

GENERAL AGREEMENT ON  
TARIFFS AND TRADE

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UNITED STATES INTERNATIONAL TRADE  
COMMISSION INVESTIGATIONS

Asparagus

Addendum

Negative Finding on Injury

The following communication has been received from the United States mission.

With further reference to the United States notification dated 8 March 1976<sup>1</sup>, my authorities have asked me to inform you of the following:

"President Ford has determined that imports of fresh and processed asparagus, primarily from Mexico and Taiwan, are not entering the United States in such quantities as to substantially cause or threaten serious injury to domestic producers, Ambassador Frederick B. Dent, the President's Special Representative for Trade Negotiations, announced 10 March.

"Accordingly, no import relief measures will be taken under 'escape clause' provisions (Section 203) of the Trade Act of 1974 in this case, which is the fourth considered under the liberalized criteria for import relief under the Act. (The three previous cases, involving birch doorskins, metal fasteners and cigar wrapper tobacco, resulted in negative determinations by the United States International Trade Commission.) No petitions for worker or firm adjustment assistance have been filed by the domestic asparagus growing and processing industry and the Secretaries of Commerce and Labor have reported to the President that few if any would be likely to qualify.

<sup>1</sup>Document L/4315

"On 12 January 1976, the United States International Trade Commission, on an evenly divided 3-3 vote of its six members, reported to the President both an affirmative and a negative finding on the question of import injury to the asparagus industry, based on its investigation pursuant to a petition filed by asparagus growers in the States of California and Washington. Under the law, the President is authorized to accept as the finding of the Commission either finding in an evenly split report. In this case, the President has accepted the negative find.

"Commissioners finding in the negative with respect to injury reported to the President that 'in certain areas of the country there is positive indication that asparagus production is growing and there is no evidence of serious injury ... (hiatus). In areas where acreage of asparagus production is falling, there is evidence that growers have successfully shifted to the production of other crops or found other productive uses for their resources, and have suffered no serious injury in doing so'. These Commissioners also found no injury to establishments involved in the processing of asparagus, and did not recommend adjustment assistance.

"The other three Commissioners, finding in the affirmative with respect to injury, recommended three-month seasonal (February-April) quotas on imports of fresh and chilled asparagus from Mexico, for a period of five years ranging from 700,000 pounds for the first three years to 1,050,000 pounds in the fifth year. Total asparagus imports, the Commission reported, averaged 16.6 million pounds from 1970-74, or 6.7 per cent of United States production and consumption, compared to average United States exports of 14 million pounds over the same five-year period.

"The Commission's findings and recommendations in this case were reviewed through an interagency process under the direction of STR, which reported to the President for final decision recommendations based on broad national interest criteria, including others than those required to be taken into account by the Commission. These broader criteria include:

- the extent and likelihood of adjustment assistance;
- the effectiveness of import relief on domestic adjustment of the domestic industry to import competition;
- the effect of import relief on domestic consumers and competition, on United States international economic interests, and on other domestic industries as a result of required tariff compensation to affected foreign suppliers;
- the economic and social costs of not providing relief; and
- such other considerations as the President may deem relevant."