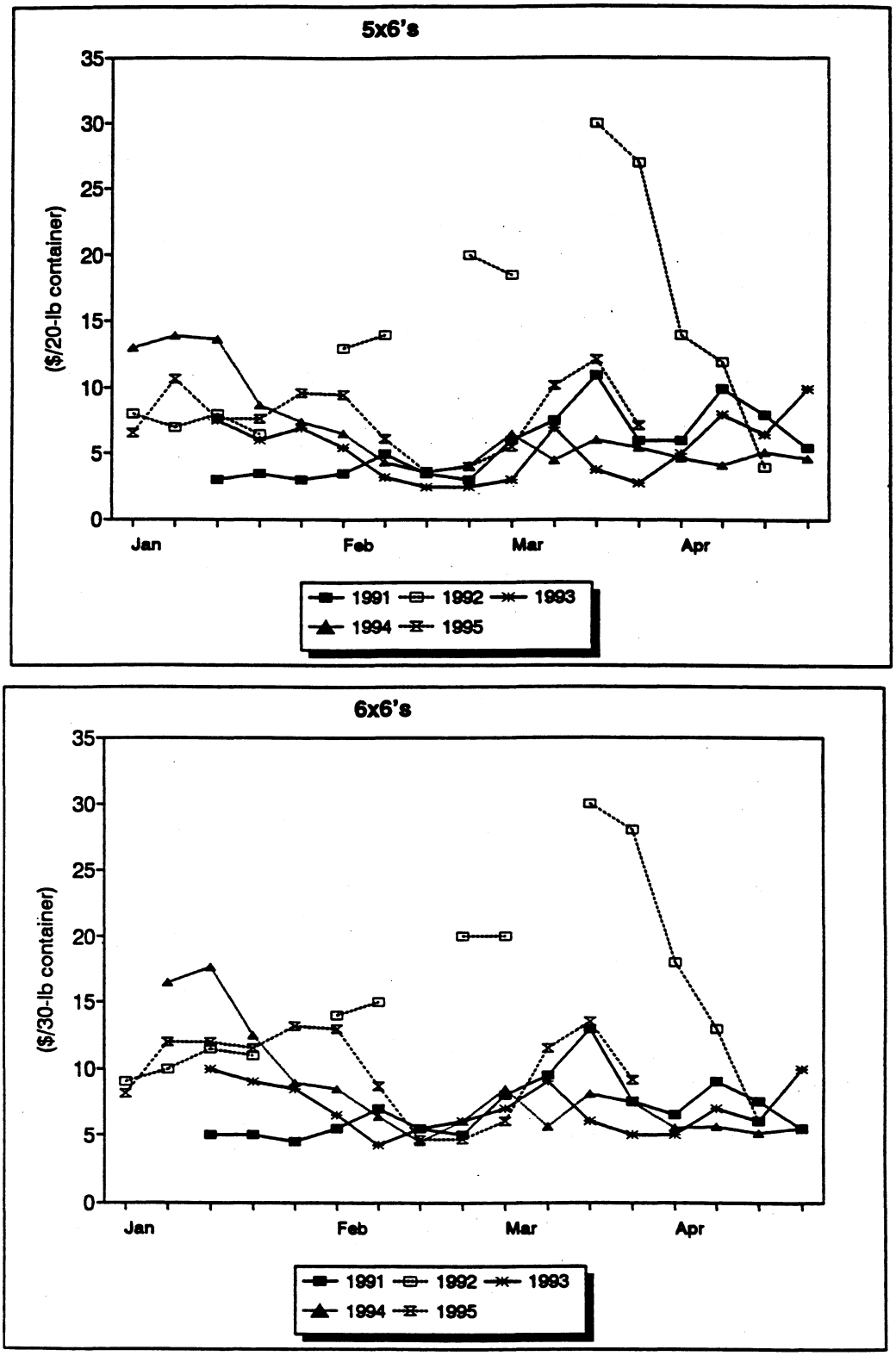


Figure continued on next page.

Figure 2--Continued
F.o.b. prices for vine-ripe tomatoes imported from Mexico, by packing configurations and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995



Source: *Marketing Mexico Fruits & Vegetables*, USDA, Agricultural Marketing Service, Fruit and Vegetable Division, Marketing News Branch.

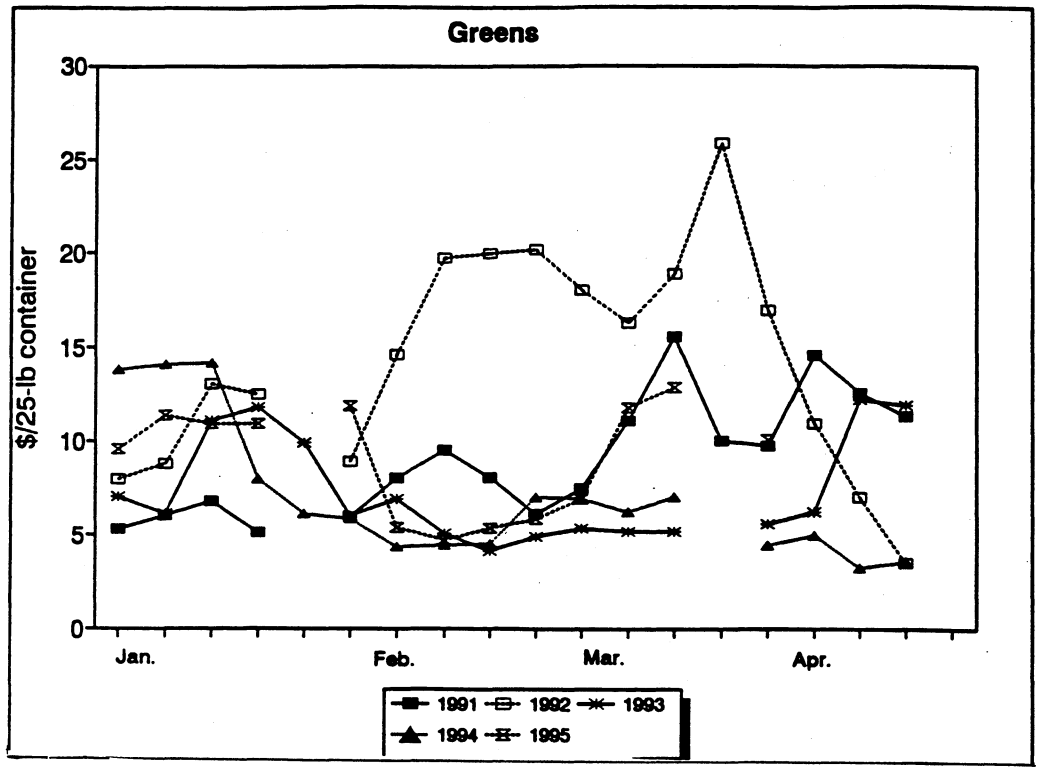
Table 16
Average f.o.b. prices for domestic tomatoes, by types and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995

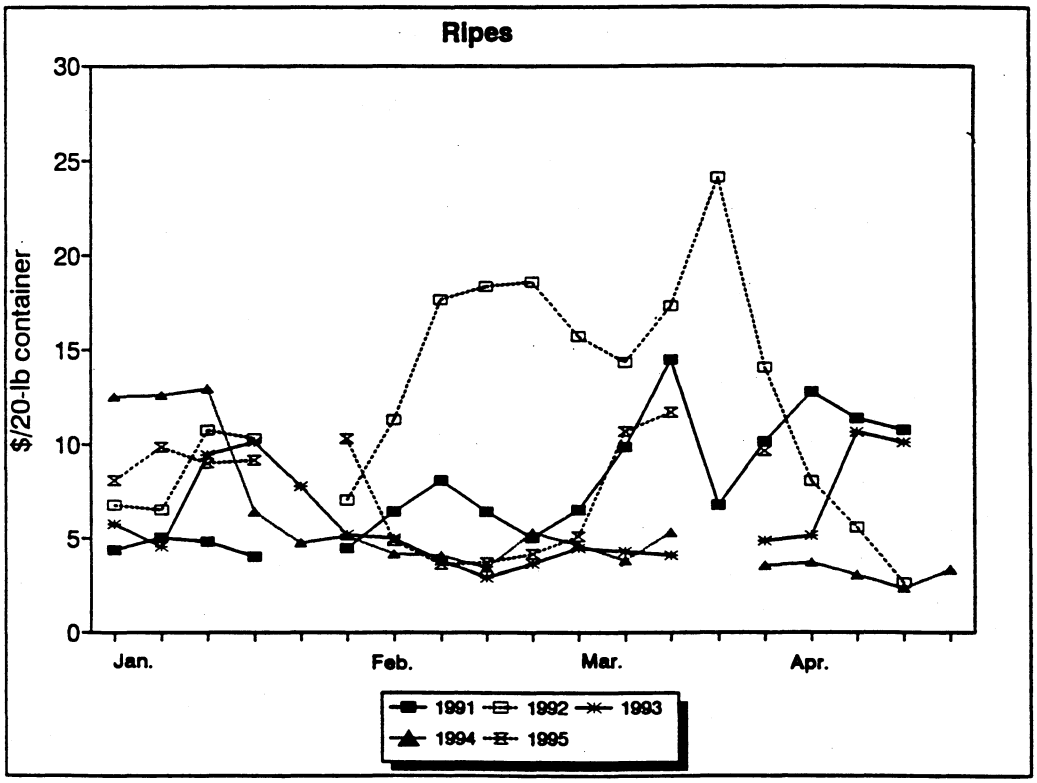
Type and period	1991	1992	1993	1994	1995
Greens (25-pound containers):					
January:					
Week 1	$5.28	$7.98	$7.01	$13.78	$9.58
Week 2	6.04	8.79	6.15	14.09	11.34
Week 3	6.83	13.05	11.10	14.16	10.91
Week 4	5.14	12.50	11.83	7.96	10.90
Week 5	(1)	(1)	9.89	6.13	
February:					
Week 1	5.98	8.90	6.02	5.87	11.88
Week 2	8.04	14.56	6.89	4.38	5.43
Week 3	9.51	19.73	5.10	4.46	4.75
Week 4	8.08	19.99	4.16	4.53	5.38
March:					
Week 1	6.12	20.21	4.89	7.02	5.88
Week 2	7.46	18.01	5.36	6.97	6.93
Week 3	11.11	16.31	5.21	6.26	11.80
Week 4	15.58	18.93	5.21	7.01	12.87
Week 5	10.01	25.88	(1)	(1)	(1)
April:					
Week 1	9.73	17.00	5.59	4.40	10.07
Week 2	14.61	10.96	6.24	4.99	(1)
Week 3	12.58	7.03	12.24	3.23	(1)
Week 4	11.36	3.54	11.95	3.58	(1)
Week 5	(1)	(1)	(1)	4.89	(1)
Ripes (20-pound equivalents):					
January:					
Week 1	4.38	6.76	5.74	12.55	8.08
Week 2	5.03	6.51	4.52	12.58	9.84
Week 3	4.81	10.73	9.41	12.89	8.98
Week 4	4.05	10.32	10.15	6.41	9.12
Week 5	(1)	(1)	7.76	4.73	(1)
February:					
Week 1	4.46	7.04	5.18	5.12	10.32
Week 2	6.39	11.31	4.97	4.16	4.85
Week 3	8.10	17.63	3.81	4.10	3.57
Week 4	6.41	18.36	2.92	3.42	3.68
March:					
Week 1	5.05	18.57	3.62	5.29	4.12
Week 2	6.54	15.67	4.47	4.65	5.09
Week 3	9.87	14.32	4.33	3.83	10.70
Week 4	14.49	17.29	4.08	5.29	11.70
Week 5	6.76	24.08	(1)	(1)	(1)
April:					
Week 1	10.14	14.02	4.86	3.54	9.65
Week 2	12.76	8.01	5.16	3.67	(1)
Week 3	11.37	5.57	10.66	3.04	(1)
Week 4	10.76	2.62	10.09	2.35	(1)
Week 5	(1)	(1)	(1)	3.33	(1)

