

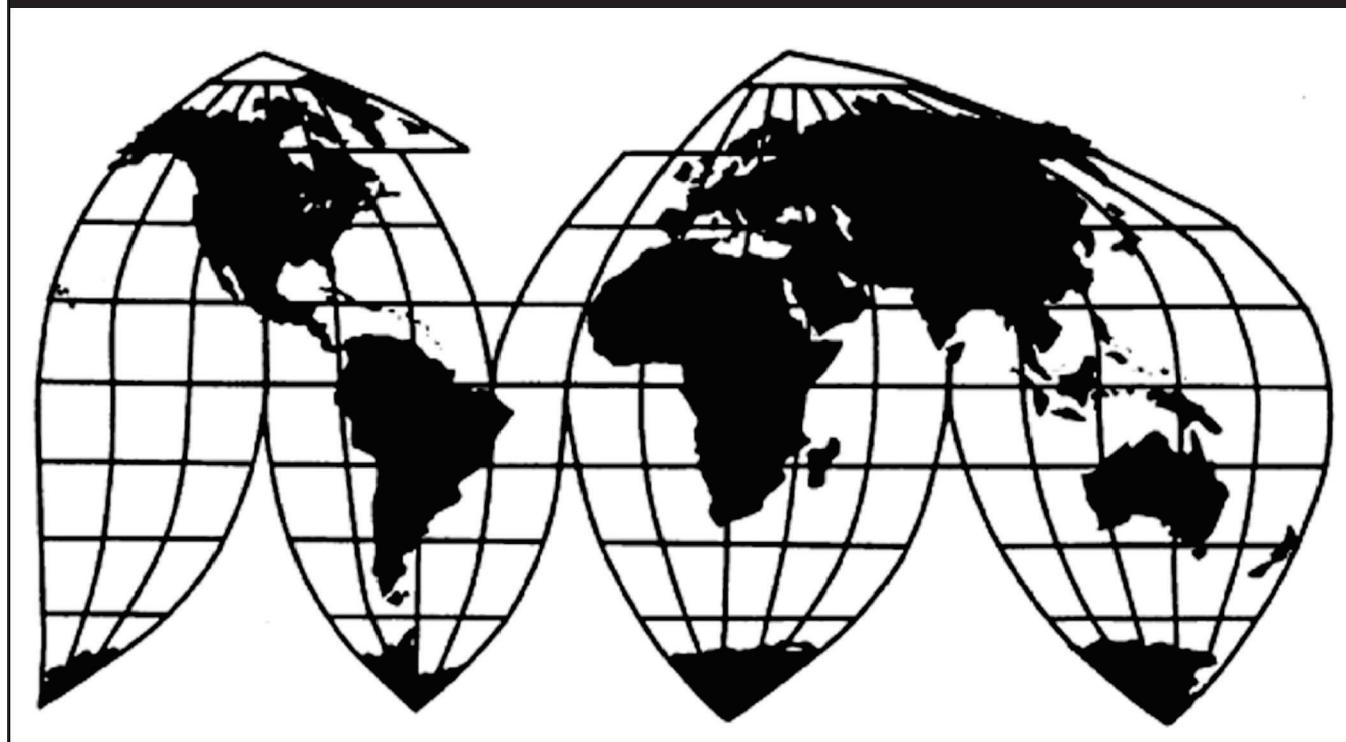
# **Certain Preserved Mushrooms from the Netherlands, Poland, and Spain**

Investigation Nos. 731-TA-1588-1590 (Final)

**Publication 5430**

**May 2023**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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# **U.S. International Trade Commission**

Washington, DC 20436

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# UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-1588-1590 (Final)

Certain Preserved Mushrooms from the Netherlands, Poland, and Spain

## DETERMINATIONS

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of certain preserved mushrooms from the Netherlands, Poland, and Spain, provided for in subheading 2003.10.01 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).<sup>2</sup>

## BACKGROUND

The Commission instituted these investigations effective March 31, 2022, following receipt of petitions filed with the Commission and Commerce by Giorgio Foods, Inc., Blandon, Pennsylvania. The Commission established a general schedule for the conduct of the final phase of its investigations on certain preserved mushrooms, following a preliminary determination by Commerce that imports of certain preserved mushrooms from France were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith 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 September 21, 2022 (87 FR 57717). The Commission conducted its hearing on November 17, 2022. All persons who requested the opportunity were permitted to participate.

