

TUBULAR METAL FRAMED STACKING CHAIRS FROM ITALY AND TAIWAN

**Determinations of the Commission in
Investigations Nos. 731-TA-202
and 203 (Preliminary) Under the
Tariff Act of 1930, Together
With the Information Obtained
in the Investigations**



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Note.—Information which would reveal the confidential operations of individual concerns may not be published and therefore has been deleted from this report.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

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Investigations Nos. 731-TA-202 and 203 (Preliminary)

TUBULAR METAL FRAMED STACKING CHAIRS FROM ITALY AND TAIWAN

Determinations

On the basis of the record 1/ developed in the subject investigations, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of tubular steel framed stacking chairs, 2/ provided for in item 727.70 of the Tariff Schedules of the United States, from Italy (investigation No. 731-TA-202 (Preliminary)), which allegedly are being, or are likely to be, sold in the United States at less than fair value (LTFV); 3/ and that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of such merchandise from Taiwan (investigation No. 731-TA-203 (Preliminary)).

Background

On August 10, 1984, petitions were filed in proper form with the Commission and the Department of Commerce by counsel on behalf of Frazier Engineering, Inc., Greenfield, Indiana, alleging that imports of tubular metal

1/ The "record" is defined in section 207.2(i) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 207.2(i)).

2/ The petition and the Commerce Department's notice of the scope of investigation, 49 Fed Reg. 35166-67 (1984), identified the product as metal stacking chairs. On September 17, 1984, petitioner amended the petition by substituting "steel" for "metal." The Commission has been advised by Commerce that it has accepted petitioner's amendment, and that this amendment will be reflected in the Department's notice of its preliminary determination. The scope of the Commission's investigation of imports is governed by Commerce's definition. 19 CFR § 207.17.

3/ Commissioners Eckes and Lodwick determine that there is a reasonable indication of material injury by reason of imports from Italy.

framed stacking chairs from Italy and Taiwan are being sold in the United States at LTFV within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. § 1673). Accordingly, effective August 10, 1984, the Commission instituted preliminary antidumping investigations Nos. 731-TA-202 and 203 (Preliminary) under section 733(a) of the Act to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United states is materially retarded, by reason of imports of such merchandise.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register on August 17, 1984 (49 F.R. 32912). The conference was held in Washington, D.C., on August 31, 1984. The Commission's determinations in these investigations were made in an open "Government in the Sunshine" meeting held on September 19, 1984.

VIEWS OF THE COMMISSION

We determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of tubular steel 1/ framed stacking chairs ("steel stacking chairs") from Italy which are allegedly sold at less than fair value (LTFV). 2/ 3/ We also determine that there is a reasonable indication that an industry in the United States is materially injured by reason of such imports from Taiwan.

These determinations are based on data indicating that imports of steel stacking chairs from Italy have increased steadily and imports from Taiwan have increased dramatically during the period of investigation. There has been underselling of the domestic product by certain imports from Italy and significant underselling by imports from Taiwan. Despite a rapidly expanding U.S. market for steel stacking chairs which has led to increased sales for U.S. producers, the domestic industry has experienced declining profitability, in part as the result of price depression caused by low-priced imports from Italy and Taiwan.

Definition of the domestic industry

The term "industry" is defined in section 771(4)(A) of the Act as "[t]he domestic producers as a whole of a like product or those producers whose

1/ The petition and the Commerce Department's notice of the scope of investigation, 49 Fed. Reg. 35166-67 (1984), identified the imported articles that are the subject of the petition as metal stacking chairs. On September 17, 1984, petitioner amended the petition by substituting "steel" for "metal." The Commission has been advised by Commerce that it has accepted petitioner's amendment and that this amendment will be reflected in the Department's notice of its preliminary determination. The scope of the Commission's investigation of imports is governed by Commerce's definition. 19 CFR § 207.17.

2/ Material retardation of an industry is not an issue in these investigations and will not be discussed further.

3/ Commissioner Eckes and Commissioner Lodwick find a reasonable indication of material injury by reason of imports from Italy.

collective output of the like product constitutes a major proportion of the total domestic production of that product." 4/ The term "like product," in turn, is defined in section 771(10) as being "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation." 5/

The imports under investigation are tubular steel framed stacking chairs with seats and backs of wire grid, expanded metal mesh, or plastic slats. Although there are no known domestically-produced steel stacking chairs with expanded metal mesh or plastic slats, the three seating materials are interchangeable, create no significant differences in size, appearance, durability, and stackability, and can be produced with only minor variations in the production process. 6/

For purposes of this preliminary investigation, the Commission finds that the like product consists of tubular steel framed stacking chairs with seats and backs of wire grid, expanded metal mesh, or plastic slats, and the domestic industry consists of the producers of chairs with those characteristics. 7/

Condition of the domestic industry

Prior to 1982 there was no domestic production of steel stacking chairs. Imports from Italy, sold through department stores and higher-priced furniture

4/ 19 U.S.C. § 1677(4)(A).

5/ 19 U.S.C. § 1677(10).

6/ Report of the Commission ("Report") at A-3.

7/ A respondent contends that the like product definition should be expanded to include tubular aluminum stacking chairs. All-Aluminum post-conference submission at 1-5. However, a survey of 30 companies that produce aluminum stacking chairs indicates that these chairs are substantially different in characteristics and priced substantially above even the higher quality steel stacking chairs imported from Italy. Thus, we find that neither domestically produced aluminum stacking chairs nor other aluminum chairs are "like" the imported steel chairs that are the subject of this investigation.

outlets, supplied the U.S. market. When U.S. producers entered the market in 1982, demand was beginning to increase. Domestic producers were therefore able to operate at approximately 97 percent of capacity. 8/

After 1982, U.S. consumption of steel stacking chairs skyrocketed, increasing from 844,000 units in 1982 to 6.7 million in 1983 and 8.7 million in January-June 1984. 9/ The petitioner, Frazier Engineering, Inc., added significant production capacity in late 1983 through early 1984. The second largest domestic manufacturer, American Steel Products Co., also initiated a major expansion, now nearly completed. These two companies currently account for significantly more than half of U.S. shipments of steel stacking chairs. 10/

According to the petitioner, household products like steel stacking chairs often are introduced at relatively high prices and subsequently go through a process of "downstreaming," whereby the product moves from upper tier retailers into the market served by mass merchandisers and discount houses. 11/ As this downstreaming occurs, consumption would be expected to rise, although prices would fall. The manufacturer of such a product normally devises production and marketing strategies to take account of anticipated growth in demand and changes in the channels of distribution.

Data developed in this investigation indicate that U.S. producers did participate in the burgeoning market for steel stacking chairs. Production, sales, shipments, and employment all showed an upward trend from 1982 through the first half of 1984. Despite the positive trends in these indicators,

8/ Report at A-7.

9/ Id. at A-17, Table 8.

10/ Id. at A-8.

11/ Conference transcript at 19.

however, capacity utilization dropped sharply to 48 percent in 1983, increasing only slightly to 53 percent in January-June 1984. The domestic producers' share of U.S. consumption dropped from 49.8 percent in 1982, to about 18.2 percent in the first half of 1984.

In this preliminary investigation, the Commission's data on the domestic industry's financial experience is not as complete as would be required for a final investigation. However, the information available shows an erosion of profitability in the domestic industry, despite increased sales. The data reveal, for a majority of the industry, significant declines in operating income in the second half of 1983 and operating losses in the first half of 1984. 12/ This, we find, is a reasonable indication of material injury.