[1] Data not available.

Source: Annual Reports of the Florida Tomato Committee, 1991-94.

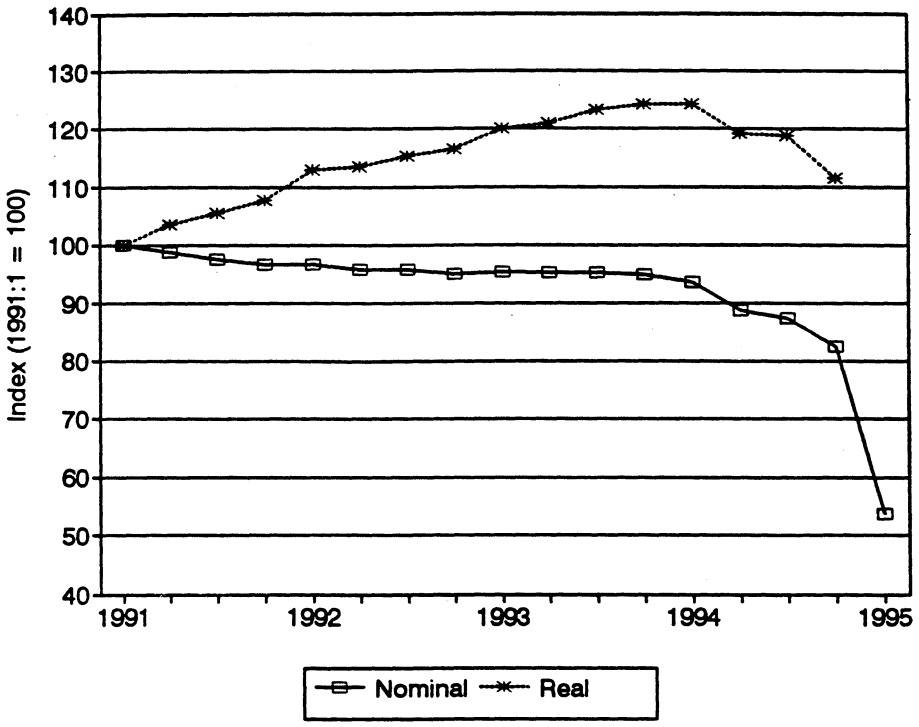
Figure 3
Average f.o.b. prices for domestic tomatoes, by types and by weeks, Jan.-Apr. 1991-Jan.-Apr. 1995





Source: Annual Reports of the Florida Tomato Committee, 1991-94.

Figure 4
Indexes of the nominal and real exchange rates between the U.S. dollar and the currency of Mexico, by quarters, Jan. 1991-Mar. 1995



Source: International Monetary Fund, *International Financial Statistics*, Mar. 1995.

APPENDIX A

THE COMMISSION'S *FEDERAL REGISTER* NOTICE

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA-201-64]

Fresh Winter Tomatoes

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of an investigation under section 202 of the Trade Act of 1974 (19 U.S.C. § 2252) (the Act).

SUMMARY: Following receipt of a petition filed on March 29, 1995, on behalf of the Florida Tomato Exchange, Orlando, FL, and the constituent members thereof, (petitioner) the United States International Trade Commission instituted investigation No. TA-201-64 under section 202(b) of the Trade Act of 1974 to determine whether fresh winter tomatoes, provided for in subheadings 0702.00.20 and 0702.00.60 of the Harmonized Tariff Schedule of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.[1]

Further, the petitioner, having indicated that the subject tomatoes are perishable agricultural products that have been the subject of Commission monitoring under section 332(g) of the

[1] For purposes of this investigation, "fresh winter tomatoes" is defined as fresh or chilled tomatoes (including but not limited to the varieties known scientifically as *Lycopersicon esculentum and Lycopersicon pyriforme*), excluding cherry tomatoes (*Lycopersicon cerasiforme*), if entered during the period from January 1 through April 30, inclusive, in any year.

Tariff Act of 1930 for more than 90 days, has requested, pursuant to section 202(d) of the Act (19 U.S.C. 2252(d)), that provisional relief be provided through April 30, 1995. Accordingly, as provided for in section 202(d)(1)(C), the Commission will determine, on the basis of available information, whether increased imports (either actual or relative to domestic production) of the above-described tomatoes are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article, and whether either (1) the serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product, or (2) the serious injury cannot be timely prevented through investigation under section 202(b) and action under section 203. If the Commission makes an affirmative preliminary determination under section 202(d)(1)(C), section 202(d)(1)(E) requires that it find the amount or extent of provisional relief that is necessary to prevent or remedy the serious injury.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A and B (19 CFR part 206).

EFFECTIVE DATE: March 29, 1995.

FOR FURTHER INFORMATION CONTACT: Jonathan Seiger (202–205–3183), Office of Investigations, U.S. International Trade Commission, 500 E Street S.W., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. Information can also be obtained by calling the Office of Investigations' remote bulletin board system for personal computers at 202–205–1895 (N,8,1).

SUPPLEMENTARY INFORMATION:

Participation in the investigation and service list.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the Federal Register. Persons wishing to participate in the phase of this investigation regarding provisional relief must file an entry of appearance with the Secretary not later than two (2) days after publication of this notice in the Federal Register. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Conference on provisional relief and hearings on injury and remedy.—A staff conference on the question of provisional relief will be held beginning at 9:30 a.m. on April 10, 1995, at the U.S. International Trade Commission Building. A subsequent hearing on injury will be held beginning at 9:30 a.m. on July 6, 1995. In the event that the Commission makes an affirmative injury determination or is equally divided on the question of injury in this investigation, a hearing on the question of remedy will be held beginning at 9:30 a.m. on August 17, 1995. Requests to appear at the conference on provisional relief should be filed in writing with the Secretary to the Commission as far in advance of the conference date as is practicable. Requests to appear at the hearings on injury and remedy should be filed on or before June 19, 1995, and August 11, 1995, respectively.

With regard to the hearing on injury, all persons desiring to appear at the hearings and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 22, 1995, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the hearing are governed by sections 201.6(b)(2) and 201.13(f) of the Commission's rules.

Written submissions.—Each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing preconference briefs on provisional relief is April 6, 1995; the deadline for filing prehearing briefs on injury is June 29, 1995, and that for filing prehearing briefs on remedy, including any commitments pursuant to 19 U.S.C. § 2252(a)(6)(B), is August 10, 1995. The deadline for filing posthearing briefs on injury is July 12, 1995, and that for filing posthearing briefs on remedy is August 24, 1995. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of provisional relief on or before April 6, 1995, pertinent to the consideration of injury on or before July 12, 1995, and pertinent to the consideration of remedy on or before August 24, 1995. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain CBI must also conform with the requirements of section 201.6 of the rules.

In accordance with section 201.16(c) of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of CBI under an administrative protective order (APO) and CBI service list.—Except as provided below, the Secretary, pursuant to section 206.17(a) of the Commission's rules, will make CBI gathered in this investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the Federal Register. Authorized applicants may have access to such information notwithstanding any prior action taken in connection with the phase of this investigation regarding provisional relief. A separate service list will be maintained by the Secretary for those parties authorized to receive CBI under the APO.

Persons wishing to obtain confidential business information (CBI) gathered in connection with the provisional relief phase must file an application for APO with the Secretary not later than two (2) days after publication of this notice in the Federal Register.

Authority: This investigation is being conducted under the authority of section 202 of the Trade Act of 1974. This notice is published pursuant to section 206.3 of the Commission's rules.

Issued: March 30, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–8223 Filed 3–31–95; 8:45 am]

BILLING CODE 7020–02–P

APPENDIX B

CALENDAR OF THE PUBLIC CONFERENCE

CALENDAR OF THE PUBLIC CONFERENCE

Those listed below appeared as witnesses at the United States International Trade Commission's conference:

Subject : FRESH WINTER TOMATOES

Inv. No. : TA-201-64

Date and Time : April 10, 1995 - 9:30 a.m.