The investigations schedules became staggered when Commerce did not postpone the final determination for its antidumping duty investigation of certain preserved mushrooms

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<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 88 FR 18115, 88 FR 18118, and 88 FR 18120 (March 27, 2023).

from France, while it did postpone the final determinations for its antidumping duty investigations of certain preserved mushrooms from the Netherlands, Poland, and Spain. On January 12, 2023, the Commission issued a final affirmative determination in its antidumping duty investigation of certain preserved mushrooms from France (*88 FR 2971*, January 18, 2023). Following notification of a final determination by Commerce that imports of certain preserved mushrooms from the Netherlands, Poland, and Spain were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)), notice of the supplemental scheduling of the final phase of the Commission's antidumping duty investigations 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 5, 2023 (*88 FR 20187*).



## Views of the Commission

Based on the record in the final phase of these investigations, we determine that an industry in the United States is materially injured by reason of imports of certain preserved mushrooms (“CPMs”) from the Netherlands, Poland, and Spain found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).

### I. Background

Giorgio Foods, Inc. (“Giorgio” or “Petitioner”), a domestic producer of CPMs, filed antidumping duty petitions on imports of CPMs from France, the Netherlands, Poland, and Spain on March 31, 2022.<sup>1</sup> The investigation schedules became staggered when Commerce did not postpone the final determination for its antidumping duty investigation regarding CPMs from France while it did postpone the final determinations for its antidumping duty investigations regarding CPMs from the Netherlands, Poland, and Spain.<sup>2</sup> This necessitated an earlier determination by the Commission in its antidumping duty investigation of CPMs from France (the “leading investigation”), and the Commission reached an affirmative determination in that investigation in January 2023.<sup>3</sup>

Subsequently, Commerce published its final affirmative antidumping duty determinations regarding CPMs from the Netherlands, Poland, and Spain.<sup>4</sup> As a result, the Commission must now make its determinations in the antidumping duty investigations on

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<sup>1</sup> Confidential Staff Report, INV-VV-032 (“Supplemental CR”) at I-1; *Certain Preserved Mushrooms from the Netherlands, Poland, and Spain*, Inv. Nos. 731-TA-1588-1590 (Final), USITC Pub. 5430 (May 2023) (“Supplemental PR”) at I-1.

<sup>2</sup> *Certain Preserved Mushrooms from the Netherlands: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 87 Fed. Reg. 66265 (Nov. 3, 2022); *Certain Preserved Mushrooms from Poland: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 87 Fed. Reg. 66273 (Nov. 3, 2022); *Certain Preserved Mushrooms from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 87 Fed. Reg. 66262 (Nov. 3, 2022).

<sup>3</sup> See *Certain Preserved Mushrooms from France*, Inv. No. 731-TA-1587 (Final), USITC Pub. 5393 (Jan. 2023) (“*Certain Preserved Mushrooms Leading Determination*”) at 37. The Commission cumulatively assessed the volume and effects of subject imports from France, the Netherlands, Poland and Spain in the leading investigation. See *id.* at 16.

<sup>4</sup> *Certain Preserved Mushrooms from the Netherlands: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18115 (Mar. 27, 2023); *Certain Preserved Mushrooms from Poland: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18118 (Mar. 27, 2023); *Certain Preserved Mushrooms from Spain: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18120 (Mar. 27, 2023).

CPMs from the Netherlands, Poland, and Spain (the “trailing investigations”).<sup>5</sup> Pursuant to the statutory provision on staggered investigations, 19 U.S.C. § 1677(7)(G)(iii), the record for the trailing investigations closed on December 13, 2022, at the same time as the record for the leading investigation, except that Commerce’s final antidumping duty determinations regarding imports from the Netherlands, Poland, and Spain, and the parties’ supplemental final comments on those determinations, have been added to the record.<sup>6</sup>

Petitioner filed supplemental final comments concerning these trailing investigations.<sup>7</sup> Respondents Okechamp B.V., Okechamp S.A., and Eurochamp S.A.T. (collectively, the “Okechamp Respondents”), producers of subject merchandise in the Netherlands, Poland, and Spain, respectively, also filed joint supplemental final comments.<sup>8</sup>

## II. Negligible Imports

Pursuant to Section 771(24) of the Tariff Act, imports from a subject country of merchandise corresponding to a domestic like product that account for less than 3 percent of all such merchandise imported into the United States during the most recent 12 months for which data are available preceding the filing of the petition shall generally be deemed

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<sup>5</sup> See *Certain Preserved Mushrooms from the Netherlands, Poland, and Spain; Supplemental Schedule for the Final Phase of Anti-Dumping Duty Investigations*, 88 Fed. Reg. 20187 (Apr. 5, 2023).