Reasonable indication of material injury or threat of material injury by reason of alleged LTFV imports

In making an injury determination, the Commission is required by the statute to consider, among other factors: (1) the volume of imports of the merchandise under investigation; (2) the effect of such imports on domestic prices; and (3) the consequent impact of the imports on the domestic industry. With respect to volume of imports, the statute instructs the Commission to examine both absolute increases and increases relative to domestic production. Italian producers accounted for the entire market before 1982. Although their market share has thereafter declined to approximately 10 percent, volume of imports from Italy has steadily increased. In the case of Taiwan, imports increased both absolutely and relatively; they now account for more than 70 percent of domestic sales.

12/ More precise data will be developed in the event of a final investigation.

Imports from Italy

Before 1982, the entire domestic consumption of steel stacking chairs consisted of imports from Italy. When the market expanded, Italian imports measured in absolute terms increased, but the entry of U.S. producers and imports from other sources caused the market share of Italian imports to decline.

Respondents contend that imports from Italy have not been causally related to price depression, but have been sold at prices calculated on the basis of market trends and with the purpose of maintaining a modest, albeit declining, market share. 13/ Staff investigation has confirmed that, during the reporting period, the weighted average price of imports from Italy was consistently higher than that of U.S. producers. 14/ Thus, with the exception of October-December 1982 and April-June 1983, imports from Italy showed margins of overselling when compared with U.S.-produced steel stacking chairs.

However, in the first half of 1984, several Italian manufacturers exported large quantities of stacking chairs to the United States selling at prices below those of U.S. producers. 15/ These producers significantly increased their share of the U.S. market. Moreover, this recent and rapid introduction of substantial quantities of low-price imports from Italy into the U.S. market presents a reasonable indication that the likelihood of future injury to the domestic industry by reason of such imports is real and imminent. 16/ The data developed in this preliminary investigation provide

13/ All-Luminum post-conference submission at 10-12.

14/ Report at A-19, Table 9.

15/ Id. at A-10, A-20-A-21.

16/ Data on the capacity and marketing plans for Italian manufacturers are incomplete. In the event of a final investigation, the Commission will develop more complete data with respect to this issue.

a reasonable indication that the domestic industry is materially injured or threatened with material injury by reason of imports of stacking chairs from Italy.

Imports from Taiwan

Producers from Taiwan initially entered the U.S. market in 1983 and succeeded in capturing 73.2 percent of the domestic market for that year. In the first half of 1984, imports from Taiwan increased substantially, rising in volume more than 30 percent above the total for all of 1983. 17/ During the reporting period, steel stacking chairs from Taiwan consistently undersold the U.S. product by margins ranging from 26 to 49 percent. 18/ The entry of Taiwan into the market with such a large volume of steel stacking chairs put severe downward pressure on prices in 1983 and 1984. The Commission also confirmed five allegations of lost sales to imports from Taiwan because of lower prices. 19/

On the basis of this preliminary investigation the Commission finds that there is a reasonable indication that the domestic industry is materially injured by reason of imports of steel stacking chairs from Taiwan.

17/ There was a slight decline in percentage of market share held by imports from Taiwan for the period of January-June 1984 to 72.4 percent of domestic consumption. Id. at A-17, Table 8 This decline may be of little significance because the bulk of sales of stacking chairs are made in the fall. Id. at A-18.

18/ Id. at A-19, Table 9.

19/ Id. at A-21.

INFORMATION OBTAINED IN THE INVESTIGATIONS

Introduction

On August 10, 1984, the U.S. International Trade Commission (Commission) and the U.S. Department of Commerce (Commerce) received a petition from counsel representing Frazier Engineering, Inc., Greenfield, Indiana, alleging that tubular metal framed stacking chairs from Italy and Taiwan, provided for in item 727.70 of the Tariff Schedules of the United States (TSUS), are being sold in the United States at less than fair value (LTFV). The Commission therefore instituted two preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of such imports. The statute directs that the Commission make its determinations within 45 days after its receipt of the petition or, in this case, by September 24, 1984.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was duly 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 on August 17, 1984 (49 F.R. 32912). 1/ The public conference was held in Washington, DC, on August 31, 1984. 2/ The briefing and votes in the investigations were held on September 19, 1984.

The Products

Description and uses

The imported products from Italy and Taiwan which are the subject of these investigations are certain tubular metal (steel) framed stacking chairs. These chairs are frequently referred to as wire grid or "Rio" chairs. Substantially identical products are produced in the United States. 3/ These chairs (domestic and imported) are produced in a fairly unsophisticated and labor intensive manufacturing process. However, several foreign producers reportedly now use highly automated machinery to produce these chairs.

1/ A copy of the Commission's notice of institution is presented in app. A. A copy of Commerce's notice of initiation is also presented in app. A.

2/ A list of witnesses appearing at the conference is presented in app. B.

3/ Although the petitioner titled its petition "tubular metal framed stacking chairs," the only imports alleged to have been sold at LTFV were the three basic "seat & back" models; the wire grid, metal mesh, and plastic slat designs. There are many other types of tubular framed (steel or aluminum) stacking chairs of both domestic and foreign origin. Should the Commission expand the scope of the industry in these preliminary investigations the staff will investigate other domestic producers and importers in the final investigations. Counsel for the petitioner requested the Commission to amend the product definition in these investigations to "steel tubular framed stacking chairs." Letter dated Sept. 11, 1984.

The basic steel products used by U.S. producers to produce the chairs, i.e., tubing and wire, are purchased from U.S. producers. Eighteen gage tubing is generally used by domestic producers, but some domestic manufacturers, as well as foreign producers, use lighter gage tubing which is purchased cut to size but not formed. Wire is generally purchased drawn, but is then straightened and cut by the manufacturer. The wire is laid out in a grid and welded together, forming a large mat, which is bent and used as a seat and back.

The pre-cut tubing for the chair frame is formed into a rectangular form and then butt welded for structural integrity. The frame is then indexed by conveyor to the next work station where it is fixtured and the pre-formed wire grid mat (the seat and back) attached by resistance welding. The wire grid section is then formed to its correct degree of bend, and both ends are ground to remove any protruding wires.

The seat is then transferred by conveyor to the next work station where the legs, having been formed by bending at a station adjacent to the leg welding operation, are attached to the frame by resistance welding. The assembled product is then moved by conveyor to the mig welding stations where reinforcing welding occurs at structural points. Mig welding utilizes thin wire rather than rods in the welding process. The chair is then inspected and transferred to the coating system conveyor.

Prior to the actual coating, the chair is cleaned automatically in a three-stage spray wash system and prime coated. Immediately upon exiting the cleaning system, the chair enters the pre-heat oven, in which it is heated to approximately 600° F, the temperature necessary for the actual coating process. This process is called fluidized-bed coating. The pre-heated metal product is coated with, in this case, a vinyl powder. The chair is removed from the conveyor and dipped into vinyl powder which has been given a liquid quality with high pressure jets of air. ^{1/} The heat of the product causes the plastic powder in contact with the chair to melt in a uniform and continuous coating. The chair is then returned to the same conveyor to be passed through the "post-heat" oven. During this cycle the final flow-out of the plastic coating occurs.

The chair exits the post-heat oven, remains on the overhead conveyor for a cool-down cycle, and is routed to the off-load stations for final inspection, leg capping, stacking and protective packaging.

The wire grid chair may be produced with the standard low back or with a so called high back, which is generally 5 inches higher than the standard stacking chair. The low back chair accounts for approximately 90 percent of total U.S. sales of metal stacking chairs. Such chairs are available in a variety of colors, with white, by far, the most popular. There are also several different types of coatings that can be used, including polypropylene, which may be substituted for the PVC or vinyl coatings.