The session was held in connection with the investigation in the Main Hearing Room (room 101) of the U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C.

In support of imposition of provisional relief:

Holland & Knight
Washington, D.C.
On behalf of

The Florida Tomato Exchange

Wayne Hawkins, Executive Vice President

Paul DiMare, DiMare Homestead
David Neill, Big Red Tomato Packers

Dr. John Van Sickle, College of Agriculture, University of Florida

John M. Himmelberg. Esq.)--OF COUNSEL

In opposition to imposition of provisional relief:

Shearman & Sterling
Washington, D.C.
On behalf of

Confederacion de Asociaciones Agricolas del Estado de Sinaloa (CAADES)

Basilio Gatzionis, Chairman, Vegetable Committee of CAADES
Martin Ley, Chairman, Tomato Division of the Fresh Produce Association of the Americas, Nogales, AZ
Norman Oebker, Professor, Plant Science, University of Arizona

Robert Herzstein, Esq.
Thomas B. Wilner, Esq.)--OF COUNSEL
Jeffrey M. Winton, Esq.

Ednaldo A. Silva, Ph.D., Senior Economist

In opposition to imposition of provisional relief--Continued

Porter, Wright, Morris, & Arthur
Washington, D.C.
On behalf of

Rancho La Campana
Peninsula Vegetable Exchange

Leslie Alan Glick--OF COUNSEL

Embassy of Canada
Washington, D.C.
On behalf of

Government of Canada

Michael Bowser, Trade Remedies Division, Foreign Affairs and International Trade Canada, Ottawa
Susan Sarich, Western Hemisphere Trade Policy Division, Agriculture and Agri-Food Canada, Ottawa
Robert Cairns, Trade Policy and Trade Relations Section, Embassy of Canada

Paul MacGuffee, Esq., Miller & Chevalier--OF COUNSEL

Stroock, Stroock, & Lavan
Washington, D.C.
On behalf of

Netherlands Central Bureau of Fruit and Vegetable Auctions

Harry Beukelman, Market Development

James Taylor, Esq.--OF COUNSEL

APPENDIX C

DATA OBTAINED IN THE COMMISSION'S MONITORING INVESTIGATION

Table C-1
Fresh-market tomatoes: U.S. production, exports of domestic merchandise, imports for consumption, and apparent U.S. consumption, 1990-94

Year	Production[1]	Exports[2]	Imports[3]	Apparent U.S. consumption	Ratio (percent) of imports to consumption	Ratio (percent) of imports to production
	Quantity (*1,000 kilograms*)					
1990	1,532,227	132,928	360,995	1,760,294	21	24
1991	1,540,318	136,206	360,829	1,764,941	20	23
1992	1,774,227	166,686	196,028	1,803,568	11	11
1993	1,613,591	156,866	418,394	1,875,119	22	26
1994	1,617,136	154,561	395,974	1,858,549	21	24
	Value (*1,000 dollars*)					
1990	923,393	84,828	377,680	1,216,245	31	41
1991	1,077,832	110,435	260,213	1,227,610	21	24
1992	1,396,950	140,179	145,608	1,402,379	10	10
1993	1,126,387	122,255	325,559	1,329,691	24	29
1994	966,357	119,772	343,933	1,190,518	29	36
	Unit value (*per kilogram*)					
1990	$0.60	$0.64	$1.05	$0.69	(4)	(4)
1991	.70	.81	.72	.70	(4)	(4)
1992	.79	.84	.74	.78	(4)	(4)
1993	.70	.78	.78	.71	(4)	(4)
1994	.60	.77	.87	.64	(4)	(4)

[1] Includes raw product intended for fresh-market use.
[2] Includes fresh or chilled tomatoes (Sch. B No. 0702.00.0000) on a fresh-weight basis.
[3] Includes fresh or chilled tomatoes (HTS No. 0702.00.20, .40, and .60) on a fresh-weight basis.
[4] Not meaningful.

Source: Production data compiled from official statistics of USDA; exports and imports compiled from official statistics of Commerce.

Table C-2
Tomatoes: Planted and harvested area, production, and production value data for the United States and Mexico, 1990-94

Item	1990	1991	1992	1993	1994
	Hectares				
Area planted:					
Fresh-market use:					
United States	57,648	54,834	55,381	56,028	53,757
Mexico	66,002	61,000	72,000	67,000	65,000
Processing use:					
United States	148,466	148,830	112,190	128,097	140,704
Mexico	9,256	7,000	8,000	8,000	7,500
Total:					
United States	206,114	203,664	167,571	184,125	194,461
Mexico	75,258	68,000	80,000	75,000	72,500
Area harvested:					
Fresh-market use:					
United States	54,368	53,312	53,405	54,514	52,235
Mexico	63,957	58,000	69,000	62,500	60,000
Processing use:					
United States	143,603	144,121	110,895	124,482	137,676
Mexico	7,756	500	7,000	7,500	6,500
Total:					
United States	197,971	197,433	164,300	178,996	189,911
Mexico	71,713	58,500	76,000	70,000	66,500
	Quantity (*1,000 metric tons*)				
Production:					
Fresh-market use:					
United States	1,529	1,537	1,771	1,610	1,614
Mexico	1,279	1,350	1,370	1,200	1,200
Processing use:					
United States	9,394	9,864	7,963	8,778	10,471
Mexico	365	52	350	360	325
Total:					
United States	10,923	11,401	9,734	10,388	12,085
Mexico	1,644	1,402	1,720	1,560	1,525
	Yield (*metric tons per hectare*)				
Yield:					
Fresh-market use:					
United States	28.11	28.79	33.16	29.58	30.92
Mexico	20.00	23.28	19.86	19.20	20.00
Processing use:					
United States	65.41	68.43	71.79	70.52	76.05
Mexico	47.06	104.00	50.00	48.00	50.00
All uses:					
United States	54.20	56.69	59.59	58.42	63.01
Mexico	26.00	26.26	25.98	25.84	26.39

See footnote at end of table.

Table C-2--Continued
Tomatoes: Planted and harvested area, production, and production value data for the United States and Mexico, 1990-94

Item	1990	1991	1992	1993	1994
	Value (*in millions of dollars*)				
Production:					
Fresh-market use:					
United States	923	1,078	1,397	1,126	966
Mexico	(1)	(1)	(1)	(1)	177
Processing use:					
United States	702	722	509	582	717
Mexico	(1)	(1)	(1)	(1)	(1)
Total:					
United States	1,625	1,800	1,906	1,708	1,683
Mexico	(1)	(1)	(1)	(1)	(1)
	Average unit value (*per kilogram*)				
Production:					
Fresh-market use:					
United States	$0.60	$0.70	$0.79	$0.70	$0.60
Mexico	(1)	(1)	(1)	(1)	.15
Processing use:					
United States	.07	.07	.06	.07	.07
Mexico	(1)	(1)	(1)	(1)	(1)
Average:					
United States	.15	.16	.19	.17	.14
Mexico	(1)	(1)	(1)	(1)	(1)

[1] Not available.

Note.--Data reported in acres were converted to hectares using a conversion factor of 2.47; data reported in pounds were converted to kilograms using a factor of 2.2 and to metric tons using a factor of 2,204.62.

Source: Compiled from official statistics of FAS, USDA, and from *Vegetables*, NASS, USDA, Washington, DC, 1990 Summary (June 1991), VG1-2(91), 1992 Summary (Jan. 1993), VG 1-2(93), and 1994 Summary (Jan. 1995), VG 1-2(95).

Table C-3
Fresh-market tomatoes: Florida harvested acreage, by production areas, 1985/86 to 1993/94 seasons

(*In acres*)

Season	Dade	Ft. Pierce/ Pompano	Southwest	Palmetto/ Ruskin	Total
1985/86	11,602	4,065	12,614	17,249	45,530
1986/87	11,113	4,515	15,362	19,918	50,908
1987/88	8,135	5,018	18,402	21,384	53,939
1988/89	8,015	5,065	20,111	24,472	57,663
1989/90	5,742	4,939	19,675	18,950	49,306
1990/91	5,580	5,143	19,724	15,150	45,597
1991/92	5,048	5,422	20,419	15,366	46,255
1992/93	5,690	5,799	20,376	12,612	44,477
1993/94	5,030	5,875	21,093	13,191	45,189

Source: Annual Reports of the Florida Tomato Committee, 1990/91 and 1993/94.

Table C-4

Fresh-market tomatoes: Weekly quantities available at major shipping points, by sources, Jan. 1-Dec. 31, 1994

(1,000 pounds)