<sup>6</sup> See 19 U.S.C. § 1677(7)(G)(iii). Commerce calculated a zero percent dumping margin for producer Prochamp B.V. (“Prochamp”) in both its preliminary and final antidumping duty determinations concerning CPMs from the Netherlands. *Certain Preserved Mushrooms from the Netherlands: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 87 Fed. Reg. 66265 (Nov. 3, 2022); *Certain Preserved Mushrooms from the Netherlands: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18115 (Mar. 27, 2023). Thus, CPMs imported from Prochamp were nonsubject imports in the leading investigation and continue to be nonsubject imports in the trailing investigations. Accordingly, the information on the record for both the leading investigation and the trailing investigations concerning subject imports from the Netherlands, including their volume, is identical.

<sup>7</sup> See Petitioner’s Supplemental Final Comments, EDIS Doc. 794357 (Apr. 14, 2023).

<sup>8</sup> See Okechamp Respondents’ Supplemental Final Comments, EDIS Doc. 794377 (Apr. 14, 2023). In its scheduling notice for these investigations, the Commission stated that “{s}upplemental party comments may address only Commerce’s final antidumping duty determinations regarding imports of certain preserved mushrooms from the Netherlands, Poland, and Spain” and “may not contain new factual information.” *Certain Preserved Mushrooms from the Netherlands, Poland, and Spain; Supplemental Schedule for the Final Phase of Anti-Dumping Duty Investigations*, 88 Fed. Reg. 20187 (Apr. 5, 2023). Contrary to these instructions, the Okechamp Respondents’ Supplemental Final Comments do not address Commerce’s final determinations and contain new factual information. Consequently, we have disregarded the Okechamp Respondents’ Supplemental Final Comments.

negligible.<sup>9</sup> Neither Giorgio nor the Okechamp Respondents addressed negligibility in their supplemental final comments.

During the 12-month period prior to the filing of the petitions (March 2021 through February 2022), subject imports from the Netherlands accounted for 60.9 percent of total imports, subject imports from Poland accounted for 16.6 percent of total imports, and subject imports from Spain accounted for \*\*\* percent of total imports.<sup>10</sup> As subject imports from the Netherlands, Poland, and Spain, respectively, exceeded the 3 percent negligibility threshold, we find that imports of CPMs from the Netherlands, Poland, and Spain subject to the antidumping duty investigations are not negligible.

### **III. Material Injury by Reason of Cumulated Subject Imports**

Section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), provides that the Commission must make its material injury determinations in the instant trailing investigations on the basis of the same record as that in the leading investigation, except to the extent discussed above.<sup>11</sup> Therefore, in these investigations, we adopt the findings and analyses from our determination and views in the leading investigation with respect to the issues of domestic like product, domestic industry, cumulation, conditions of competition, and material injury by reason of cumulated subject imports.<sup>12 13</sup>

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<sup>9</sup> 19 U.S.C. § 1677(24)(A)(i).

<sup>10</sup> Supplemental CR/Supplemental PR at Table I-5.

<sup>11</sup> 19 U.S.C. § 1677(7)(G)(iii).

<sup>12</sup> *Certain Preserved Mushrooms Leading Determination*, USITC Pub. 5393.

<sup>13</sup> The statute additionally instructs the Commission to consider the “magnitude of the dumping margin” in an antidumping duty proceeding as part of its consideration of the impact of subject imports. 19 U.S.C. § 1677(7)(C)(iii)(V). In its final antidumping duty determinations, Commerce found dumping margins of 132.97 to 146.59 percent for CPMs from the Netherlands (other than for CPMs from Prochamp), 34.32 to 57.22 percent for CPMs from Poland, and 59.59 to 156.59 percent for CPMs from Spain. *Certain Preserved Mushrooms from the Netherlands: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18115 (Mar. 27, 2023); *Certain Preserved Mushrooms from Poland: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18118 (Mar. 27, 2023); *Certain Preserved Mushrooms from Spain: Final Affirmative Determination of Sales at Less Than Fair Value*, 88 Fed. Reg. 18120 (Mar. 27, 2023).

We take into account in our analysis the fact that Commerce has made final findings that subject imports from the Netherlands, Poland, and Spain are sold in the United States at LTFV, including the magnitude of the margins of dumping found by Commerce. In addition to this consideration, other factors that support our analysis from the *Certain Preserved Mushrooms Leading Determination* remain unchanged and do not require modification; for example, our analysis of the significant price effects of cumulated subject imports found in the leading determination is probative to our assessment of the (Continued...)

#### **IV. Conclusion**

For the reasons stated above, we determine that an industry in the United States is materially injured by reason of subject imports of CPMs from the Netherlands, Poland, and Spain found by Commerce to be sold in the United States at LTFV.

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impact of such imports, including subject imports from the Netherlands, Poland, and Spain, on the domestic industry. *See Certain Preserved Mushrooms Leading Determination*, USITC Pub. 5393 at 26-30.

