



United States  
International Trade Commission

# Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2023 21st Report

September 2024

Publication Number: 5551

Investigation Number: 332-604



# United States International Trade Commission

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Washington, DC 20436



United States  
International Trade Commission

# **Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2023**

## **21st Report**

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# United States International Trade Commission

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# Impact of the Andean Trade Preference Act (ATPA) Program in 2022–23

The Andean Trade Preference Act (ATPA)<sup>1</sup> was enacted in 1991 to promote the development of viable economic alternatives to coca cultivation and cocaine production in Bolivia, Ecuador, Colombia, and Peru by authorizing the President to designate one or more of the countries as eligible for duty-free or other preferential treatment, subject to certain limitations and only after notifying Congress.<sup>2</sup> Section 206 of the ATPA requires the U.S. International Trade Commission (Commission) to submit biennial reports to the President and Congress on the economic impact of the ATPA program on the U.S. economy in general, on U.S. industries and consumers, and on the effectiveness of the program in promoting drug-related crop eradication and crop substitution efforts of the beneficiary countries.<sup>3</sup> Section 206 of the ATPA requires the Commission to submit such reports regardless of whether countries receive benefits under the ATPA or whether trade in goods is eligible for preferences under the program. This is the Commission’s 21st report on the ATPA and fulfills the Commission’s reporting requirement for calendar years 2022 and 2023. The Commission published a notice in the *Federal Register* on August 26, 2024 (89 Fed. Reg. 68468), inviting interested persons to file written submissions concerning this investigation with the Commission.<sup>4</sup> The Commission did not receive any written submissions.

During 2022–23, no beneficiary countries were eligible under the ATPA program, and no U.S. imports of goods were reported to have received preferential treatment under the program. The President suspended the beneficiary status of Bolivia in 2008.<sup>5</sup> Peru and Colombia entered free trade agreements with the United States in 2009 and 2012, respectively, after which the eligibility for duty-free treatment

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<sup>1</sup> Pub. L. No. 102-182, title II, 105 Stat. 1236. December 4, 1991. Throughout this report, the term “ATPA” refers to the Andean Trade Preference Act as amended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA) and subsequent legislation. The ATPA is codified at 19 U.S.C. § 3201 et seq. The ATPA program was renewed and expanded by the ATPDEA (Pub. L. No. 107-210) and signed into law by the President on August 6, 2002. The ATPDEA expanded trade preferences for the ATPDEA beneficiary countries to include about 700 products that were previously excluded under the ATPA, including certain textiles and apparel, footwear, petroleum and petroleum derivatives, watches and watch parts, and leather handbags, luggage, flat goods, work gloves, and leather wearing apparel. The ATPA, as amended, also allows expanded benefits for certain tuna in smaller foil or other flexible packages (not cans). For further details, see previous reports in this series. The Commission’s previous reports on the ATPA, as amended, are listed in USITC, *ATPA: 18th Report, 2017*, September 2018, appendix B.

<sup>2</sup> USTR, “Andean Trade Preference Act,” accessed August 16, 2024. The limitations and rules regarding the President’s authority to designate countries as beneficiary countries are detailed in section 203 of the ATPA. 19 U.S.C. § 3202 (2018).

<sup>3</sup> 19 U.S.C. § 3204 (2018).

<sup>4</sup> A copy of the notice is reproduced in appendix A of this report.

<sup>5</sup> Bolivia lost its beneficiary status on December 15, 2008, after the President signed a proclamation suspending Bolivia as a beneficiary country. The proclamation followed a determination that Bolivia failed to cooperate with the United States on counternarcotics efforts, which was one criterion for ATPA and ATPDEA eligibility. Proclamation No. 8323, 73 Fed. Reg. 72677 (November 25, 2008).

under the ATPA program was terminated by statute for Peru in 2010 and for Colombia in 2012.<sup>6</sup> Ecuador's benefits under the ATPA expired when the President's authority to provide preferential duty treatment under the ATPA expired on July 31, 2013.<sup>7</sup> Congress has not renewed the President's authority to provide duty-free treatment under the ATPA. Therefore, in the absence of authority to provide duty-free treatment under the program, no imports were reported under the ATPA.