Week ending	U.S. product										Import			
	Piggyback				Truck				Other	U.S.				Grand
	Florida	California	Other	Total	Florida	California	Other	Total	Total	total	Mexico	Other	Total	total
Jan. 1	40	0	0	40	22,410	0	0	22,410	0	22,450	17,040	0	17,040	39,490
8	280	40	0	320	33,630	0	0	33,630	0	33,950	21,610	0	21,610	55,560
15	160	0	0	160	31,050	0	0	31,050	0	31,210	27,620	0	27,620	58,830
20	480	0	0	480	34,680	0	0	34,680	0	35,160	26,440	0	26,440	61,600
29	320	0	0	320	37,160	0	0	37,160	1,980[1]	39,460	30,500	0	30,500	69,960
Feb. 5	280	0	0	280	32,910	0	0	32,910	0	33,190	33,360	0	33,360	66,550
12	560	0	0	560	39,870	0	0	39,870	2,120[1]	42,550	40,030	0	40,030	82,580
19	520	0	0	520	34,450	0	0	34,450	880[1]	35,850	43,830	140	43,970	79,820
26	320	0	0	320	25,810	0	0	25,810	10,080[1]	36,210	39,780	340	40,120	70,330
Mar. 5	240	0	0	240	28,150	0	0	28,150	0	28,390	42,460	110	42,570	70,960
12	680	0	0	680	31,610	0	0	31,610	0	32,290	51,180	20	51,200	83,490
19	400	0	0	400	29,280	0	0	29,280	1,560[1]	31,240	44,530	0	44,530	75,770
26	680	0	0	680	27,400	0	0	27,400	760[1]	28,840	43,110	20	43,130	71,970
Apr. 2	1,000	0	0	1,000	31,520	0	0	31,520	0	32,520	36,520	150	36,670	69,190
9	1,880	0	0	1,880	39,200	0	0	39,200	0	41,080	28,440	30	28,470	69,550
16	440	0	0	440	51,530	0	0	51,530	0	51,970	25,650	0	25,650	77,620
23	1,760	0	0	1,760	55,450	0	0	55,450	0	57,210	19,860	0	19,860	77,070
30	800	0	0	800	50,040	0	0	50,040	0	50,840	25,290	0	25,290	76,130
May 7	2,200	0	0	2,200	51,140	0	0	51,140	0	53,340	11,960	180	12,140	65,480
14	1,520	0	0	1,520	58,660	1,240	200	60,100	0	61,620	12,370	0	12,370	73,990
21	1,400	0	0	1,400	53,760	6,990	500	61,250	0	62,650	10,030	0	10,030	72,680
28	760	0	0	760	35,770	8,480	670	44,920	0	45,680	8,260	190	8,450	54,130
June 4	120	0	0	120	29,370	11,520	690	41,580	0	41,700	9,070	350	9,420	51,120
11	520	640	0	1,160	27,790	21,380	10,470	59,640	0	60,800	10,260	300	10,560	71,360
18	1,120	240	0	1,360	30,910	33,020	21,770	85,700	0	87,060	6,910	410	7,320	94,380
25	320	520	0	840	21,270	35,260	25,870	82,400	70[2]	83,310	6,410	660	7,070	90,380
July 2	480	1,080	120	1,680	11,240	42,000	17,110	70,350	70[2]	72,100	4,770	260	5,030	77,130
9	40	1,440	0	1,480	1,350	37,950	10,520	49,820	70[2]	51,370	3,370	250	3,620	54,990
16	80	1,720	0	1,800	160	49,460	25,690	75,310	200[2]	77,310	4,380	230	4,610	81,920
23	0	2,120	0	2,120	0	53,500	20,910	74,410	200[2]	76,730	4,970	410	5,380	82,110
30	0	1,440	80	1,520	0	47,450	11,910	59,360	0	60,880	5,190	10	5,200	66,080

Table C-4--Continued

Fresh-market tomatoes: Weekly quantities available at major shipping points, by sources, Jan. 1-Dec. 31, 1994

(1,000 pounds)

Week ending	U.S. product										Import			
	Piggyback				Truck				Other					
	Florida	California	Other	Total	Florida	California	Other	Total	Total	U.S. total	Mexico	Other	Total	Grand total
Aug. 6	0	1,760	40	1,880	0	39,350	7,070	46,420	0	48,220	6,680	20	6,700	54,920
13	0	1,840	40	1,880	0	42,150	3,350	45,500	0	47,380	10,720	0	10,720	58,100
20	0	1,560	0	1,560	0	41,850	3,420	45,270	0	46,830	12,230	320	12,550	59,380
27	0	2,040	40	2,080	0	44,190	3,690	47,880	0	49,960	4,940	100	5,040	55,000
Sept. 3	40	960	80	1,080	0	36,140	4,580	40,720	0	41,800	4,520	80	4,600	46,400
10	0	1,280	0	1,280	0	40,040	8,420	48,460	0	49,740	4,210	4,130	8,340	58,080
17	0	800	0	800	0	45,070	9,960	55,030	0	55,830	3,880	0	3,880	59,710
24	0	1,200	0	1,200	600	52,100	14,170	66,870	0	68,070	3,660	0	3,660	71,730
Oct. 1	0	1,640	40	1,680	3,210	40,840	9,350	53,400	0	55,080	4,180	0	4,180	59,260
8	120	1,120	0	1,240	7,070	41,390	2,990	51,450	0	52,690	8,120	0	8,120	60,810
15	40	840	0	880	10,580	48,020	0	58,600	0	59,480	3,060	10	3,070	62,550
22	80	520	0	600	17,540	43,920	0	61,460	0	62,060	6,870	0	6,870	68,930
29	120	1,080	0	1,200	21,090	38,380	0	59,470	0	60,670	1,960	0	1,960	62,630
Nov. 5	440	840	0	1,280	23,440	32,840	0	56,280	0	57,560	4,860	0	4,860	62,420
12	120	1,040	0	1,160	24,100	24,230	0	48,330	0	49,490	4,940	0	4,940	54,430
19	120	760	0	880	30,020	10,440	0	40,460	0	41,340	6,580	10	6,590	47,930
26	720	80	0	800	26,270	3,260	100	29,630	0	30,430	4,990	0	4,990	35,420
Dec. 3	400	280	0	680	30,580	2,840	30	33,450	0	34,130	4,880	10	4,890	39,020
10	600	1,160	0	1,760	35,780	2,290	0	38,070	0	39,830	6,690	20	6,710	46,540
17	680	1,200	0	1,880	38,230	1,540	0	39,770	0	41,650	16,770	0	16,770	58,420
24	240	800	0	1,040	23,280	420	0	23,700	0	24,740	16,980	0	16,980	41,720
31	200	360	0	560	19,570	0	0	19,570	0	20,130	21,550	0	21,550	41,680

[1] Shipped by boat from Puerto Rico.

[2] Shipped by rail.

Note.--Data for domestic shipments are obtained by USDA from various sources, including Federal marketing order administrative committees, Federal-State inspection service, shippers, and transportation agencies. Mexico data are border crossings secured from records of the Animal and Plant Health Inspection Service of USDA.

Source: Compiled from official statistics of the Agricultural Marketing Services, USDA.

Table C-5

Fresh-market tomatoes: Weekly quantities available at major shipping points, by sources, Jan. 7-Mar. 25, 1995

(1,000 pounds)

Week ending	U.S. product												
	Piggyback				Truck				U.S. total	Import			Grand total
	Florida	California	Other	Total	Florida	California	Other	Total		Mexico	Other	Total	
Jan. 7	120	0	0	120	22,920	0	0	22,920	23,040	26,060	0	26,060	49,100
14	200	40	0	240	21,400	0	0	21,400	21,640	35,310	0	35,310	56,950
21	400	0	0	400	19,470	0	0	19,470	19,870	44,250	0	44,250	64,120
28	200	0	0	200	16,420	0	0	16,420	16,700[1]	36,750	0	36,750	53,450
Feb. 4	0	0	0	0	18,030	0	0	18,030	18,030	49,030	10	49,040	67,070
11	160	0	0	160	19,500	0		19,500	20,700[2]	70,390	10	70,400	91,100
18	440	0	0	440	19,690	0	0	19,690	21,770[3]	63,320	10	63,330	85,100
25	320	0	0	320	21,840	0	0	21,840	22,160	45,890	120	46,010	68,170
Mar. 4	240	0	0	240	17,830	0	0	17,830	18,390[4]	50,110	0	50,110	68,500
11	600	0	0	600	16,170	0	0	16,170	16,770	37,660	20	37,680	54,450
18	280	0	0	280	18,810	0	0	18,810	19,210[5]	47,990	0	47,990	67,200
25	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)	(6)				

[1] Includes 80,000 pounds shipped by boat from Puerto Rico.

[2] Includes 1,040,000 pounds shipped by boat from Puerto Rico.

[3] Includes 1,640,000 pounds shipped by boat from Puerto Rico.

[4] Includes 320,000 pounds shipped by boat from Puerto Rico.

[5] Includes 120,000 pounds shipped by boat from Puerto Rico.

[6] Not available.

Source: Compiled from official statistics of the Agricultural Marketing Services, USDA.

APPENDIX D

ARRIVALS OF FRESH-MARKET TOMATOES

Source: *Vegetables*, NASS, USDA, Washington, DC, 1994 Summary (Jan. 1995), VG 1-2(95).

(AMOUNTS ARE SHOWN IN UNITS OF 1,000 CWT)