Some imported chairs, particularly those from Taiwan, are constructed of a similar frame made of metal tubing; however, these chairs utilize plastic slats or expanded metal mesh in place of wire grid seats. 1/ Expanded metal mesh is slit, spread out, and then pressed to form a diamond pattern. These chairs are similar in size, appearance, durability, and stackability to wire grid chairs.

The unique styling of all tubular metal stacking chairs, coupled with the finishing process that makes them water and scuff resistant, has resulted in increased demand for them in the U.S. market. Such chairs are primarily used outdoors—on decks, patios, and around pools—are easily stored, and require a minimum of space.

U.S. tariff treatment

Tubular metal framed stacking chairs are classified for tariff and statistical purposes under the provisions of item 727.7065 of the Tariff Schedules of the United States Annotated (TSUSA), effective April 1, 1984. This item number was changed on April 1, 1984, from TSUSA item 727.5565, which had the same product description. Item 727.7065 is a "basket" provision that includes all chairs in chief value of metal and includes chairs other than those considered by these investigations. Prior to January 1, 1984, imports of tubular metal framed stacking chairs were classified under item 727.5560, a miscellaneous provision that included virtually all furniture of metal.

The column 1 (most-favored-nation) rate of duty for item 727.70 is 6.3 percent ad valorem. The column 2 rate of duty is 45 percent ad valorem. 2/ There are no known imports of the subject articles from column 2 countries. As a result of concessions made during the Tokyo round of multilateral trade negotiations (MTN), the column 1 rate of duty is scheduled to be reduced in stages to 4 percent ad valorem by January 1, 1987. The rate for imports from least developed developing countries (LDDC's) is 4 percent. 3/ Imports of chairs of metal from designated beneficiary developing countries are eligible for duty-free treatment under the Generalized System of Preferences (GSP). 4/ The staged duty reductions as a result of the MTN are shown in table 1.

1/ At present, there are no known domestically produced stacking chairs that utilize plastic slats or expanded metal mesh.

2/ Applicable to countries enumerated in general headnotes 3(f) of the TSUS.

3/ The preferential rates of duty in the "LDDC" column reflect the full U.S. MTN concession rates implemented without staging for particular items which are the products of LDDC's enumerated in general headnote 3(d) of the TSUS.

4/ The GSP, enacted as title V of the Trade Act of 1974, provides duty-free treatment for specified eligible articles imported from designated beneficiary developing countries. GSP, implemented by Executive Order No. 11888 of Nov. 24, 1975, applies to merchandise imported on or after Jan. 1, 1976, and is scheduled to remain in effect until Jan. 4, 1985.

Table 1.—Tubular metal framed stacking chairs: Pre-MTN rates of duty and staged rate-of-duty modifications, 1980–87

	: Pre	: Staged	Col. 1 rate of duty effective with respect to								
	: MTN		articles entered on or after Jan. 1—								
	: Col.	:		:		:		:		:	
TSUS item No.	: 1	: 1980		: 1981	: 1982	: 1983	: 1984	: 1985	: 1986	: 1987	
	: rate	: 2/									
	: of										
	: duty										
	: 1/										
	727.70	: 10%	: 9.3%	: 8.5%	: 7.8%	: 7%	: 6.3%	: 5.5%	: 4.7%	: 4%	

1/ Rate effective prior to Jan. 1, 1980.

2/ The first staged rate reduction became effective Jan. 1, 1980.

Nature and Extent of Alleged Sales at LTFV

The petition alleges that tubular metal framed stacking chairs from Italy and Taiwan are being sold in the United States at LTFV. The petitioner calculated LTFV margins on the basis of the estimated costs of production of the Taiwan and Italian products and used it's own domestic cost of production as the basis for the alleged LTFV margins.

For the purposes of the cost of production calculations, the petitioner assumed that the costs of materials were the same for all foreign producers; with some reduction in cost for lighter gage tubing and for cheaper coating in the case of Taiwan manufacturers. Labor costs were estimated on the basis of data from the Bureau of Labor Statistics and utility costs, from data published by the National Energy Administration, the Commission of the European Communities, and the Taiwan Council for Economic Planning and Development. Other production expenses, depreciation, and selling, general, and administrative expenses were all assumed to be identical for all manufacturers. Alleged LTFV margins for Taiwan ranged from 32 to 40 percent and those for Italy from 23 to 40 percent.

U.S. Producers

In 1984, there were four companies producing tubular steel framed wire grid stacking chairs in the United States; one firm, which had produced such chairs during 1982 and 1983 only, ceased production of stacking chairs at the end of 1983. 1/

1/ Counsel for All-Aluminum Products alleged in its postconference brief that there were an additional 8 U.S. producers of steel stacking chairs and 31 U.S. producers of aluminum tubular framed stacking chairs; Postconference brief, pp. 3-4.

Frazier Engineering, which sells chairs under the trade name "The Wire Company" is located in Greenfield, Indiana. It is a publicly held company which began operations in 1971 as a coating or finishing plant for metal housewares products. In May 1980, the company moved directly into the retail business, and by January 1982 it was producing and selling white wire grid stacking chairs. Five months later, this company introduced stacking chairs in a variety of colors. The company currently maintains two manufacturing sites, one in Greenfield, the other in Morristown, IN. It produces chairs, tables, children's furniture, chair extenders, and several related wire and steel tube products. Although parts for stacking chairs are produced at both facilities, completed chairs are assembled at the Morristown plant.

American Steel Products, Chicago, IL, *** U.S. producer of wire grid stacking chairs. The company entered the metal chair market in 1983 when it purchased Direct Vector Imports, Ltd. In August 1984, the company ***, ***. American Steel expects to ***, ***.

Joseph's, Inc. of Frankfort, IN, started in 1980 as a housewares supply and manufacturing company. The company provides occasional tables, plant stands, wooden outdoor furniture, and accessory items, some of which are imported. Joseph's began producing wire grid stacking chairs in 1983.

Lafayette Wire Products, Inc., of Lafayette, IN, began operations in 1979 producing parts for metal chairs. ***. Lafayette Wire began manufacturing complete chairs in 1984.

The Nestaway Company, located in Cleveland, OH, was founded approximately 30 years ago and manufactures welded dishwasher racks for most major dishwasher manufacturers, conveyors, and warehouse storage equipment. Approximately 15 years ago Nestaway became a division of AXIA Corp., a diversified concern that includes some steel companies, metal working companies, and manufacturers of construction tools. Nestaway produced wire grid chairs from 1982 to 1983.

In its postconference brief, counsel for All-Aluminum Products, Inc., alleged that approximately 35 additional domestic companies manufactured the type of chair covered by these investigations (see Appendix No. 5, Postconference Submission). The Commission's staff contacted 30 of these companies and found that none produced a chair similar to the wire grid, metal mesh, or plastic slat chairs covered by these investigations, or even produced a chair in the price range of these chairs (\$4.99 to \$9.99 retail). Most of the chairs were of tubular aluminum or extruded aluminum, usually with vinyl straps and often with cushions. A few produced wrought iron chairs or even chairs made of metal; however, most of these chairs were aimed at the higher end of the market and retailed for between \$40.00 and \$170.00, with the average chair retailing for \$50.00 to \$60.00. Virtually none of the companies felt that their chairs were directly competitive with the chairs covered by these investigations. None of the companies sold their products to mass merchandisers or discounters; most sold directly to department stores or pool and patio shops. Most of the companies have been producing upper-end pool and patio furniture for a number of years and do not consider their companies to be in competition with manufacturers of the tubular steel framed stacking chairs that are the subject of the petition.