# Part I: Introduction

## Background

These investigations result from petitions filed with the U.S. Department of Commerce (“Commerce”) and the U.S. International Trade Commission (“USITC” or “Commission”) by Giorgio Foods, Inc. (“Giorgio”), Blandon, Pennsylvania, on March 31, 2022, alleging that an industry in the United States is materially injured and threatened with material injury by reason of less-than-fair-value (“LTFV”) imports of certain preserved mushrooms<sup>1</sup> from France, the Netherlands, Poland, and Spain. Table I-1 presents information relating to the background of these investigations).<sup>2 3</sup>

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<sup>1</sup> For a complete description of the merchandise subject to this proceeding, see the section entitled “The Subject Merchandise” in Part I of Certain Preserved Mushrooms from France, Investigation No. 731-TA-1587, USITC Publication 5393, January 2023.

<sup>2</sup> Pertinent Federal Register notices are referenced in appendix A, and may be found at the Commission’s website ([www.usitc.gov](http://www.usitc.gov)).

<sup>3</sup> Appendix B presents a list of witnesses who appeared at the Commission’s hearing.

**Table I-1****Certain preserved mushrooms: Information relating to the background and schedule of this proceeding**

<b>Effective date</b>	<b>Action</b>
March 31, 2022	Petitions filed with Commerce and the Commission; institution of the Commission's investigations (87 FR 20460, April 7, 2022)
April 20, 2022	Commerce's notice of initiation 87 FR 24941, April 27, 2022)
May 16, 2022	Commission's preliminary determinations (87 FR 30996, May 20, 2022)
September 13, 2022	Commerce's preliminary determination on France (87 FR 55997, September 13, 2022); scheduling of final phase of Commission investigations (87 FR 57717)
November 3, 2022	Commerce's preliminary determinations for the Netherlands (87 FR 66265, November 3, 2022), Poland (87 FR 66273, November 3, 2022), and Spain (87 FR 66262, November 3, 2022)
November 17, 2022	Commission's hearing
November 28, 2022	Commerce's final determination on France (87 FR 72963, November 28, 2022)
December 19, 2022	Commission's vote (France)
January 12, 2023	Commission's determination and views for France (88 FR 2971, January 18, 2023)
January 19, 2023	Commerce's antidumping duty order for France (88 FR 3382, January 19, 2023)
March 27, 2023	Commerce's final determinations for the Netherlands, Poland, and Spain (88 FR 18115, 88 FR 18118, and 88 FR 18120, March 27, 2023)
March 27, 2023	Scheduling of final phase of Commission's trailing investigations (88 FR 20187, April 5, 2023)
April 27, 2023	Commission's vote for the Netherlands, Poland, and Spain
May 11, 2023	Commission's views for the Netherlands, Poland, and Spain

The information contained in this report is intended to be used in conjunction with data presented in the Commission's report on *Certain Preserved Mushrooms from France*, Investigation No. 731-TA-1587 (Final), USITC Publication 5393, January 2023, and its corresponding confidential report contained in memorandum No. INV-UU-122, *Certain Preserved Mushrooms from France, Netherlands, Poland, and Spain* Investigation Nos. 731-TA-1587-1590 (Final).<sup>4</sup> No new information except for Commerce's final LTFV determinations concerning certain preserved mushrooms from the Netherlands, Poland, and Spain, and party comments thereon is included in the record for this proceeding.<sup>5</sup>

## Nature and extent of sales at LTFV

On March 27, 2023, Commerce published a notice in the Federal Register of its final determination of sales at LTFV with respect to imports from the Netherlands,<sup>6</sup> Poland,<sup>7</sup> and Spain.<sup>8</sup> Tables I-2, I-3, and I-4 present Commerce's dumping margins with respect to imports of certain preserved mushrooms from the Netherlands, Poland, and Spain.

**Table I-2**  
**Certain Preserved Mushrooms: Commerce's preliminary and final weighted-average LTFV margins with respect to imports from the Netherlands**

Exporter/Producer	Preliminary dumping margin (percent)	Final dumping margin (percent)
Okechamp B.V.	146.59	146.59
Prochamp B.V.	0.00	0.00
All others	132.97	132.97

Source: 87 FR 66265, November 3, 2022, and 88 FR 18115, March 27, 2023.

<sup>4</sup> Appendix C of this report reproduces summary data referenced in the Commission's views.

<sup>5</sup> Comments consistent with the statutory limitation for subsequently completed investigations were filed on behalf of Giorgio Foods, Inc., the petitioner and U.S. producer of certain preserved mushrooms. Comments were also submitted on behalf of Dutch, Polish, and Spanish producers of certain preserved mushrooms.

<sup>6</sup> 88 FR 18115, March 27, 2023.

<sup>7</sup> 88 FR 18118, March 27, 2023.

<sup>8</sup> 88 FR 18120, March 27, 2023.