VEGETABLES

ORIGIN	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	1990	1989
SWEET POTATOES - TRUCK														
ALA	4	4	6	5	3	-	2	10	11	13	11	7	76	68
CALIF	27	22	21	24	16	14	9	14	17	28	60	47	299	309
DEL	-	-	-	-	-	-	-	-	-	-	-	-	-	2
GA	3	2	4	3	-	-	1	4	5	5	5	3	35	67
LA	14	12	15	21	6	-	8	20	19	32	55	26	228	138
MD	1	-	-	-	-	-	-	-	1	1	-	-	3	8
MISS	1	-	1	-	-	-	-	-	-	1	1	1	5	10
N J	2	1	1	1	3	2	1	1	3	5	6	4	30	38
N C	48	45	51	76	50	49	33	30	37	57	116	71	673	572
S C	2	2	2	1	-	-	1	2	2	3	3	2	20	41
TEXAS	4	4	4	3	2	1	1	2	3	4	5	4	37	32
VA	-	-	-	-	-	-	-	-	1	-	-	-	1	1
COM. TOTAL	106	92	105	134	80	66	56	83	99	152	262	165	1407	1286
TOMATOES - RAIL														
CALIF	-	-	-	-	-	3	7	1	1	6	4	-	22	67
FLA	10	-	18	79	118	34	4	-	-	-	11	13	287	402
GA	-	-	-	-	-	-	-	-	-	-	-	-	-	4
S C	-	-	-	-	-	2	8	-	-	-	-	-	10	32
ISRAEL AIR	-	-	-	-	-	-	-	-	-	-	1	-	1	-
NETHERLANDS AIR	-	-	-	-	-	-	-	1	-	1	-	-	2	3
TOTAL	10	-	18	79	118	39	19	2	1	7	16	13	322	508
TOMATOES - TRUCK														
ALA	-	-	-	-	-	1	10	8	6	2	1	-	28	51
ARK	-	-	-	-	-	9	25	-	-	-	-	-	34	22
CALIF	6	-	-	-	22	297	511	542	451	679	451	58	3017	3109
CONN	-	-	-	-	-	-	-	1	-	-	-	-	1	2
FLA	272	56	435	375	1131	464	27	-	5	167	425	525	4482	5219
GA	-	-	-	-	-	40	14	2	1	4	3	-	64	63
ILL	-	-	-	-	-	-	6	7	6	-	-	-	19	11
IND	-	-	-	-	-	-	3	-	-	-	-	-	3	-
KY	-	-	-	-	-	-	6	10	2	-	-	-	18	10
LA	-	-	-	-	-	3	1	-	-	-	-	1	5	3
MD	-	-	-	-	-	-	56	32	4	2	-	-	94	71
MASS	-	-	-	-	-	-	-	4	2	1	-	-	7	4
MICH	-	-	-	-	-	-	1	19	25	5	-	-	51	57
MO	-	-	-	-	-	-	-	2	1	-	-	-	3	5
N J	-	-	-	-	-	-	15	29	7	2	-	-	53	146
N Y	-	-	-	-	-	-	-	10	20	1	-	-	31	32
N C	-	-	-	-	-	-	18	31	22	5	-	-	76	69
OHIO	-	-	-	-	3	6	16	28	64	23	1	1	142	145
PA	-	-	-	-	-	-	-	44	81	17	-	-	142	143
P RICO	1	12	9	1	-	-	-	-	-	-	-	-	23	43
R I	-	-	-	-	-	-	1	1	-	-	-	-	2	-
S C	-	-	-	-	-	198	183	9	4	2	3	-	399	374
TENN	-	-	1	-	-	-	28	127	83	21	2	-	262	136
TEXAS	-	-	-	-	1	5	5	9	1	-	-	-	21	19
VA	-	-	-	-	-	-	156	73	14	22	2	-	267	241
WASH	-	-	-	-	-	-	-	8	6	1	-	-	15	11
W VA	-	-	-	-	-	-	-	-	-	-	-	-	-	1
CANADA	-	1	3	5	8	6	5	5	6	3	1	3	46	38
DOM REPUBLIC	1	3	1	-	-	-	-	-	-	-	-	-	5	13
ISRAEL	2	3	2	1	-	-	-	-	-	-	1	1	10	3
MEXICO	408	540	529	171	104	107	83	60	44	59	72	132	2309	2242
NETHERLANDS	-	-	-	-	-	2	1	1	-	-	-	-	4	4
TOTAL	690	615	980	1053	1269	1138	1171	1062	855	1017	962	821	11633	12286
COM. TOTAL	700	615	998	1132	1387	1177	1190	1064	856	1024	978	834	11955	12794
TOMATOES, CHERRY - RAIL														
NETHERLANDS AIR	-	-	-	-	-	-	-	-	-	-	-	-	-	1
TOMATOES, CHERRY - TRUCK														
ALA	-	-	-	-	-	-	1	1	-	-	-	-	2	4
CALIF	-	-	-	-	-	16	39	32	31	38	20	7	183	195
FLA	4	1	6	19	31	21	1	-	-	11	14	16	124	110
GA	-	-	-	-	-	-	-	-	-	-	-	-	-	1
MD	-	-	-	-	-	-	-	-	-	-	-	-	-	1
MICH	-	-	-	-	-	-	-	2	2	-	-	-	4	18
N J	-	-	-	-	-	-	-	-	-	-	-	-	-	6
N C	-	-	-	-	-	-	-	1	-	-	-	-	1	2
OHIO	-	-	-	-	-	-	-	-	-	-	-	-	-	2
S C	-	-	-	-	-	1	1	-	-	-	-	-	2	3
TENN	-	-	-	-	-	-	-	-	-	-	-	-	-	1
VA	-	-	-	-	-	-	1	-	-	-	-	-	1	4
MEXICO	44	46	49	36	30	18	6	2	5	8	17	25	286	261
TOTAL	48	47	55	55	61	56	49	38	38	57	51	48	603	609
COM. TOTAL	48	47	55	55	61	56	49	38	38	57	51	48	603	609
TURNIPS-RUTABAGAS - TRUCK														
ALA	-	-	-	-	-	-	-	-	-	-	-	-	-	2
ARIZ	-	-	1	-	-	-	-	-	-	-	-	-	1	3
CALIF	9	10	6	3	6	2	2	2	2	2	2	3	49	46
FLA	-	-	-	-	-	-	-	-	-	-	-	-	-	2
GA	-	-	1	1	-	-	-	-	-	1	1	-	4	4
ILL	-	-	-	-	-	-	1	-	-	-	-	-	1	-
IND	-	-	-	-	-	-	-	-	-	1	-	-	1	1

TABLE 5--ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS--CONTINUED
(AMOUNTS ARE SHOWN IN UNITS OF 1,000 CWT)

VEGETABLES

ORIGIN	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	1992	1991
SWEET POTATOES - TRUCK														
ALA	10	7	5	6	2	2	2	11	15	13	18	16	107	85
CALIF	34	24	33	27	21	17	12	12	20	26	60	54	340	297
GA	1	1	1	1	-	-	-	2	1	2	1	-	10	24
LA	28	25	30	24	11	3	6	25	23	37	56	46	314	222
MD	-	-	-	-	-	-	-	-	1	1	-	-	2	2
N J	1	1	2	2	1	-	-	-	3	7	6	3	26	32
N C	47	38	52	81	61	63	43	19	34	57	113	103	711	712
S C	1	1	1	1	-	-	-	-	1	2	1	1	9	20
TEXAS	3	3	4	3	-	-	-	2	5	5	10	5	40	32
COM. TOTAL	125	100	128	145	96	85	63	71	103	150	265	228	1559	1426
TOMATOES - RAIL														
CALIF	-	-	-	-	-	2	3	13	19	5	8	3	53	52
FLA	14	11	9	64	74	36	13	-	-	-	10	15	247	122
N C	-	-	-	-	-	-	-	6	5	-	-	-	11	-
S C	-	-	-	-	-	-	2	-	-	-	-	-	2	7
NETHERLANDS,AIR	-	-	1	3	1	2	2	2	1	1	2	1	16	8
TOTAL	14	11	10	67	75	40	20	21	25	5	20	20	329	189
TOMATOES - TRUCK														
ALA	-	-	-	-	-	2	12	22	2	5	-	-	43	33
ARK	-	-	-	-	-	15	24	5	-	-	-	-	44	23
CALIF	2	-	-	-	30	279	542	537	573	670	448	51	3132	3092
CONN	-	-	-	-	-	-	-	-	-	-	-	-	-	2
DEL	-	-	-	-	-	-	-	-	-	-	-	-	-	1
FLA	335	691	832	1062	1210	957	149	-	-	281	513	938	7468	5332
GA	-	-	-	-	-	16	30	2	2	4	9	-	63	58
ILL	-	-	-	-	-	-	10	28	16	4	-	1	59	23
IND	-	-	-	-	-	-	-	4	2	-	-	-	6	-
KY	-	-	-	-	-	-	4	11	4	-	-	-	19	17
LA	-	-	-	-	-	2	-	-	-	-	-	-	2	-
MD	-	-	-	-	-	-	36	44	7	1	-	-	88	100
MASS	-	-	-	-	-	-	-	2	2	-	-	-	4	8
MICH	-	-	-	-	-	-	1	23	38	24	-	-	86	65
MO	-	-	-	-	-	-	14	8	2	1	-	-	25	7
N J	-	-	-	-	-	-	31	34	25	7	-	-	97	65
N Y	-	-	-	-	-	-	-	5	20	-	-	-	25	35
N Y LI	-	-	-	-	-	-	-	-	4	4	-	-	8	2
N C	-	-	-	-	-	-	12	19	31	2	-	-	64	46
OHIO	-	1	1	1	3	5	10	40	64	16	-	-	141	117
ORE	-	-	-	-	-	-	-	-	-	-	-	-	-	1
PA	1	-	1	2	5	5	3	32	123	15	1	-	188	168
P RICO	2	15	31	9	-	-	-	-	-	-	-	-	58	30
S C	-	-	-	-	-	61	299	14	6	5	1	-	386	428
TENN	-	-	-	-	-	-	18	82	97	30	1	-	228	290
TEXAS	-	-	-	-	1	2	13	2	3	3	-	-	24	22
VA	-	-	-	-	-	-	95	132	41	45	5	-	318	332
WASH	-	-	-	-	-	-	-	5	2	-	-	-	7	19
WIS	-	-	-	-	-	-	-	-	1	-	-	-	1	2
BELGIUM	-	-	-	-	-	1	-	-	-	-	-	-	1	-
CANADA	3	1	4	2	7	8	6	3	4	3	1	-	42	48
DOM REPUBLIC	-	13	30	11	5	-	-	-	-	-	-	-	59	4
ISRAEL	8	8	12	11	2	-	-	-	-	-	-	-	41	3
MEXICO	243	201	198	188	175	107	47	53	43	35	38	87	1415	2723
NETHER.LANDS	-	-	-	-	1	1	3	-	-	1	-	-	6	2
TOTAL	1094	931	1109	1286	1439	1461	1359	1107	1112	1156	1017	1077	14148	13098
COM. TOTAL	1108	942	1119	1353	1514	1501	1379	1128	1137	1162	1037	1097	14477	13287
TOMATOES, CHERRY - TRUCK														
ALA	-	-	-	-	-	-	3	1	1	-	-	-	5	4
CALIF	-	-	-	-	-	23	43	34	36	36	26	4	202	181
FLA	14	13	12	16	33	26	3	-	-	5	19	22	163	123
GA	-	-	-	-	-	-	-	-	-	-	-	-	-	1
ILL	-	-	-	-	-	-	-	1	1	-	-	-	2	-
MASS	-	-	-	-	-	-	-	-	-	-	-	-	-	3
MICH	-	-	-	-	-	-	-	1	7	2	-	-	10	8
MO	-	-	-	-	-	-	1	-	-	-	-	-	1	-
N J	-	-	-	-	-	-	-	-	-	-	-	-	-	2
N C	-	-	-	-	-	-	1	-	-	-	-	-	1	-
S C	-	-	-	-	-	-	-	-	-	-	-	-	-	5
VA	-	-	-	-	-	-	-	1	-	-	-	-	1	3
CANADA	-	-	-	-	-	-	-	-	-	-	-	-	-	1
MEXICO	42	45	43	37	34	23	3	6	7	4	16	31	291	312
COM. TOTAL	56	58	55	53	67	72	54	44	52	47	61	57	676	643
TURNIPS-RUTABAGAS - TRUCK														
CALIF	5	5	11	8	9	4	1	1	1	1	4	5	56	48
GA	1	-	-	-	-	-	-	-	-	-	-	-	1	4
ILL	-	-	-	-	-	1	1	1	3	1	1	-	8	1
IND	-	-	-	-	-	-	1	-	1	1	-	-	3	-
MD	-	-	-	-	-	-	-	-	-	-	-	-	-	1
MASS	-	-	-	-	-	-	-	-	-	-	-	-	-	1
MICH	1	-	-	-	-	2	1	1	6	3	2	1	17	8
N J	1	-	1	1	1	3	10	1	-	4	3	4	29	20
N Y	-	-	-	-	-	-	-	-	-	-	-	1	1	-
N C	-	-	-	-	-	-	-	-	-	-	-	-	-	2