U.S. Importers

In 1984, over 500 firms imported tubular metal framed stacking chairs. In addition to traditional importers and brokers, this number includes a large number of department stores, discounts stores, mass merchandisers, drug stores, grocery stores, and catalog centers.

The agents for the foreign producers, in most instances, arrange for the purchasers to be the importers of record; this accounts for the relatively large number of importers. In 1984, the larger discount stores bypassed the U.S. agents in favor of direct purchase agreements with the foreign producers. The largest importer of steel framed stacking (wire grid style) chairs is ***. ***. Currently, no domestic producers import any of the chairs covered in the investigations.

Foreign Producers

There are currently six major producers of tubular metal (wire grid style) stacking chairs in Taiwan. The names of these companies are as follows:

1. China Metal Products Co., Ltd.
2. Jen I. Hardware Co., Ltd.
3. Kuang Yiing Enterprise Co., Ltd.
4. Lu Kuang Enterprise Co., Ltd.
5. Taiwan Hsin Yeh Enterprise Co., Ltd.
6. Taiwan Lounge Chair Industry Co., Ltd.

***.

In Italy these are currently five major producers of tubular metal stacking chairs. The names of these companies are as follows:

<u>Name</u>	<u>Percent of Italian exports to the United States</u>
1. Ellisse, S.p.A.	***
2. EMU/S.p.A.	***
3. Olam (Breseia-Italy)	***
4. Omim Industriale, S.p.A.	***
5. Stilgarden, S.p.A.	***

The *** Italian producer, EMU, has been producing the wire grid stacking chair for 20 years and introduced the product into the United States in 1973. Most of the Italian producers concentrate their marketing efforts in the higher tier specialty furniture stores, rather than the discount stores. In 1983 and January-June 1984, however, *** purchased large quantities of the Italian chairs to sell along with the less expensive Taiwan chairs.

Furthermore, one Italian producer, ***, is concentrating its marketing efforts in the "mass merchandise" discount store markets, with a cheaper, lower quality wire grid stacking chair.

Channels of Distribution

The U.S. market for tubular metal framed stacking chairs is seasonal, with the bulk of sales to retailers made during January-June of each calendar year. U.S. producers prepare for the coming season during late summer and early fall. There are several shows held in Chicago, such as the National Hardware Show and the Summer and Casual Furniture Show, both held in the autumn. In these shows U.S. producers and importers display their chairs, but large orders are rarely written. After the shows, sales representatives call on the major customers for further presentations and to take orders. Retailers that do not plan to do their own importing are also contacted by importers for possible purchases. In the past two seasons, because of the continued and growing popularity of metal stacking chairs, price rather than quality became the principal point for marketing these chairs.

U.S. Market

Prior to 1982, U.S. consumption of tubular steel framed (wire grid style) stacking chairs was entirely accounted for by imports from Italy. U.S. consumption of wire grid stacking chairs skyrocketed from 844,000 chairs in 1982 to 6.7 million chairs in 1983, and for the first 6 months of 1984 consumption amounted to 8.8 million chairs. The principal reasons for the increase in consumption since 1982 were the initiation of merchandising of the product in discount stores and the entrance of Taiwan imports and U.S. production, all of which caused the retail price of the chairs to fall drastically. ^{1/}

The wire grid chairs changed from a high priced specialty product to a "loss-leader" for discount stores such as *** and **. Chairs were often sold at or below cost as promotional items, with the store recouping its profits from the sale of the seat cushions for the chairs.

Consideration of Material Injury

U.S. production, capacity, and capacity utilization

U.S. production of wire grid tubular steel framed stacking chairs began in 1982. U.S. production increased from 413,000 chairs in 1982 to 1.1 million chairs in 1983, or by 170 percent. For the January-June period of 1984, production totaled 1.6 million chairs (table 2). U.S. capacity for producing such chairs also increased rapidly during the period, from 424,000 chairs in 1982 to 3.0 million chairs in January-June 1984. Capacity utilization for the U.S. industry declined from 97 percent in 1982 to 48 percent in 1983 and then increased slightly to 53 percent in January-June 1984.

^{1/} Staff meeting with Arthur Downey, Esq., and Robert Curry, President of EMU, U.S.A., Aug. 30, 1984.

Table 2.—Tubular steel framed wire grid stacking chairs: U.S. production, production capacity, and capacity utilization, by firms, 1982, 1983, and January–June 1984.

Period and firm	Production	Capacity	Capacity utilization	
			1,000 chairs	Percent
1982:				
American 1/	***	***		***
Frazier	***	***		***
Joseph's	***	***		***
Lafayette	***	***		***
Nestaway	***	***		***
Total or average	413	424		97
1983:				
American 1/	***	***		***
Frazier	***	***		***
Joseph's	***	***		***
Lafayette	***	***		***
Nestaway	***	***		***
Total or average	1,118	2,320		48
Jan–June 1984:				
American 1/	***	***		***
Frazier	***	***		***
Joseph's	***	***		***
Lafayette	***	***		***
Nestaway	***	***		***
Total or average	1,592	3,012		53

1/ Data for American Steel Products are estimated.

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

Two U.S. firms, Frazier and American Steel, are *** producers of wire grid stacking chairs. Frazier ***, American ***. 1/ ***.

U.S. shipments and exports

As shown in table 3, U.S. shipments of wire grid chairs increased from 412,000 chairs in 1982 to 1.6 million chairs in January–June 1984. Frazier Engineering currently accounts for *** percent of U.S. shipments, *** American Steel *** percent. There are currently no exports of domestically produced wire grid chairs. Also, the U.S. producers have not begun to keep significant inventories of such chairs.

1/ Letter from American Steel, dated Sept. 7, 1984.

Table 3.—Tubular steel framed wire grid stacking chairs: U.S. producers' domestic shipments, by firms, 1982, 1983, and January-June 1984

Period and firm	Domestic shipments
	<u>1,000 chairs</u>
1982:	
American 1/	***
Frazier	***
Joseph's	***
Nestaway	***
Total	412
1983:	
American 1/	***
Frazier	***
Joseph's	***
Nestaway	***
Total	1,116
Jan-June 1984:	
American 1/	***
Frazier	***
Joseph's	***
Lafayette 2/	***
Nestaway	***
Total	1,601

1/ Data for American Steel are based on estimates.

2/ ***.

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

U.S. imports

U.S. imports of tubular steel framed stacking chairs (wire grid and plastic slat styles) increased from *** chairs in 1981 to 7.2 million chairs in January-June 1984 (table 4). 1/ As previously stated, the reason for the explosion of imports of tubular steel framed wire grid stacking chairs was the entrance of Taiwan-made chairs into the U.S. market in the 1983 selling season. In 1983, imports of the subject chairs from Taiwan amounted to 4.9 million units and in January-June 1984 they reached 6.4 million units. In its postconference brief, counsel for the Taiwan producers stated that imports from Taiwan entered the U.S. market in 1983 when U.S. producers did not have sufficient capacity to supply the demand at the U.S. mass merchandising level. 2/ Furthermore, in 1983 the petitioner (Frazier) allegedly missed certain orders because of the lack of sufficient production capacity.

1/ U.S. imports have been estimated based on questionnaire responses and data supplied by counsel for the respondents.

2/ Post-Conference Brief, Kaplan, Russin & Vecchi, p. 4.