**Table I-3**

**Certain Preserved Mushrooms: Commerce's preliminary and final weighted-average LTFV margins with respect to imports from Poland**

Exporter/Producer	Preliminary dumping margin (percent)	Final dumping margin (percent)
Okechamp S.A.	23.43	34.32
Bonduelle Polska-UL.Michala	30.01	57.22
Bonduelle Polska SA	30.01	57.22
All others	23.43	34.32

Source: 87 FR 66273, November 3, 2022, and 88 FR 18118, March 27, 2023.

**Table I-4**

**Certain Preserved Mushrooms: Commerce's preliminary and final weighted-average LTFV margins with respect to imports from Spain**

Exporter/Producer	Preliminary dumping margin (percent)	Final dumping margin (percent)
Eurochamp S.A.T.	10.28	156.59
Riberebro Integral S.A.U.	40.07	156.59
All others	10.28	59.59

Source: 87 FR 66262, November 3, 2022, and 88 FR 18120, March 27, 2023.

## Negligibility

The statute requires that an investigation be terminated without an injury determination if imports of the subject merchandise are found to be negligible.<sup>9</sup> Negligible imports are generally defined in the Act, as amended, as imports from a country of merchandise corresponding to a domestic like product where such imports account for less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period for which data are available that precedes the filing of the petition or the initiation of the investigation. However, if there are imports of such merchandise from a number of countries subject to investigations initiated on the same day that individually account for less than 3 percent of the total volume of the subject merchandise, and if the imports from those countries collectively account for more than 7 percent of the volume of all such merchandise imported into the United States during the applicable 12-month period, then imports from such countries are deemed not to be negligible.<sup>10</sup> Imports from France accounted for \*\*\* percent, subject imports from the Netherlands accounted for 60.9 percent, imports

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<sup>9</sup> Sections 703(a)(1), 705(b)(1), 733(a)(1), and 735(b)(1) of the Act (19 U.S.C. §§ 1671b(a)(1), 1671d(b)(1), 1673b(a)(1), and 1673d(b)(1)).

<sup>10</sup> Section 771 (24) of the Act (19 U.S.C § 1677(24)).



from Poland accounted for 16.6 percent, and imports from Spain accounted for \*\*\* percent of total imports of certain preserved mushrooms, by quantity, during March 2021 through February 2022.

**Table I-5**

**Certain preserved mushrooms: U.S. imports in the twelve-month period preceding the filing of the petitions, March 2021 through February 2022**

Quantity in 1,000 pounds drained weight; share in percent

Source of imports	Quantity	Share of quantity
France	***	***
Netherlands, subject	22,674	60.9
Poland	6,179	16.6
Spain	***	***
Subject sources	34,319	92.2
Netherlands, nonsubject	***	***
All other sources	***	***
Nonsubject sources	2,897	7.8
All import sources	37,216	100.0

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

Note: These calculations are based on Commerce's final AD determinations for certain preserved mushrooms from the Netherlands (88 FR 18115, March 27, 2023), Poland (88 FR 18118, March 27, 2023), and Spain (88 FR 18120, March 27, 2023), and are unchanged from the calculations in the leading investigations.

Note: Share of quantity is the share of total imports by quantity.



**APPENDIX A**

**FEDERAL REGISTER NOTICES**



The Commission makes available notices relevant to its investigations and reviews on its website, [www.usitc.gov](http://www.usitc.gov). In addition, the following tabulation presents, in chronological order, Federal Register notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
87 FR 20460, April 7, 2022	<i>Certain Preserved Mushrooms From France, Netherlands, Poland, and Spain; Institution of Antidumping Duty Investigations and Scheduling of Preliminary Phase Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-04-07/pdf/2022-07353.pdf">https://www.govinfo.gov/content/pkg/FR-2022-04-07/pdf/2022-07353.pdf</a>
87 FR 24941, April 27, 2022	<i>Certain Preserved Mushrooms From France, the Netherlands, Poland, and Spain: Initiation of Less-Than-Fair-Value Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-04-27/pdf/2022-08947.pdf">https://www.govinfo.gov/content/pkg/FR-2022-04-27/pdf/2022-08947.pdf</a>
87 FR 30996, May 20, 2022	<i>Certain Preserved Mushrooms From France, Netherlands, Poland, and Spain Determinations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-05-20/pdf/2022-10824.pdf">https://www.govinfo.gov/content/pkg/FR-2022-05-20/pdf/2022-10824.pdf</a>
87 FR 55997, September 13, 2022	<i>Certain Preserved Mushrooms From France: Preliminary Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-09-13/pdf/2022-19769.pdf">https://www.govinfo.gov/content/pkg/FR-2022-09-13/pdf/2022-19769.pdf</a>