TABLE 5--ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS--CONTINUED
(AMOUNTS ARE SHOWN IN UNITS OF 1,000 CWT)

VEGETABLES

ORIGIN	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	1991	1990
TOMATOES - RAIL														
CALIF	-	-	-	-	-	-	1	10	20	13	7	1	52	22
FLA	12	10	10	13	9	2	-	-	-	5	14	45	122	287
S C	-	-	-	-	-	4	3	-	-	-	-	-	7	10
ISRAEL AIR	-	-	-	-	-	-	-	-	-	-	-	-	-	1
NETHERLANDS AIR	-	-	-	-	-	3	3	1	-	-	1	-	8	2
TOTAL	12	10	10	13	9	9	7	11	20	13	22	47	189	322
TOMATOES - TRUCK														
ALA	-	-	-	-	-	2	7	7	10	7	-	-	33	28
ARK	-	-	-	-	-	8	14	1	-	-	-	-	23	34
CALIF	1	-	-	-	29	121	423	508	611	889	454	56	3092	3017
CONN	-	-	-	-	-	-	-	1	1	-	-	-	2	1
DEL	-	-	-	-	-	-	1	-	-	-	-	-	1	-
FLA	926	479	531	519	871	476	45	-	10	197	434	934	5332	4482
GA	-	-	-	-	-	25	13	2	1	10	7	-	58	64
ILL	-	-	-	-	-	-	12	7	3	1	-	-	23	19
IND	-	-	-	-	-	-	-	-	-	-	-	-	-	3
KY	-	-	-	-	-	-	12	4	1	-	-	-	17	18
LA	-	-	-	-	-	-	-	-	-	-	-	-	-	5
MD	-	-	-	-	-	-	82	12	3	3	-	-	100	94
MASS	-	-	-	-	-	-	1	4	3	-	-	-	8	7
MICH	-	-	-	-	-	-	5	36	23	1	-	-	65	51
MO	-	-	-	-	-	-	2	4	1	-	-	-	7	3
N J	-	-	-	-	-	-	23	14	20	8	-	-	65	53
N Y	-	-	-	-	-	-	-	24	11	-	-	-	35	31
N Y LI	-	-	-	-	-	-	-	-	2	-	-	-	2	-
N C	-	-	-	-	-	-	15	18	10	3	-	-	46	76
OHIO	-	-	-	-	1	4	25	61	24	1	1	-	117	142
ORE	-	-	-	-	-	-	1	-	-	-	-	-	1	-
PA	-	-	-	-	1	3	2	75	69	15	1	2	168	142
P RICO	-	1	18	11	-	-	-	-	-	-	-	-	30	23
R I	-	-	-	-	-	-	-	-	-	-	-	-	-	2
S C	-	-	-	-	1	229	185	7	3	2	1	-	428	399
TENN	-	-	-	-	-	-	63	108	90	29	-	-	290	262
TEXAS	-	-	-	-	5	8	8	-	-	1	-	-	22	21
VA	-	-	-	-	-	-	218	40	21	47	6	-	332	267
WASH	-	-	-	-	-	-	-	7	12	-	-	-	19	15
WIS	-	-	-	-	-	-	-	-	2	-	-	-	2	-
CANADA	1	2	1	3	8	10	6	6	5	3	1	2	48	46
DOM REPUBLIC	-	-	4	-	-	-	-	-	-	-	-	-	4	5
ISRAEL	1	1	1	-	-	-	-	-	-	-	-	-	3	10
MEXICO	272	442	518	525	289	190	102	49	41	53	99	137	2723	2309
NETHERLANDS	-	-	-	-	-	2	-	-	-	-	-	-	2	4
TOTAL	1101	925	1073	1158	1205	1078	1265	995	977	1266	1004	1051	13098	11633
COM. TOTAL	1113	935	1083	1171	1214	1087	1272	1006	997	1285	1026	1098	13287	11955
TOMATOES, CHERRY - TRUCK														
ALA	-	-	-	-	-	-	2	1	1	-	-	-	4	2
CALIF	-	-	-	-	-	8	28	32	42	45	23	3	181	183
FLA	15	5	5	9	20	15	3	-	-	9	17	25	123	124
GA	-	-	-	-	-	1	-	-	-	-	-	-	1	-
MASS	-	-	-	-	-	-	-	1	1	1	-	-	3	-
MICH	-	-	-	-	-	-	-	6	2	-	-	-	8	4
N J	-	-	-	-	-	-	1	1	-	-	-	-	2	-
N C	-	-	-	-	-	-	-	-	-	-	-	-	-	1
S C	-	-	-	-	-	4	1	-	-	-	-	-	5	2
VA	-	-	-	-	-	-	1	1	1	-	-	-	3	1
CANADA	-	-	-	-	-	-	-	-	1	-	-	-	1	-
MEXICO	42	43	42	45	34	31	25	5	3	4	9	29	312	286
COM. TOTAL	57	48	47	54	54	59	61	47	51	59	49	58	643	603
TURNIPS-RUTABAGAS - TRUCK														
ARIZ	-	-	-	-	-	-	-	-	-	-	-	-	-	1
CALIF	4	4	6	7	7	4	3	1	1	4	3	4	48	49
GA	-	-	-	1	-	-	-	-	-	1	1	1	4	4
ILL	-	-	-	-	-	-	-	-	-	1	-	-	1	1
IND	-	-	-	-	-	-	-	-	-	-	-	-	-	1
MD	-	-	-	-	-	-	-	-	-	1	-	-	1	-
MASS	-	-	-	-	-	-	-	-	-	-	1	-	1	-
MICH	1	1	-	-	-	-	-	-	1	2	1	2	8	4
N J	2	1	1	1	1	-	5	5	1	2	1	-	20	22
N C	-	-	1	-	1	-	-	-	-	-	-	-	2	1
OHIO	-	-	-	-	-	-	-	-	-	-	-	-	-	1
ORE	4	4	3	1	1	-	-	-	2	1	4	3	23	39
PA	-	-	-	-	-	-	-	-	-	-	-	-	-	2
S C	1	1	1	2	1	-	-	-	1	2	1	1	11	13
TEXAS	-	1	-	-	-	1	-	-	1	-	-	-	3	3
WASH	-	-	-	-	-	-	2	3	-	-	-	-	5	-
CANADA	15	9	13	10	6	2	7	6	9	13	16	12	117	112
COM. TOTAL	27	20	25	22	17	7	17	15	16	27	28	23	244	253

TABLE 5--ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS--CONTINUED
(AMOUNTS ARE SHOWN IN UNITS OF 1,000 CWT)