Table 4.—Tubular steel framed stacking chairs (wire grid and plastic slat styles): U.S. imports, by country of origin, 1981–83 and January–June 1984

Period	Italy 1/	Taiwan	Total
—1,000 chairs—			
1981	***	—	***
1982	432	—	432
1983	688	4,918	5,606
1984: Jan–June	824	6,351	7,175

1/ Data for Italy are estimated based on export data supplied by counsels for the Italian producers and questionnaire data.

2/ Data for Taiwan are based on estimates supplied by counsel for the Taiwan exporters.

Source: Compiled from data supplied by counsel for the Taiwan exporters and data submitted in response to questionnaires of the U.S. International Trade Commission.

Imports of tubular steel framed stacking chairs (wire grid and plastic slat styles) from Italy increased from *** units in 1981 to 824,000 units in January–June 1984 (table 4). *** and *** were the largest exporters of the Italian chairs to the United States *** (table 5). *** chairs have the lowest unit value (*** per chair) of the Italian producers. *** informed the Commission that *** chairs were specifically designed to compete with the lower priced chairs from Taiwan in the mass merchandise market. 1/

Table 5.—Tubular steel framed stacking chairs: Exports to the United States from Italy, by styles and by foreign producers, 1981–1983 and January–June 1984

* * * * *

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission and data submitted by counsels for the Italian producers.

1/ Staff meeting with ***.

Employment and wages

Three firms producing tubular steel framed stacking chairs provided usable data on employment and wages. No workers were engaged in the production of such chairs prior to 1982. The number of workers engaged in the production of stacking chairs increased significantly from *** in 1982 to *** in 1983, and increased from *** in January-June 1983 to 184 in January-June 1984 (table 6). The number of workers engaged in the production of all products increased similarly over the same period. Likewise, hours worked in the production of stacking chairs increased markedly from *** hours in 1982 to *** hours in 1983, and increased from *** hours in January-June 1983 to 198,000 hours in January-June 1984.

Table 6.—Average number of production and related workers engaged in the production of tubular steel framed stacking chairs and all products, hours worked by and wages paid to them, and output per hour worked, 1982, 1983, January-June 1983, and January-June 1984

Item	1982	1983	January-June 1/	
			1983	1984
Average number of workers producing:	:	:	:	:
All products	***	***	***	298
Tubular metal framed stacking chairs	***	***	***	184
Hours worked by production and related workers producing:	:	:	:	:
All products—1,000 hours	***	***	***	251
Tubular metal framed stacking chairs—do	***	***	***	198
Wages paid to production and related workers:	:	:	:	:
All products—1,000 dollars	***	***	***	1,461
Tubular metal framed stacking chairs—do	***	***	***	1,176
Average hourly wages paid to production and related workers producing:	:	:	:	:
All products	***	***	***	\$5.82
Tubular metal framed stacking chairs	***	***	***	\$5.94
Average output by production and related workers producing tubular metal framed stacking chairs—chairs/hour	***	***	***	5.7

1/ Data for partial year 1984 include Lafayette Wire Co., which did not produce tubular steel framed stacking chairs prior to 1984.

Total wages paid to workers engaged in the production of stacking chairs and total wages paid to workers engaged in the production of all products also followed this pattern. Average hourly wages paid to workers producing stacking chairs increased from *** in 1982 to *** in 1983, and from *** in January-June 1983 to \$5.94 in January-June 1984. Average hourly wages paid to workers engaged in the production of all products also increased steadily although at a slightly lower level. Productivity of workers producing stacking chairs increased from *** chairs per hour in 1982 to *** chairs per hour in 1983 and increased from *** chairs per hour in January-June 1983 to 5.7 chairs per hour in January-June 1984.

Financial experience of U.S. producers

Frazier Engineering (also known as the Wire Company) was the only U.S. producer to provide income-and-loss data on its operations on tubular steel framed stacking chairs. In 1983, Frazier accounted for *** percent of U.S. production of wire grid chairs. Frazier provided income-and-loss data on an establishment basis for calendar years 1982 through June 1984. 1/ Sales of wire grid chairs ***. Hence the establishment data for all reporting periods, along with wire grid chair data for 1982, are presented in table 7.

Frazier's net sales of wire grid chairs increased by *** percent from *** in 1982 to *** in 1983. Net sales were *** during January-June 1984, a rise of *** percent from *** in the corresponding period of 1983.

Frazier reported an operating *** of ***, equivalent to *** percent of net sales, in 1983 compared with ***, or *** percent of net sales, for the overall establishment operations and to an operating *** of ***, or *** percent of net sales, for the wire grid chair operations in 1982. The operating income picture *** during January-June 1984 as the company reported an operating *** of ***, or *** percent of net sales, ***. This compared to an operating *** of ***, or *** percent of net sales, for the corresponding period of 1983.

Frazier's interest expense ***.

Frazier attributes *** in 1983 and *** in the first half of 1984 to the rapidly declining selling price for wire grid chairs. Further, the company claims that its productivity improved because of new facilities, resulting in lowering the unit cost of the wire grid chairs.

As a share of net sales, cost of goods sold *** from *** percent in 1982 to *** percent in January-June 1984, resulting in *** from *** percent to *** percent during the same period. General, selling, and administrative expenses *** from *** percent in 1982 to *** percent in the first half of 1984, mainly due to ***.

1/ Data were also provided for 8 months of calendar year 1982 on its wire grid chair operations. Frazier ***.

Table 7.—Income-and-loss experience of Frazier Engineering, producer of tubular steel framed wire grid stacking chairs, 1982, 1983, January-June 1983, and January-June 1984

Item	Wire grid chairs		Overall establishment		
	1982	1982	1983	January-June	1984
Net sales—1,000 dollars	***	***	***	***	***
Cost of goods sold—do	***	***	***	***	***
Gross profit—do	***	***	***	***	***
General, selling and administrative expenses—do	***	***	***	***	***
Operating income (loss)—do	***	***	***	***	***
Interest expense—do	***	***	***	***	***
Other income (expense)—do	***	***	***	***	***
Net income or (loss) before income taxes—do	***	***	***	***	***
Cash flow (deficit) from operations—do	***	***	***	***	***
Fixed assets:					
Original cost—do	***	***	***	***	***
Book value—do	***	***	***	***	***
As a share of net sales:					
Operating income (loss) percent—	***	***	***	***	***
Net income (loss) before income taxes—percent—	***	***	***	***	***
Gross profit—do	***	***	***	***	***
Cost of goods sold—do	***	***	***	***	***
General, selling and administrative expense—do	***	***	***	***	***
Ratio of operating income to fixed assets:					
Original cost—do	***	***	***	***	***
Book value—do	***	***	***	***	***
Ratio of tubular metal framed stacking chairs sales to total net sales—percent—	***	***	***	***	***

1/ Not available.

2/ Not applicable.

Source: Compiled from data submitted in response to questionnaire of the U.S. International Trade Commission.

A *** cash flow from operations of *** in 1982 turned into *** cash flows of *** in 1983 and *** in January-June 1984.

The returns on fixed assets valued at original cost and book value are also presented in table 7. The return on fixed assets *** in 1983 and *** in January-June 1984 because of ***.

American Steel Products accounted for *** percent of U.S. production of tubular steel framed stacking chairs in 1983. ^{1/} This company provided its financial statements for its fiscal years ended ***, 1983 and 1984 on its total operations. American estimates that *** to *** percent of all sales and expenses are allocable to tubular steel framed wire grid stacking chairs. Hence the key financial data of this company are presented in the following tabulation:

Item	For the year ended ***	
	1983	1984
Net sales—1,000 dollars	***	***
Cost of goods sold—do	***	***
Gross profit—do	***	***
Selling and administrative expense—do	***	***
Operating income or (loss)—do	***	***
Operating income or (loss) margin percent—	***	***

As shown above, American Steel Products' operating income margin in fiscal year 1983 ***.