Citation	Title	Link
87 FR 57717, September 21, 2022	<i>Certain Preserved Mushrooms From France, Netherlands, Poland, and Spain; Scheduling of the Final Phase of Antidumping Duty Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-09-21/pdf/2022-20426.pdf">https://www.govinfo.gov/content/pkg/FR-2022-09-21/pdf/2022-20426.pdf</a>
87 FR 66273, November 3, 2022	<i>Certain Preserved Mushrooms from Poland: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23921.pdf">https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23921.pdf</a>
87 FR 66265, November 3, 2022	<i>Certain Preserved Mushrooms from the Netherlands: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23922.pdf">https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23922.pdf</a>

Citation	Title	Link
87 FR 66262, November 3, 2022	<i>Certain Preserved Mushrooms from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23923.pdf">https://www.govinfo.gov/content/pkg/FR-2022-11-03/pdf/2022-23923.pdf</a>
87 FR 72963, November 28, 2022	<i>Certain Preserved Mushrooms From France: Final Affirmative Determination of Sales at Less than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-11-28/pdf/2022-25912.pdf">https://www.govinfo.gov/content/pkg/FR-2022-11-28/pdf/2022-25912.pdf</a>
88 FR 18115, March 27, 2023	<i>Certain Preserved Mushrooms from the Netherlands: Final Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2023-03-27/pdf/2023-06185.pdf">https://www.govinfo.gov/content/pkg/FR-2023-03-27/pdf/2023-06185.pdf</a>
88 FR 18118, March 27, 2023	<i>Certain Preserved Mushrooms from Poland: Final Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2023-03-27/pdf/2023-06187.pdf">https://www.govinfo.gov/content/pkg/FR-2023-03-27/pdf/2023-06187.pdf</a>
88 FR 18120, March 27, 2023	<i>Certain Preserved Mushrooms from Spain: Final Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2023-03-27/pdf/2023-06186.pdf">https://www.govinfo.gov/content/pkg/FR-2023-03-27/pdf/2023-06186.pdf</a>
88 FR 20187, April 5, 2023	<i>Certain Preserved Mushrooms From the Netherlands, Poland, and Spain; Supplemental Schedule for the Final Phase of Anti-Dumping Duty Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2023-04-05/pdf/2023-07022.pdf">https://www.govinfo.gov/content/pkg/FR-2023-04-05/pdf/2023-07022.pdf</a>





**APPENDIX B**

**LIST OF HEARING WITNESSES**



## CALENDAR OF PUBLIC HEARING

Those listed below appeared in the United States International Trade Commission's hearing:

**Subject:** Certain Preserved Mushrooms from France, Netherlands,  
Poland, and Spain  
**Inv. Nos.:** 731-TA-1587-1590 (Final)  
**Date and Time:** November 17, 2022 - 9:30 a.m.

### **EMBASSY APPEARANCE:**

**European Union Delegation to the United States of America  
Washington, DC**

**Jennifer Danner Riccardi, Senior Trade Advisor**

### **OPENING REMARKS:**

In Support of Imposition (**John M. Herrmann**, Kelley Drye & Warren LLP)  
In Opposition to Imposition (**Lizbeth R. Levinson**, Fox Rothschild LLP)

### **In Support of the Imposition of the Antidumping Duty Orders:**

Kelley Drye & Warren LLP  
Washington, DC  
on behalf of

Giorgio Foods, Inc. ("Giorgio")

**Brian Loiseau**, Senior Vice President of Sales, Research & Development  
and Business Development, Giorgio

**William B. Hudgens**, Senior Trade Analyst, Georgetown Economic Services, LLC

**Jacob Jones**, Data Analyst, Georgetown Economic Services, LLC

<b>John M. Herrmann</b>	)	
<b>Paul C. Rosenthal</b>	)	
	)	– OF COUNSEL
<b>Elizabeth C. Johnson</b>	)	
<b>Joshua R. Morey</b>	)	

**In Opposition to the Imposition of the  
Antidumping Duty Orders:**

Akin Gump Strauss Hauer & Feld LLP  
Washington, DC  
on behalf of

H-E-B Grocery Company LP

**Julia K. Eppard** ) – OF COUNSEL

Fox Rothschild LLP  
Washington, DC  
on behalf of

Okechamp S.A.; Okechamp B.V.  
Prochamp B.V.; Eurochamp S.A.T.