## **Economic Impact of the ATPA on the U.S. Economy, Industries, and Consumers**

No imports under the ATPA program were recorded during the 2022–23 period covered by this report. Therefore, there was no measurable effect on the U.S. economy, U.S. consumers, or specific U.S. industries that produce articles that are like, or directly competitive with, articles imported under the ATPA. Similarly, no probable future effect of the ATPA on the U.S. economy and U.S. industries is anticipated, unless the program is renewed.

## **Impact of the ATPA on Drug Crop Eradication and Alternative Development**

No imports entered under the ATPA program or were eligible to receive preferential treatment under the program during the 2022–23 period covered in this report. Therefore, the ATPA had no effect on drug-related crop eradication and crop substitution efforts of the former beneficiary countries. The Commission reported similar assessments in its last three ATPA reports.<sup>8</sup>

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<sup>6</sup> The U.S.-Peru Trade Promotion Agreement (TPA) entered into force on February 1, 2009, and the U.S.-Colombia TPA entered into force on May 15, 2012. Although the U.S.-Peru Trade Promotion Agreement Implementation Act (Pub. L. No. 110-138) did not specify termination of the ATPA as applied to Peru, section 208 of the ATPA (19 U.S.C. § 3206) was amended in 2010 (Pub. L. No. 112-42) to terminate duty-free treatment under the ATPA for Peru effective December 31, 2010. Section 201(a)(3) of the United States-Colombia Trade Promotion Agreement Implementation Act (19 U.S.C. § 3805 note) required the President to terminate the designation of Colombia as a beneficiary country for purposes of the ATPA on the date the trade promotion agreement entered into force. See also USITC, *Andean Trade Preference Act: 15th Report, 2011*, September 2012, 1–3 to 1–4.

<sup>7</sup> After July 31, 2013, when the President's authority to provide duty-free treatment under the ATPA expired, U.S. imports from Ecuador ceased to receive preferential treatment under the program. In addition, Ecuador's National Secretary for Communications announced in a news release on June 27, 2013—about one month before the President's authority expired—that the government was unilaterally renouncing its tariff preferences under the ATPDEA. 19 U.S.C. § 3206(a)(2); Government of Ecuador, Secretaría Nacional de Comunicación, “En defensa de su soberanía, Ecuador renuncia de manera unilateral e irrevocable a las ATPDEA” (In defense of its sovereignty, Ecuador withdraws from ATPDEA unilaterally and irrevocably), June 27, 2013.

<sup>8</sup> USITC, *Andean Trade Preference Act: 20th Report, 2021*, August 2022, 6; USITC, *Andean Trade Preference Act: 19th Report, 2019*, July 2020, 5–6; USITC, *Andean Trade Preference Act: 18th Report, 2017*, September 2018, 4.



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Government of Ecuador. Secretaría Nacional de Comunicación (National Communications Department). “En defensa de su soberanía, Ecuador renuncia de manera unilateral e irrevocable a las ATPDEA” (In defense of its sovereignty, Ecuador withdraws from ATPDEA unilaterally and irrevocably). Noticias (press release), June 27, 2013. <https://www.comunicacion.gob.ec/en-defensa-de-su-soberania-ecuador-renuncia-de-manera-unilateral-e-irrevocable-a-las-atpdea/>.

Office of the U.S. Trade Representative (USTR). “Andean Trade Preference Act.” Accessed August 16, 2024. [https://ustr.gov/archive/Trade\\_Development/Preference\\_Programs/ATPA/Section\\_Index.html](https://ustr.gov/archive/Trade_Development/Preference_Programs/ATPA/Section_Index.html).

U.S. International Trade Commission (USITC). *Andean Trade Preference Act: Impact on U.S. Industries and Consumers and on Drug Crop Eradication and Crop Substitution, 2011: 15th Report*. Publication 4352. 2012. <https://www.usitc.gov/publications/332/pub4352.pdf>.

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## **Appendix A: *Federal Register* Notice**



68468

Federal Register / Vol. 89, No. 165 / Monday, August 26, 2024 / Notices

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 332–604]

**Andean Trade Preference Act: Impact  
on U.S. Industries and Consumers and  
on Drug Crop Eradication and Crop  
Substitution**

**AGENCY:** United States International  
Trade Commission.

**ACTION:** Notice of opportunity to submit  
information relating to matters to be  
addressed in the Commission's 21st  
report on the impact of the Andean  
Trade Preference Act (ATPA).