Lafayette Wire Products, Inc., which started production of such chairs in ***, accounted for *** percent of U.S. production of wire grid chairs in January-June 1984. Lafayette reported a *** on sales of *** in January-June 1984. During the same period, Lafayette ***, (**% of net sales) on sales of *** for its total establishment operations.

Capital expenditures and research and development expenses.—Three firms supplied data relative to their expenditures for land, buildings, and machinery and equipment used in the manufacture of tubular steel framed wire grid stacking chairs, and two firms provided usable data relative to their research and development expenses, as shown in the following tabulation (in thousands of dollars):

^{1/} ***.

<u>Period</u>	<u>Capital expenditures</u>	<u>Research and development expenses</u>
1982-----	***	***
1983-----	***	***
January-June-----		
1983-----	***	***
1984----- 1/	***	***

1/ Data are for 4 firms, including Lafayette.

Most capital expenditures during 1983 and January-June 1984 were incurred by *** for ***.

Capital and investment.--U.S. producers were asked to describe any actual or potential negative effects of imports of tubular metal framed stacking chairs from Italy and Taiwan on their firm's growth, investment, and ability to raise capital. Excerpts from their replies are shown below.

Frazier.---***

American Steel Products.---***.

Joseph's, Inc..---***

Lafayette Wire Products, Inc..---***.

Consideration of Threat of Material Injury

Taiwan

As previously stated, there are six major Taiwan producers of tubular steel frame stacking chairs (see page A-6). These producers are currently manufacturing almost exclusively wire grid style chairs. Production capacity of five of the Taiwan producers has been estimated at *** chairs per week (based on a 48-hour week), or *** chairs on an annual basis. 1/ It should be noted that Taiwan's production of the subject chairs is on a seasonal production schedule. Thus, the plants should be running at maximum capacity from November through June, and then slack off until new orders arrive for the next season's production. Therefore, it is unlikely that Taiwan's production plants would be running at full capacity for an entire 12-month period. Yet the Taiwan producers were able to expand exports to the United States from 4.9 million units for the full year 1983 to 6.4 million chairs for the 6-month period January-June 1984, a 31-percent increase. It is likely that exports of the subject chairs to the United States will continue to grow throughout the rest of 1984, especially in November and December when U.S. mass merchandisers begin accumulating inventory for the 1985 season. Several buyers for discount

1/ Data in this section do not include information from Jen I. Hardware, Ltd.

and mass merchandising stores have informed the Commission's staff that they are awaiting the outcome of these preliminary investigations before committing themselves to purchasing wire grid chairs for the 1985 season. The producers in Taiwan have reportedly lowered their prices to approximately \$4.00 per chair (delivered) as an inducement to large U.S. purchasers. Furthermore, buyers for ***, ***, ***, and *** have already committed themselves to purchasing chairs from Taiwan for the 1985 season, based on the lower price, which should compensate for any possible dumping duties. 1/

Italy

Counsel for EMU and Stilgarden have both argued that it has been Italy that has suffered declining market shares and sales volume during 1983 and 1984. Furthermore, this "alleged injury" was caused by the emergence of the U.S. wire grid stacking chair industry and Taiwan's entrance into the U.S. market with its own wire grid chairs. ***. Thus, total Italian exports of the subject merchandise increased by 91 percent from 1982 to January-June 1984. Furthermore, *** (currently the *** Italian exporter to the United States) has sold its wire grid chairs during the 1984 season for a delivered price of approximately ***, or well below the domestic U.S. producers' prices. *** informed the Commission that *** a less expensive wire grid chair that would be able to compete with the chairs imported from Taiwan. 1/ *** also stated that Italian companies are capable of producing several grades of wire grid chairs that could compete at different retail levels in the United States.

Only Stilgarden reported production capacity (** chairs per year). Stilgarden is currently (for 1983 and 1984) selling over *** percent of its production in Italy. EMU sells over *** percent of its production of wire grid chairs to the United States, but only *** percent of its plastic slat style chairs are marketed in the United States.

Other foreign producers

For the 1985 season, *** has become the *** for a South African tubular steel framed stacking chair producer. *** is currently offering to sell the South African chair at approximately *** per chair delivered. They have also publicly stated that they will meet the lowest Taiwanese price. The staff has verified that ***. However, ***.

.1/ Phone conversation with ***, Sept. 13, 1984.

Consideration of the Causal Relationship Between Alleged
LTFV Imports and the Alleged Injury

Market penetration of the alleged LTFV imports

Prior to 1982, imports of tubular steel framed wire grid stacking chairs from Italy accounted for the entire U.S. market. In 1982, however, Frazier Engineering, Direct Vector (now American Steel Products), and Nestaway began producing wire grid chairs and the market share held by the Italian imports declined to 51 percent. In 1983, imports of wire grid chairs from Taiwan captured 73 percent of the U.S. market, while Italy's share plummeted to just 10 percent. In January-June 1984, both Taiwan and Italy experienced slight declines in market share (table 8).

Table 8.—Tubular steel framed stacking chairs: Domestic shipments, U.S. imports from Italy and Taiwan, and apparent consumption, 1981-83 and January-June 1984

Period	Imports			Apparent consumption	Ratio of imports to consumption	
	Domestic shipments		Total		Italy	Taiwan
	From Italy	From Taiwan	1,000 units		Percent	
1981	0	***	0	***	***	100.0
1982	412	432	0	432	844	51.2
1983	1,116	688	4,918	5,606	6,722	10.2
1984 (Jan.-June)	1,601	824	6,351	7,175	8,776	9.4
						72.4

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission and estimated data submitted by counsel for producers in Italy and Taiwan.

Prices

Market description.—Stacking chairs are a relatively new item in the market place even though the Italian producers had exclusively supplied the U.S market for a number of years. During that time, stacking chairs were an expensive, fashion item and consumer demand for the item was comparatively small.

An increase in the availability of foreign supplies of tubular steel framed stacking chairs and the beginning of domestic production of these articles put severe downward pressure on prices in 1983 and 1984. As prices declined, demand for stacking chairs increased greatly. This combination of higher demand and lower prices changed the traditional retail outlets for the products. When the Italian producers were the only suppliers to the U.S. market, stacking chairs were sold in higher price department stores and specialty stores. Recently, prices have dropped to much lower levels and a

Sales are usually made in the fall during September and October at (or following) a number of major trade shows for retail sales in the following spring and summer. 1/ Production begins on a limited basis in September and runs at a moderate pace through mid-November, depending on the amount of orders taken during the fall trade shows and projection of demand. Production runs at or near capacity during January-April and then declines rather quickly during May-August because the bulk of orders have already been filled and production during the summer is usually to fill short term needs. Because of the relatively low prices of the products, stacking chairs are generally not warehoused but rather are produced, packed, and shipped to fill the orders as received.

The Commission received price data from four domestic producers and five importers of tubular metal framed stacking chairs. A summary of the data obtained is presented below.

Domestic price trends.—Weighted-average delivered prices for U.S.-produced wire grid stacking chairs declined steadily from \$10.98 per chair in July-September 1982 to \$5.65 per chair in January-March 1984, or by 49 percent (table 9). Prices then recovered somewhat to \$5.93 per chair in April-June 1984, an increase of 5 percent. No prices were reported for domestically produced stacking chairs in the plastic slat or expanded metal mesh styles.