**Leszek Ejmont** (**remote witness**), Chief Executive Officer, Okechamp B.V.  
(the Netherlands) and Chief Executive Officer, Okechamp S.A. (Poland)

**William Purcell**, Chairman, Purcell International

**Colleen Purcell**, President, Purcell International

**Lara Gatermann**, Vice-President, Wuensche USA, Inc.

**Lizbeth R. Levinson** )  
 ) – OF COUNSEL  
**Ronald M. Wisla** )

**REBUTTAL/CLOSING REMARKS:**

In Support of Imposition (**Paul C. Rosenthal**, Kelley Drye & Warren LLP)  
In Opposition to Imposition (**Lizbeth R. Levinson**, Fox Rothschild LLP)

**-END-**

**APPENDIX C**  
**SUMMARY DATA**



Table C-1

**Certain preserved mushrooms: Summary data concerning the U.S. market, by item and period**

Quantity=1,000 pounds drained weight; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per pound drained weight; Productivity=pounds drained weight per hour; Period changes=percent--exceptions noted

Item	Reported data					Period changes			
	Calendar year		Jan-Jun			Comparison years			Jan-Jun
	2019	2020	2021	2021	2022	2019-21	2019-20	2020-21	2021-22
U.S. consumption quantity:									
Amount.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Producers' share (fn1).....	***	***	***	***	***	▼***	▲***	▼***	▲***
Importers' share (fn1):									
France.....	***	***	***	***	***	▼***	▼***	▼***	▲***
Netherlands, subject.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Poland.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Spain.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Subject sources.....	***	***	***	***	***	▼***	▼***	▼***	▼***
Netherlands, nonsubject.....	***	***	***	***	***	▲***	▼***	▲***	▲***
All other sources.....	***	***	***	***	***	▼***	▼***	▲***	▲***
Nonsubject sources.....	***	***	***	***	***	▲***	▼***	▲***	▲***
All import sources.....	***	***	***	***	***	▲***	▼***	▲***	▼***
U.S. consumption value:									
Amount.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Producers' share (fn1).....	***	***	***	***	***	▼***	▲***	▼***	▲***
Importers' share (fn1):									
France.....	***	***	***	***	***	▼***	▼***	▼***	▼***
Netherlands, subject.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Poland.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Spain.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Subject sources.....	***	***	***	***	***	▼***	▼***	▲***	▼***
Netherlands, nonsubject.....	***	***	***	***	***	▲***	▲***	▲***	▲***
All other sources.....	***	***	***	***	***	▼***	▼***	▲***	▲***
Nonsubject sources.....	***	***	***	***	***	▲***	▼***	▲***	▲***
All import sources.....	***	***	***	***	***	▲***	▼***	▲***	▼***
U.S. importers' U.S. shipments of imports from:									
France:									
Quantity.....	***	***	***	***	***	▼***	▼***	▼***	▼***
Value.....	***	***	***	***	***	▼***	▼***	▼***	▼***
Unit value.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Ending inventory quantity.....	***	***	***	***	***	▼***	▼***	▲***	▼***
Netherlands, subject:									
Quantity.....	19,480	25,173	21,586	11,941	8,308	▲10.8	▲29.2	▼(14.2)	▼(30.4)
Value.....	33,861	44,441	41,325	22,936	18,901	▲22.0	▲31.2	▼(7.0)	▼(17.6)
Unit value.....	\$1.74	\$1.77	\$1.91	\$1.92	\$2.28	▲10.1	▲1.6	▲8.4	▲18.4
Ending inventory quantity.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Poland:									
Quantity.....	3,306	3,613	5,955	3,099	2,698	▲80.1	▲9.3	▲64.8	▼(12.9)
Value.....	5,259	6,421	11,320	5,714	5,896	▲115.3	▲22.1	▲76.3	▲3.2
Unit value.....	\$1.59	\$1.78	\$1.90	\$1.84	\$2.19	▲19.5	▲11.7	▲7.0	▲18.5
Ending inventory quantity.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Spain:									
Quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Value.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Unit value.....	***	***	***	***	***	▼***	▼***	▼***	▲***
Ending inventory quantity.....	***	***	***	***	***	▼***	▼***	▼***	▲***
Subject sources:									
Quantity.....	32,487	38,023	33,078	18,165	13,361	▲1.8	▲17.0	▼(13.0)	▼(26.4)
Value.....	57,639	68,512	64,887	35,210	30,186	▲12.6	▲18.9	▼(5.3)	▼(14.3)
Unit value.....	\$1.77	\$1.80	\$1.96	\$1.94	\$2.26	▲10.6	▲1.6	▲8.9	▲16.6
Ending inventory quantity.....	4,898	2,096	4,514	3,010	5,754	▼(7.8)	▼(57.2)	▲115.4	▲91.2
Netherlands, nonsubject:									
Quantity.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Value.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Unit value.....	***	***	***	***	***	▲***	▲***	▼***	▲***
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***
All other sources:									
Quantity.....	***	***	***	***	***	▼***	▼***	▲***	▲***
Value.....	***	***	***	***	***	▼***	▼***	▲***	▲***
Unit value.....	***	***	***	***	***	▼***	▼***	▲***	▲***
Ending inventory quantity.....	***	***	***	***	***	▼***	▼***	***	▲***

Table continued.