VEGETABLES

ORIGIN	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	1993	1992
SPINACH - TRUCK (CONT'D)														
W VA	-	-	-	-	1	-	-	-	-	-	1	-	2	-
CANADA	-	-	-	-	-	-	-	-	-	-	-	-	-	3
MEXICO	1	2	3	1	-	-	-	-	-	-	-	-	7	1
TOTAL	68	80	94	80	81	83	66	78	69	63	71	78	911	943
COM. TOTAL	68	85	95	80	81	83	66	78	69	63	71	78	917	943
SQUASH - TRUCK														
ALA	-	-	-	-	-	-	1	1	-	-	-	-	2	1
ARIZ	-	-	-	-	-	-	-	-	-	-	-	-	-	1
ARK	-	-	-	-	-	-	1	1	2	-	-	-	4	5
CALIF	7	3	12	57	74	87	67	63	72	69	46	16	573	581
COLO	1	-	-	-	-	-	1	2	1	1	-	-	6	7
CONN	-	-	-	-	-	-	2	2	3	-	1	-	8	6
FLA	51	49	59	67	74	40	-	-	-	20	66	72	498	507
GA	-	-	-	-	18	36	13	4	15	34	9	-	129	104
ILL	-	-	-	-	-	3	7	12	7	3	-	-	32	32
IND	-	-	-	-	-	-	-	1	-	-	-	-	1	-
KY	-	-	-	-	-	-	-	-	-	-	-	-	-	1
LA	-	-	-	-	1	1	-	-	1	-	-	-	3	1
MD	-	-	-	-	-	4	4	4	3	2	2	-	19	17
MASS	9	8	2	-	-	-	6	7	9	9	18	5	73	99
MICH	-	-	-	-	-	-	6	17	21	5	4	-	53	38
MO	-	-	-	-	-	-	1	1	-	-	-	-	2	5
N J	1	1	-	-	-	22	25	29	29	16	11	5	139	93
N Y	-	-	-	-	-	-	2	16	6	3	4	1	32	24
N Y LI	-	-	-	-	-	-	2	1	1	-	3	1	8	5
N C	-	-	-	-	-	12	8	8	10	14	1	-	53	52
OHIO	-	-	-	-	-	-	3	5	4	1	1	-	14	8
ORE	-	-	-	-	-	-	-	-	-	1	-	-	1	3
PA	-	-	-	-	-	-	2	3	-	-	-	-	5	3
R I	-	-	-	-	-	1	2	3	3	-	-	-	9	4
S C	-	-	-	-	3	6	4	2	1	1	-	-	17	17
TENN	-	-	-	-	-	-	-	3	-	-	-	-	3	3
TEXAS	-	-	-	1	3	4	3	2	1	1	-	-	15	20
VA	-	-	-	-	-	1	2	2	1	1	-	-	7	6
WASH	2	1	1	-	-	1	6	4	10	7	4	3	39	30
CANADA	-	-	-	-	-	-	-	2	1	-	-	-	3	2
HONDURAS	-	1	1	1	2	1	2	-	-	-	-	-	8	4
JAMAICA	-	-	-	-	-	-	-	-	-	-	-	-	-	2
MEXICO	100	108	133	63	32	24	4	3	4	7	63	94	635	658
COM. TOTAL	171	171	208	189	207	243	174	198	205	195	233	197	2391	2379
SWEET POTATOES - TRUCK														
ALA	9	9	9	7	4	5	5	15	16	16	29	15	139	107
CALIF	45	34	31	40	23	21	14	16	19	21	46	53	363	340
GA	-	-	-	-	-	-	-	-	-	-	2	2	4	10
LA	27	28	39	37	23	25	11	19	30	32	55	38	364	314
MD	-	-	-	-	-	-	-	-	1	1	1	-	3	2
MISS	-	1	2	3	4	3	1	-	1	-	1	2	18	-
N J	2	1	1	1	2	1	1	-	3	7	5	15	39	26
N C	61	48	59	62	37	42	43	41	33	47	146	116	735	711
S C	1	1	1	-	-	-	-	-	1	1	3	2	10	9
TEXAS	3	3	4	5	3	2	-	1	2	3	4	3	33	40
VA	-	-	-	-	-	-	-	-	1	-	-	-	1	-
COM. TOTAL	148	125	146	155	96	99	75	92	107	128	292	246	1709	1559
TOMATOES - RAIL														
CALIF	-	-	-	-	-	-	11	17	50	50	57	10	195	53
FLA	13	12	23	45	17	35	-	-	-	4	10	9	168	247
N C	-	-	-	-	-	-	-	4	-	-	-	-	4	11
S C	-	-	-	-	-	3	7	-	-	-	-	-	10	2
BELGIUM AIR	-	-	-	-	1	2	2	-	1	1	1	1	9	-
ISRAEL AIR	-	-	-	-	-	-	-	-	-	-	-	3	3	-
MEXICO	-	4	-	-	-	-	-	-	-	-	-	-	4	-
NETHERLANDS AIR	1	-	-	1	6	8	5	2	1	2	3	1	30	16
TOTAL	14	16	23	46	24	48	25	23	52	57	71	24	423	329
TOMATOES - TRUCK														
ALA	-	-	-	-	-	-	9	4	1	1	-	-	15	43
ARK	-	-	-	-	-	18	42	3	-	-	-	-	63	44
CALIF	2	-	-	1	80	268	501	677	694	743	481	61	3508	3132
FLA	828	633	815	795	873	1114	118	-	1	160	546	749	6632	7468
GA	-	-	-	-	-	20	23	1	1	2	5	-	52	63
ILL	1	1	-	-	-	-	11	19	4	3	-	-	39	59
IND	-	-	-	-	-	-	-	2	-	-	-	-	2	6
KY	-	-	-	-	-	-	21	19	2	1	-	-	43	19
LA	-	-	-	-	-	1	1	-	-	1	-	-	3	2
MD	-	-	-	-	-	-	57	50	5	1	-	-	113	88
MASS	-	-	-	-	-	-	-	2	1	-	-	-	3	4
MICH	-	-	-	-	-	-	-	36	58	3	-	-	97	86
MO	-	-	-	-	-	-	6	2	-	-	-	-	8	25
N J	-	-	-	-	-	-	65	68	21	3	-	-	157	97
N Y	-	-	-	-	-	-	-	12	23	4	-	-	39	25
N Y LI	-	-	-	-	-	-	-	-	-	-	-	-	-	8
N C	-	-	-	-	-	1	26	26	19	3	-	-	75	64
OHIO	-	-	-	-	2	3	11	57	48	8	1	1	131	141
PA	-	-	-	3	7	12	4	41	45	2	3	1	118	108

TABLE 5--ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS--CONTINUED
(AMOUNTS ARE SHOWN IN UNITS OF 1,000 CWT)

VEGETABLES

ORIGIN	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEP.	OCT.	NOV.	DEC.	1993	1992
TOMATOES - TRUCK (CONT'D)														
P RICO	1	16	9	-	-	-	-	-	-	-	-	-	26	58
S C	-	-	-	-	-	96	305	15	2	2	1	-	421	386
TENN	-	-	-	-	-	-	34	109	87	73	6	-	309	228
TEXAS	-	-	-	-	6	6	12	7	-	-	-	-	31	24
VA	-	-	-	-	-	-	136	81	46	32	-	-	295	318
WASH	-	-	-	-	-	-	-	4	3	-	-	-	7	7
WIS	-	-	-	-	-	-	-	-	-	-	-	-	-	1
BELGIUM	-	-	-	-	1	1	1	-	-	1	1	3	8	1
CANADA	-	-	-	-	1	5	2	3	-	-	-	-	11	42
DOM REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	59
ISRAEL	-	1	-	-	-	-	-	-	-	-	-	1	2	41
MEXICO	240	467	570	477	317	162	81	75	71	86	124	149	2819	1415
NETHERLANDS	-	-	-	1	2	7	3	1	1	1	2	4	22	6
TOTAL	1072	1118	1394	1277	1289	1714	1469	1314	1133	1130	1170	969	15049	14148
COM. TOTAL	1086	1134	1417	1323	1313	1762	1494	1337	1185	1187	1241	993	15472	14477
TOMATOES, CHERRY - TRUCK														
ALA	-	-	-	-	-	-	1	-	1	-	-	-	2	5
CALIF	-	-	-	-	2	16	45	47	32	35	33	10	220	202
FLA	19	10	11	8	13	27	3	-	-	6	17	23	137	163
ILL	-	-	-	-	-	-	-	-	-	-	-	-	-	2
MD	-	-	-	-	-	-	-	2	-	-	-	-	2	-
MICH	-	-	-	-	-	-	-	4	7	-	-	-	11	10
MO	-	-	-	-	-	-	-	-	-	-	-	-	-	1
N J	-	-	-	-	-	-	-	2	-	-	-	-	2	-
N Y	-	-	-	-	-	-	-	-	1	-	-	-	1	-
N C	-	-	-	-	-	-	-	1	-	-	-	-	1	1
TEXAS	-	-	-	-	-	1	-	-	-	-	-	-	1	-
VA	-	-	-	-	-	-	-	3	-	-	-	-	3	1
MEXICO	45	38	47	52	41	32	12	5	7	11	17	30	337	291
COM. TOTAL	64	48	58	60	56	76	61	64	48	52	67	63	717	676
TURNIPS-RUTABAGAS - TRUCK														
CALIF	5	6	9	7	4	5	3	-	-	-	-	2	41	56
GA	-	-	-	-	2	-	-	-	-	-	-	-	2	1
ILL	-	-	-	-	-	1	1	2	2	2	-	1	9	8
IND	-	-	-	-	-	-	1	-	1	1	1	1	5	3
MASS	-	-	-	-	-	-	-	-	-	-	1	-	1	-
MICH	1	1	-	1	-	-	-	2	5	1	1	2	14	17
N J	1	1	1	1	-	-	1	1	1	1	4	4	16	29
N Y	-	-	-	-	-	-	-	-	-	-	-	-	-	1
N C	-	-	-	-	-	-	-	-	-	-	-	1	1	-
OHIO	-	-	-	-	-	-	-	-	-	-	-	-	-	2
ORE	9	6	10	5	3	1	3	3	4	5	6	8	63	41
S C	1	1	1	1	1	1	-	-	1	1	2	1	11	10
TEXAS	1	1	2	1	1	1	-	-	-	1	1	2	11	6
WASH	-	-	-	-	-	-	-	-	-	-	-	-	-	1
CANADA	9	8	12	4	1	-	-	7	10	13	15	14	93	115
COM. TOTAL	27	24	35	20	12	9	9	15	24	25	31	36	267	290

TABLE 5—ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS

(AMOUNTS ARE SHOWN IN UNITS OF 100,000 LBS)

1994 - VEGETABLES

	ORIGIN	JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	1994	1993
PEPPERS															
. PIGGYBACK	CALIFORNIA	-	-	-	-	1	12	4	-	-	1	-	-	18	27
	FLORIDA	2	2	5	2	3	-	-	-	-	-	-	-	14	-
. TRUCK	ALABAMA	-	-	-	-	-	-	1	-	-	-	-	-	1	3
	CALIFORNIA	1	1	-	-	72	149	153	132	108	100	90	6	900	1004
	CANADA	-	-	-	1	3	3	4	6	11	7	2	-	37	46
	COLORADO	-	-	-	-	-	-	-	-	1	-	-	-	1	-
	CONNECTICUT	-	-	-	-	-	-	-	1	1	-	-	-	2	1
	DELAWARE	-	-	-	-	-	-	-	1	-	-	-	-	1	-
	FLORIDA	268	248	312	329	312	90	3	-	1	34	177	265	2039	1787
	GEORGIA	-	-	-	-	4	139	56	5	2	26	19	2	253	173
	ILLINOIS	-	-	-	-	-	-	11	29	21	10	1	-	72	41
	INDIANA	-	-	-	-	-	-	1	8	6	-	-	-	15	4
	KENTUCKY	-	-	-	-	-	-	2	2	1	1	-	-	6	4
	LONG ISLAND	-	-	-	-	-	-	-	5	6	4	1	-	16	21
	LOUSIANA	-	-	-	-	-	10	1	-	-	-	-	-	11	12
	MARYLAND	-	-	-	-	-	-	1	3	1	1	-	-	6	5
	MASSACHUSETTS	-	-	-	-	-	-	-	6	6	1	-	-	13	17
	MEXICO	141	152	212	125	75	27	5	3	2	7	28	105	882	870
	MICHIGAN	-	-	-	-	-	-	2	34	40	4	-	-	80	84
	MISSOURI	-	-	-	-	-	-	1	1	1	-	-	-	3	8