Import price trends.—Delivered prices for Taiwan-produced wire grid stacking chairs were steady at \$5.84 per chair from January-March 1982 to April-June 1983. Prices then dropped sharply, by 37 percent, to \$3.65 per chair in July-September 1983. The Taiwan price stabilized somewhat and remained between \$3.75 and \$3.88 per chair during the remainder of 1983 and throughout 1984. (table 9).

1/ Ms. Kathleen Patterson, counsel representing manufacturers and exporters of Taiwan-produced stacking chairs, stated during the conference that she felt the petition was filed to disrupt the market for imports at the time of year when orders are being taken for the 1985 season. (Transcript of the conference, p. 65). During telephone inquiries by the Commission's staff of major purchasers, this point was raised on a number of occasions. *** stated that his firm had decided not to purchase Taiwan-produced chairs in fear of increased import duties. He also stated that he was solicited for business by domestic manufacturers on an additional selling point that such duties were pending. Likewise, *** stated that he was approached by vendors representing South African-produced stacking chairs and was told that importing from South Africa was safer than buying from manufacturers in Taiwan because they were not subject to duties that are certain to be levied. (Telephone inquiries, Sept. 5, 1984). U.S. producers, including the petitioner, deny this point. They state that the petition was filed because immediate relief is needed or they will be forced out of the 1985 market. (Transcript of the conference, p. 24).

Table 9 .--Tubular steel framed stacking chairs: Weighted-average delivered prices, wire grid style, as reported by U.S. producers and importers, by sources and by quarters, January 1982-June 1984

Period	U.S.	Taiwan	Italy	Margins of underselling	Margins of underselling
	producers'	weighted average price	weighted average price	(overselling)	(overselling)
	weighted average price	price	between U.S. and Taiwan	between U.S. and Italy	Percent
1982:					
Jan.-Mar.		\$5.84			
Apr.-June					
July-Sept.	\$10.98				
Oct.-Dec.	9.38		\$8.96		4
1983:					
Jan.-Mar.	7.94	5.84	8.37	26	(5)
Apr.-June	7.94	5.84	7.57	26	5
July-Sept.	7.09	3.65	7.68	49	(8)
Oct.-Dec.	6.56	3.88	6.79	41	(4)
1984:					
Jan.-Mar.	5.65	3.75	7.02	34	(24)
Apr.-June	5.93	3.83	6.28	35	(6)

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

Prices for Italian-produced wire grid stacking chairs followed the same downward trend. Prices dropped from \$8.96 per chair in October-December 1982 to \$6.79 per chair in October-December 1983, a decline of 24 percent. Prices then strengthened somewhat to \$7.02 per chair in January-March 1984 before continuing the declining trend to \$6.28 per chair in April-June 1984. Overall, prices for Italian-made stacking chairs dropped 30 percent during the subject period (table 9).

During 1984, prices were reported for Italian-produced plastic slat stacking chairs. These prices averaged about *** percent higher than prices for wire grid style chairs during January-June 1984. Italian-produced plastic slat style chairs were also *** percent higher in price than Taiwan-produced plastic slat style chairs during April-June 1984, the only period in which comparable data were reported (table 10).

***. *** could not provide specific pricing information, although it did provide invoices of recent (1984) sales to major purchasers. These invoices indicated that *** wire grid stacking chairs are sold to *** at *** per chair f.o.b. Italy. *** further stated that its delivered price to its customers was approximately *** per chair for large volume purchasers. 1/

1/ Telephone conversation with *** , Sept. 12, 1984.

Table 10 .—Tubular steel framed stacking chairs: Weighted-average delivered prices, plastic slat style, as reported by U.S. producers and importers, by sources and by quarters, January–June 1984

Period	U.S. producers' weighted-average price	Taiwan weighted average price	Italy weighted average price
1984:	:	:	:
Jan.–Mar.	:	-	***
Apr.–June	:	***	***
	:	:	:

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.

One invoice showed a sale of *** wire grid stacking chairs to ***. The purchaser's questionnaire returned by *** showed that that firm had purchased *** Italian-produced stacking chairs in ***. ***, a buyer from ***, confirmed that his firm had purchased *** chairs from *** at a delivered price of *** per chair. ^{1/} This purchase price is *** the weighted-average price of \$6.28 per chair reported in table 9 for Italian-produced wire grid chairs in April–June 1984.

Margins of underselling or overselling.—Taiwan produced wire grid stacking chairs consistently undersold the stacking chairs produced in the United States; margins of underselling ranged from a low of 26 percent during January–June 1983 to a high of 49 percent in July–September 1983. Italian-produced wire grid chairs undersold the U.S.-product on two occasions. During October–December 1982 the margin of underselling was 4 percent and it was 5 percent during April–June 1983. In all other periods the U.S.-produced chairs were lower priced. Margins of overselling were usually between 4 and 8 percent; however, during January–March 1984 the margin of overselling was 24 percent (table 9).

Summary of purchasers' responses.—In addition to the producers' and importers' questionnaires, the Commission also requested data from 15 large retailers of stacking chairs. A summary of the responses of seven of these retailers is presented in appendix C.

Prices paid by purchasers of wire grid stacking chairs showed decreasing price trends. In addition to the information presented in appendix C, Two purchasers reported prices for expanded metal mesh style chairs. In January–June 1983, *** purchased *** expanded metal mesh chairs for *** per chair delivered, and in April 1984 *** purchased *** chairs for *** per chair delivered. Both of these purchases were of Italian-produced goods.

^{1/} Telephone conversation with ***, Sept. 12, 1984.

*** also responded to the Commission's purchaser questionnaire. Although it did not supply specific price data, *** did report aggregate purchases of *** wire grid chairs imported from Italy during January-June 1984. The value of these purchases was ***, or *** per chair. *** appears to be one of the leading U.S. purchasers by volume. *** 1983 purchases exceeded *** chairs.

Lost sales

The Commission's staff received, from 2 U.S. producers, 17 allegations of sales lost to imports of stacking chairs from Italy and Taiwan. The staff contacted 16 of these purchasers and their responses are summarized below.

Five firms confirmed that they had rejected offers from domestic manufacturers in favor of Taiwan-produced stacking chairs because of lower prices. Only one purchaser stated that his firm had rejected U.S. offers in favor of Italian chairs, and in this instance the sale was for a different style chair at a higher price. Six firms denied purchasing chairs from either Taiwan or Italy, and five firms were unable to confirm or deny the specific allegations.

*** confirmed an allegation made by ***. In ***, he rejected a quote from *** of *** per chair for *** (*** pieces) in favor of Taiwan produced chairs at *** per chair. *** ultimately purchased *** chairs, all of which were produced in Taiwan. The merchandise was delivered in ***.

*** confirmed that his firm had rejected a domestic quote of *** per chair in *** for *** pieces and instead purchased Taiwan produced chairs at approximately *** per unit. *** responded to a Commission purchaser questionnaire and data on this sale are included in the summary of purchaser information.

*** also confirmed an allegation from ***. *** rejected an offer for *** chairs at *** per chair in *** in favor of a Taiwan produced product. Although he declined to comment on exact quantities and prices, the circumstances of the sale were as follows: *** imported a quantity of chairs from Taiwan for the *** season and ran an advertisement offering the chairs at a retail price of ***. The response to the ad was so great that numerous "rain checks" had to be issued. *** was seeking offers to fill these short term needs. ***'s *** per chair offer was the only domestic bid he had solicited and was too high because *** was locked into a retail price of ***. *** ultimately filled the order with Taiwan produced stacking chairs.

*** confirmed a purchase of imported chairs during ***. He stated that they purchased *** Taiwan produced chairs instead of accepting a price of *** per chair from a U.S. producer. He also stated that although he felt the U.S.-made chair was of higher quality, price was his main consideration.