Table C-1 Continued

**Certain preserved mushrooms: Summary data concerning the U.S. market, by item and period**

Quantity=1,000 pounds drained weight; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per pound drained weight; Productivity=pounds drained weight per hour; Period changes=percent--exceptions noted

Item	Reported data					Period changes			
	Calendar year			Jan-Jun		Comparison years			Jan-Jun
	2019	2020	2021	2021	2022	2019-21	2019-20	2020-21	2021-22
U.S. importers' U.S. shipments of imports from: Continued									
Nonsubject sources:									
Quantity.....	4,535	4,796	6,780	3,665	4,108	▲49.5	▲5.8	▲41.4	▲12.1
Value.....	9,086	10,927	14,528	7,866	10,261	▲59.9	▲20.3	▲33.0	▲30.4
Unit value.....	\$2.00	\$2.28	\$2.14	\$2.15	\$2.50	▲6.9	▲13.7	▼(6.0)	▲16.4
Ending inventory quantity.....	2,373	2,362	3,599	3,066	2,425	▲51.7	▼(0.5)	▲52.4	▼(20.9)
All import sources:									
Quantity.....	37,022	42,819	39,858	21,830	17,469	▲7.7	▲15.7	▼(6.9)	▼(20.0)
Value.....	66,725	79,439	79,415	43,076	40,447	▲19.0	▲19.1	▼(0.0)	▼(6.1)
Unit value.....	\$1.80	\$1.86	\$1.99	\$1.97	\$2.32	▲10.5	▲2.9	▲7.4	▲17.3
Ending inventory quantity.....	7,271	4,458	8,113	6,076	8,179	▲11.6	▼(38.7)	▲82.0	▲34.6
U.S. producers:									
Average capacity quantity.....	***	***	***	***	***	***	***	***	***
Production quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Capacity utilization (fn1).....	***	***	***	***	***	▲***	▲***	▲***	▼***
U.S. shipments:									
Quantity.....	***	***	***	***	***	▼***	▲***	▼***	▼***
Value.....	***	***	***	***	***	▲***	▲***	▼***	▲***
Unit value.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Export shipments:									
Quantity.....	***	***	***	***	***	***	***	***	***
Value.....	***	***	***	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***	***	***	***
Ending inventory quantity.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Inventories/total shipments (fn1).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Production workers.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Hours worked (1,000s).....	***	***	***	***	***	▲***	▲***	▼***	▼***
Wages paid (\$1,000).....	***	***	***	***	***	▲***	▲***	▲***	▼***
Hourly wages (dollars per hour).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Productivity.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Unit labor costs.....	***	***	***	***	***	▼***	▼***	▼***	▼***
Net sales:									
Quantity.....	***	***	***	***	***	▼***	▲***	▼***	▼***
Value.....	***	***	***	***	***	▲***	▲***	▼***	▲***
Unit value.....	***	***	***	***	***	▲***	▼***	▲***	▲***
Cost of goods sold (COGS).....	***	***	***	***	***	▼***	▲***	▼***	▼***
Gross profit or (loss) (fn2).....	***	***	***	***	***	▲***	▼***	▲***	▲***
SG&A expenses.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Operating income or (loss) (fn2).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Net income or (loss) (fn2).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Unit COGS.....	***	***	***	***	***	▼***	▼***	▼***	▲***
Unit SG&A expenses.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Unit operating income or (loss) (fn2).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Unit net income or (loss) (fn2).....	***	***	***	***	***	▲***	▼***	▲***	▲***
COGS/sales (fn1).....	***	***	***	***	***	▼***	▲***	▼***	▼***
Operating income or (loss)/sales (fn1).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Net income or (loss)/sales (fn1).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Capital expenditures.....	***	***	***	***	***	▼***	▼***	▼***	▲***
Research and development expenses.....	***	***	***	***	***	▲***	▲***	***	▼***
Net assets.....	***	***	***	***	***	▲***	▲***	▼***	***

Source: Compiled from data submitted in response to Commission questionnaires. 508-compliant tables containing these data are contained in parts III, IV, VI, and VII of this report.

Note.--Shares and ratios shown as "0.0" percent represent non-zero values less than "0.05" percent (if positive) and greater than "0.05" percent (if negative). Zeroes, null values, and undefined calculations are suppressed and shown as "---". Period changes preceded by a "▲" represent an increase, while period changes preceded by a "▼" represent a decrease.

fn1.--Reported data are in percent and period changes are in percentage points.

fn2.--Percent changes only calculated when both comparison values represent profits; The directional change in profitability provided when one or both comparison values represent a loss.