TABLE 5—ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS

(AMOUNTS ARE SHOWN IN UNITS OF 100,000 LBS)

1994 - VEGETABLES

	ORIGIN	JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	1994	1993
. TRUCK	NETHERLANDS	1	-	-	3	7	10	9	11	7	5	8	6	67	63
	NEW JERSEY	-	-	-	-	-	-	34	76	43	26	4	-	183	201
	NEW YORK	-	-	-	-	-	-	-	13	20	4	1	-	38	42
	NORTH CAROLINA	-	-	-	-	-	35	88	7	3	1	-	-	134	122
	OHIO	-	-	-	-	-	-	1	10	12	4	-	-	27	11
	OREGON	-	-	-	-	-	-	-	-	-	1	-	-	1	-
	PENNSYLVANIA	-	-	-	-	-	-	-	7	7	3	-	-	17	31
	RHODE ISLAND	-	-	-	-	-	-	-	2	1	-	-	-	3	4
	SOUTH CAROLINA	-	-	-	-	-	3	2	-	-	1	-	-	6	5
	TENNESSEE	-	-	-	-	-	1	2	2	-	-	-	-	5	2
	TEXAS	-	-	-	-	2	9	-	1	5	12	61	32	122	108
	VIRGINIA	-	-	-	-	-	-	16	18	14	8	-	-	56	52
	WASHINGTON	-	-	-	-	-	-	-	7	10	1	-	-	18	22
	WEST VIRGINIA	-	-	-	-	-	-	-	1	-	-	-	-	1	1
	WISCONSIN	-	-	-	-	-	-	-	-	-	-	-	-	-	1
. AIR	NETHERLANDS	1	-	-	3	4	9	6	5	3	3	4	2	40	41
. TOTAL:		414	403	529	463	483	497	403	396	393	353	396	418	5148	4813
PEPPERS OTHER															
. TRUCK	CALIFORNIA	-	1	-	1	6	7	9	8	10	7	4	-	53	65
	DOMINICAN REPUBLIC	1	-	-	-	-	1	-	-	-	-	-	-	2	-

	FLORIDA	22	17	18	17	15	8	-	-	-	2	11	10	120	
	GEORGIA	-	-	-	-	1	9	8	2	1	2	7	1	31	17
	ILLINOIS	-	-	-	-	-	-	1	1	1	1	-	-	4	5
	JAMAICA	1	-	-	-	-	1	1	-	-	-	-	-	3	1
	LONG ISLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	1
	LOUSIANA	-	-	-	-	-	1	-	-	-	-	-	-	1	1
	MEXICO	29	23	37	29	25	21	23	18	15	12	30	30	292	317
	MICHIGAN	-	-	-	-	-	-	-	1	1	1	-	-	3	2
	NETHERLANDS	-	-	-	-	-	-	-	1	-	-	-	1	2	-
	NEW JERSEY	-	-	-	-	-	-	3	6	6	2	-	-	17	22
	NEW YORK	-	-	-	-	-	-	-	1	1	-	-	-	2	2
	NORTH CAROLINA	-	-	-	-	-	2	4	2	-	-	-	-	8	5
	OHIO	-	-	-	-	-	-	-	1	-	-	-	-	1	-
	TENNESSEE	-	-	-	-	-	-	-	-	-	-	-	-	-	3
	TEXAS	-	-	-	-	-	-	-	-	-	-	1	-	1	2
	VIRGINIA	-	-	-	-	-	-	1	1	-	-	-	-	2	3
	WASHINGTON	-	-	-	-	-	-	-	1	1	-	-	-	2	1
. TOTAL:		53	41	55	47	47	50	50	43	36	27	53	42	544	542

TOMATOES

. RAIL	CALIFORNIA	-	-	-	-	-	-	-	1	-	-	1	-	2	3
	FLORIDA	-	-	-	4	-	-	-	-	-	-	-	-	4	-
. PIGGYBACK	CALIFORNIA	1	-	-	-	-	11	62	91	69	56	46	38	374	192
	FLORIDA	9	16	24	39	67	27	4	-	-	5	10	12	213	169
	GEORGIA	-	-	-	-	-	-	1	-	-	-	-	-	1	-
	MEXICO	-	-	-	-	-	-	-	-	-	-	-	-	-	4
	NORTH CAROLINA	-	-	-	-	-	-	-	4	1	-	-	-	5	4
	SOUTH CAROLINA	-	-	-	-	-	-	1	-	-	-	-	-	1	11
. TRUCK	ALABAMA	-	-	-	-	-	2	6	8	4	1	-	-	21	17

ARIZONA	-	-	-	-	-	-	-	-	-	-	1	1	2	-
ARKANSAS	-	-	-	-	-	20	37	-	-	-	-	-	57	64
BELGIUM	-	-	-	1	1	2	1	-	-	-	-	-	5	8
CALIFORNIA	8	-	-	-	21	288	549	632	593	587	354	51	3083	3514
CANADA	-	-	-	1	3	6	6	7	5	4	2	-	34	13
COLORADO	-	-	1	1	1	2	3	-	1	2	2	-	13	-
FLORIDA	815	733	719	885	1114	690	74	-	5	247	581	771	6634	6623
GEORGIA	-	-	-	-	-	36	11	1	1	9	5	-	63	52
ILLINOIS	-	-	-	-	-	-	10	14	5	-	-	-	29	39
INDIANA	-	-	-	-	-	-	1	1	1	-	-	-	3	3
ISRAEL	4	3	2	1	-	-	-	-	-	-	-	-	10	2
KENTUCKY	-	-	-	-	-	2	17	19	1	-	-	-	39	42
LOUSIANA	-	-	-	-	-	3	1	-	-	-	-	-	4	3
MARYLAND	-	-	-	-	-	-	43	25	3	1	-	-	72	113
MASSACHUSETTS	-	-	-	-	-	-	-	1	2	-	-	-	3	3
MEXICO	267	388	565	388	260	199	91	117	103	93	98	151	2720	2817
MICHIGAN	-	-	-	-	-	-	2	38	56	6	-	-	102	100

TABLE 5—ARRIVALS IN 22 U.S. CITIES BY COMMODITIES, ORIGINS, AND MONTHS

(AMOUNTS ARE SHOWN IN UNITS OF 100,000 LBS)

1994 - VEGETABLES

	ORIGIN	JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	1994	1993
. TRUCK	MISSOURI	-	-	-	-	-	-	2	4	2	-	-	-	8	8
	NETHERLANDS	2	-	-	-	3	5	3	4	6	1	2	3	29	23
	NEW JERSEY	-	-	-	-	-	2	43	43	26	9	2	-	125	160
	NEW YORK	-	-	1	3	1	4	4	12	22	3	1	-	51	39
	NORTH CAROLINA	-	-	-	-	-	2	23	22	22	3	-	-	72	76
	OHIO	-	-	-	1	1	2	8	43	60	21	2	-	138	133
	PENNSYLVANIA	4	3	4	2	2	3	4	40	81	8	2	-	153	122
	PUERTO RICO	2	2	2	-	-	-	-	-	-	-	-	-	6	25
	SOUTH CAROLINA	-	-	-	-	-	247	199	7	2	5	3	-	463	420
	TENNESSEE	-	-	-	-	-	-	34	151	77	50	3	-	315	307
	TEXAS	-	-	-	-	3	7	11	8	2	1	-	-	32	33
	VIRGINIA	-	-	-	-	-	-	114	76	88	58	6	-	342	294
	WASHINGTON	-	-	-	-	-	-	-	8	3	-	-	-	11	7
. AIR	BELGIUM	-	-	-	1	1	2	1	-	-	-	-	-	5	9
	ISRAEL	-	1	-	-	-	-	-	-	-	-	-	-	1	3
	NETHERLANDS	1	-	-	1	1	4	5	3	2	1	1	1	20	30
.	TOTAL:	1113	1146	1318	1328	1479	1566	1371	1380	1243	1171	1122	1028	15265	15485
TOMATOES, CHERRY															
. TRUCK	ALABAMA	-	-	-	-	-	-	2	1	1	1	-	-	5	4
	ARKANSAS	-	-	-	-	-	-	1	-	-	-	-	-	1	-

	CALIFORNIA	1	-	-	-	-	11	32	31	32	37	22	9	175	233
	FLORIDA	23	12	10	19	26	31	4	-	1	10	31	29	196	138
	GEORGIA	-	-	-	-	-	1	1	-	-	-	-	-	2	-
	ISRAEL	1	1	-	-	-	-	-	-	-	-	-	1	3	-
	MARYLAND	-	-	-	-	-	-	1	-	-	-	-	-	1	2
	MASSACHUSETTS	-	-	-	-	-	-	2	-	-	-	-	-	2	-
	MEXICO	36	38	52	43	52	34	19	14	13	14	14	22	351	348
	MICHIGAN	-	-	-	-	-	-	2	4	8	3	-	-	17	12
	NEW JERSEY	-	-	-	-	-	-	1	1	1	-	-	-	3	3
	NEW YORK	-	-	-	-	-	-	-	1	1	-	-	-	2	2
	NORTH CAROLINA	-	-	-	-	-	1	4	1	-	-	-	-	6	3
	PENNSYLVANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	1
	SOUTH CAROLINA	-	-	-	-	-	3	2	-	-	-	-	-	5	2
	TENNESSEE	-	-	-	-	-	-	-	1	1	-	-	-	2	-
	TEXAS	-	-	-	-	-	-	-	-	-	-	-	-	-	1
	VIRGINIA	-	-	-	-	-	-	-	-	-	-	-	-	-	4
TOTAL:		61	51	62	62	78	81	71	54	58	65	67	61	771	753