**SUMMARY:** Section 206 of the ATPA  
requires the Commission to report  
biennially to Congress and the President  
by September 30 of each reporting year  
on the economic impact of the ATPA on  
U.S. industries and U.S. consumers, and  
on the effectiveness of the ATPA in  
promoting drug-related crop eradication  
and crop substitution efforts by  
beneficiary countries.

**DATES:**

*September 10, 2024:* Deadline for  
filing written submissions.

*September 30, 2024:* Transmittal of  
Commission report to Congress and the  
President.

**ADDRESSES:** All Commission offices,  
including the Commission's hearing  
rooms, are located in the U.S.  
International Trade Commission  
Building, 500 E Street SW, Washington,  
DC. All written submissions should be  
addressed to the Secretary, U.S.  
International Trade Commission, 500 E  
Street SW, Washington, DC 20436. The  
public record for this investigation may  
be viewed on the Commission's  
electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Co-  
Project Leaders Erika Bethmann (202–  
205–3001 or [erika.bethmann@usitc.gov](mailto:erika.bethmann@usitc.gov))  
or Wen Jin “Jean” Yuan (202–205–2383  
or [Wen.Yuan@usitc.gov](mailto:Wen.Yuan@usitc.gov)) for information  
specific to this investigation. For  
information on the legal aspects of this  
investigation, contact Brian Allen (202–  
205–3034 or [brian.allen@usitc.gov](mailto:brian.allen@usitc.gov)) or  
William Gearhart (202–205–3091 or  
[william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)) of the  
Commission's Office of the General  
Counsel. The media should contact  
Jennifer Andberg, Office of External  
Relations (202–205–3404 or  
[jennifer.andberg@usitc.gov](mailto:jennifer.andberg@usitc.gov)). Hearing-  
impaired individuals are advised that  
information on this matter can be  
obtained by contacting the  
Commission's TDD terminal on 202–  
205–1810. General information  
concerning the Commission may be

obtained by accessing its internet  
address (<https://www.usitc.gov>). 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.

**SUPPLEMENTARY INFORMATION:**

*Background:* Section 206 of the  
Andean Trade Preference Act (ATPA)  
(19 U.S.C. 3204) requires that the  
Commission submit biennial reports to  
Congress and the President regarding  
the economic impact of the ATPA on  
U.S. industries and consumers and, in  
conjunction with other agencies, the  
effectiveness of the ATPA in promoting  
drug-related crop eradication and crop  
substitution efforts of the beneficiary  
countries. Section 206(b) of the ATPA  
requires that each report include:

(1) the actual effect of the ATPA on  
the U.S. economy generally as well as  
on specific domestic industries which  
produce articles that are like, or directly  
competitive with, articles being  
imported under the ATPA from  
beneficiary countries;

(2) the probable future effect that the  
ATPA will have on the U.S. economy  
generally and on such domestic  
industries before the provisions of the  
ATPA terminate; and

(3) the estimated effect that the ATPA  
has had on drug-related crop eradication  
and crop substitution efforts of  
beneficiary countries.

Under the statute, the Commission is  
required to prepare this report  
regardless of whether duty-free  
treatment or other preferential treatment  
was provided during the period covered  
by the report. During the period to be  
covered by this report, calendar years  
2022 and 2023, no imports entering the  
United States received preferential  
treatment under the ATPA.

The Commission does not plan to  
hold a public hearing in conjunction  
with this investigation. The Commission  
will submit its report by September 30,  
2024. The notice announcing institution  
of the investigation for the purpose of  
preparing the first report under the  
statute was published in the **Federal  
Register** of March 10, 1994 (59 FR  
11308). Notice providing opportunity to  
file written submissions in connection  
with the 20th report was published in  
the **Federal Register** of July 20, 2022 (85  
FR 31209).

*Written submissions:* Interested  
persons are invited to file written  
submissions concerning this  
investigation. All written submissions  
should be addressed to the Secretary,  
and should be received no later than  
5:15 p.m., September 10, 2024. All  
written submissions must conform to

the provisions of section 201.8 of the  
Commission's *Rules of Practice and  
Procedure* (19 CFR 201.8), as  
temporarily amended by 85 FR 15798  
(March 19, 2020). Under that rule  
waiver, the Office of the Secretary will  
accept only electronic filings at this  
time. Filings must be made through the  
Commission's Electronic Document  
Information System (EDIS, <https://edis.usitc.gov>). No in-person, paper-  
based filings or paper copies of any  
electronic filings will be accepted until  
further notice. Persons with questions  
regarding electronic filing should  
contact the Office of the Secretary,  
Docket Services Division (202–205–  
1802), or consult the Commission's  
*Handbook on Filing Procedures*.

*Definitions of types of documents that  
may be filed; Requirements:* This notice  
provides for the possible filing of one  
type of document: written submissions.

*Written submissions* refers to any  
written submissions that interested  
persons wish to make and may include  
new information or updates of  
information previously provided.

In accordance with the provisions of  
section 201.8 of the Commission's *Rules  
of Practice and Procedure* (19 CFR  
201.8), the document must identify on  
its cover (1) the investigation number  
and title and the type of document filed  
(i.e., written submission), (2) the name  
and signature of the person filing it, (3)  
the name of the organization that the  
submission is filed on behalf of, and (4)  
whether it contains confidential  
business information (CBI). If it contains  
CBI, it must comply with the marking  
and other requirements set out below in  
this notice relating to CBI. Submitters of  
written documents are encouraged to  
include a short summary of their  
position or interest at the beginning of  
the document, and a table of contents  
when the document addresses multiple  
issues.

*Confidential business information:*  
Any submissions that contain CBI must  
also conform to the requirements of  
section 201.6 of the Commission's *Rules  
of Practice and Procedure* (19 CFR  
201.6). Among other things, section  
201.6 of the rules requires that the cover  
of the document and the individual  
pages be clearly marked as to whether  
they are the “confidential” or  
“nonconfidential” version, and that the  
CBI is clearly identified by means of  
brackets. All written submissions,  
except for CBI, will be made available  
for inspection by interested persons.

The Commission will not include any  
CBI in the report that it sends to  
Congress and the President. However,  
all information, including CBI,  
submitted in this investigation may be

disclosed to and used by: (i) the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission, including under 5 U.S.C. Appendix 3; or (ii) U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any CBI in a way that would reveal the operations of the firm supplying the information.

**Summaries of views of interested persons:** Interested persons wishing to have a summary of their views included in the report should include a summary with a written submission on or before September 10, 2024, and must use the Commission template, which can be downloaded from [https://www.usitc.gov/docket\\_services/documents/firm\\_or\\_organization\\_summary\\_word\\_limit.pdf](https://www.usitc.gov/docket_services/documents/firm_or_organization_summary_word_limit.pdf). The Commission template must be uploaded as a separate attachment with the written submission, which is filed on EDIS under the document type "Briefs and Written Submissions." The summary may not exceed 500 words and should not include any CBI. The summary will be published as provided only if it utilizes the Commission-provided template, meets these requirements, and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link where the written submission can be found.

By order of the Commission.

Issued: August 19, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-19135 Filed 8-23-24; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; General Provisions and Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment Standards

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection

request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before September 25, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Nicole Bouchet by telephone at 202-693-0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** To ensure that shipyard personnel do not enter confined spaces that contain oxygen deficient, toxic or flammable atmospheres, qualified (competent) personnel must test such spaces. Information provides individuals deemed qualified by the employer to conduct such tests as well as results and instructions. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 22, 2024 (89 FR 45026). Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

**Agency:** DOL—OSHA.

**Title of Collection:** General Provisions and Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment Standards

**OMB Control Number:** 1218-0011.

**Affected Public:** Private Sector—Businesses or other for-profits.

**Total Estimated Number of Respondents:** 4,674.

**Total Estimated Number of Responses:** 3,505,495.

**Total Estimated Annual Time Burden:** 558,598 hours.

**Total Estimated Annual Other Costs Burden:** \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024-19010 Filed 8-23-24; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0004]

### Proposed Extension of Information Collection; Roof Control Plan for Underground Coal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information, in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. The Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection entitled Roof Control Plan for Underground Coal Mines.

**DATES:** All comments must be received on or before October 25, 2024.