*** confirmed that his firm had purchased Taiwan produced chairs at *** per chair, landed-value *** port, and rejected an offer of *** per chair with extended financing terms from a domestic supplier. He stated that price was his main concern; however he did look at quality. He maintained that ***

could have purchased chairs from another producer in Taiwan at an even lower price but the quality was substandard.

*** denied a lost sale in ***. He stated that his firm had never purchased stacking chairs.

*** denied an allegation, stating that *** bought stacking chairs exclusively from U.S. producers. He bought U.S.-produced chairs because of the variety of colors offered and their immediate delivery policies. He further stated that he planned to buy only domestic chairs in 1985 because the color selection from Taiwan had not changed and he also feared the results of the Commission's investigation.

*** denied a lost sale allegation. He stated that he had indeed rejected an offer from ***; however, that was because his firm had decided to discontinue sales of stacking chairs.

*** denied an allegation that his firm had bought imported goods in ***. He stated that his only purchase of stacking chairs in *** was from a domestic producer. He further stated that there were delivery problems with that firm and only *** of the merchandise ordered was ultimately delivered. He subsequently canceled the remaining order.

*** denied an allegation of ***. He stated that his firm never purchased stacking chairs and that inquiries into this potential market was the extent of his firm's participation.

*** denied an allegation that his firm had rejected an offer of domestic chairs in favor of an offshore supplier. He stated that he had indeed rejected the offer; however it was because his firm had decided to leave the market because of low prices. In the past, *** had bought exclusively from U.S. producers.

*** could neither confirm nor deny a lost sale allegation, without very specific information. He stated that *** buys from a variety of sources and in his opinion the U.S. producers will be unable to supply the market if the imported merchandise is stopped.

*** could not confirm or deny the lost sales allegation. He stated that *** buys from a few domestic producers as well as from imported sources. He declined to give pricing information over the telephone; however he further stated that besides price, *** also looked at prior supplier relationships.

*** and *** refused to discuss any confidential business information over the telephone.

*** could not recall the exact instance of the lost sale alleged by ***. He stated that he had received numerous offers from domestic producers and importers to supply *** with stacking chairs. Prices were approximately equal to the *** per chair extended by ***. However, he placed an order for Italian made stacking chairs at *** per chair because he wished to buy the high-back variety. He said quality and style were his primary considerations.

Exchange rates

The nominal value of the Italian lira, in terms of U.S. dollars, declined from 0.0007925 dollar per lira in January-March 1982 to 0.0005969 dollar per lira in April-June 1984, or by 24.68 percent. When adjusted for relative inflation using wholesale price indicators, however, the real value of the lira in terms of the U.S. dollar declined only 10.36 percent over the period January-March 1982 to January-March 1984. The real exchange rate increased 4.45 percent from July-September 1982 to January-March 1983 but then declined by 9.08 percent from January-March 1983 to January-March 1984, as shown in the following tabulation (January-March 1982=100.00): 1/

Period	:	Dollars/lira index (nominal)	:	Dollars/lira index (real)
1982:	:	:	:	
January-March	:	100.00	:	100.00
April-June	:	95.63	:	97.42
July-September	:	90.55	:	94.69
October-December	:	87.92	:	95.02
1983:	:	:	:	
January-March	:	90.17	:	98.90
April-June	:	85.40	:	94.86
July-September	:	80.17	:	92.81
October-December	:	77.66	:	89.92
1984:	:	:	:	
January-March	:	75.90	:	89.64
April-June	:	75.32	:	1/
	:	:	:	

1/ Not available.

Transportation costs

Imported chairs are landed at east and west coast ports, as well as gulf ports. Ocean freight rates vary widely between ports of entry and country of origin.

Italian manufacturers estimate that shipping costs from Italy to an east coast United States port of entry range from *** to *** per chair. Most of the Italian-produced chairs are landed at east coast ports.

Taiwan-produced stacking chairs are landed at east coast, west coast, and gulf ports. Ocean freight from Taiwan for an east coast port of entry is approximately *** to *** per chair. For a west coast port, the rate ranges from *** to *** per chair, while freight to a gulf coast port is about *** per chair.

1/ Compiled from International Financial Statistics, International Monetary Fund, August 1984.

The petitioner estimates inland freight at approximately *** for a 40-foot trailer. Frazier engineering currently packs *** chairs per trailer; therefore inland freight would amount to about *** per chair. The Taiwan producers, because of minor differences in chair design, can presently pack *** chairs into the same size trailer. This significantly reduces inland freight charges to about *** per chair. The Italian manufacturers currently pack *** to *** chairs into a 40-foot trailer.

In an effort to lower costs, Mr. Steve Housefield of Frazier informed the Commission's staff that Frazier is ***.

APPENDIX A

FEDERAL REGISTER NOTICES OF THE INVESTIGATIONS BY THE
COMMISSION AND THE DEPARTMENT OF COMMERCE

32912

Federal Register / Vol. 49, No. 161 / Friday, August 17, 1984 / Notices

whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports from Italy and Taiwan of stacking chairs, of metal, having tubular frames, provided for in item 727.70 of the Tariff Schedules of the United States, which are allegedly being sold in the United States at less than fair value (LTFV).

EFFECTIVE DATE: August 10, 1984.

FOR FURTHER INFORMATION CONTACT: William Schechter (202-523-0300), U.S. International Trade Commission, 701 E Street, NW, Washington, D.C. 20432.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on August 10, 1984, by counsel on behalf of Frazier Engineering, Inc., Greenfield, IN. The Commission must make its determinations in these investigations within 45 days after the date of the filing of the petition, or by September 24, 1984 (19 CFR 207.17).

Participation

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairwoman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in these investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)).

Written Submissions

Any person may submit to the Commission on or before September 5, 1984, a written statement of information pertinent to the subject matter of these investigations (19 CFR 207.18). A signed original and fourteen (14) copies of such

**INTERNATIONAL TRADE
COMMISSION**

[Investigations Nos. 731-TA-202 and 203
(Preliminary)]

**Tubular Metal Framed Stacking Chairs
From Italy and Taiwan**

AGENCY: United States International
Commission.

ACTION: Institution of preliminary
antidumping investigations and
scheduling of a conference to be held in
connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations 731-TA-202 and 731-TA-203 (Preliminary) under section 730(a) of the Tariff Act of 1930 (19 U.S.C. 1473b(a)) to determine

statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on August 31, 1984, at the U.S. International Trade Commission Building, 701 E Street, NW, Washington, D.C. Parties wishing to participate in the conference should contact William Schechter (202-523-0300), not later than 12:00 noon, August 30, 1984, to arrange for their appearance. Parties in support

of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public Inspection

A copy of the petition and all written submission except for confidential business data, will be available for public inspection during regular hours (8:45 am to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW, Washington, D.C.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR Part 207), and part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: August 14, 1984.

Kenneth R. Mason,
Secretary.

FTR Doc. 84-21948 Filed 8-10-84 8:48 AM
BILLING CODE 7020-09-02

Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether tubular metal framed stacking chairs (stacking chairs) from Italy are being, or are likely to be, sold in the United States at less than fair value. Critical circumstances have also been alleged under section 733(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 24, 1984, and we will make ours on or before January 17, 1985.

EFFECTIVE DATE: September 6, 1984.

FOR FURTHER INFORMATION CONTACT: Ken Shimabukuro, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-2613.

SUPPLEMENTARY INFORMATION:

The Petition

On August 10, 1984, we received a petition in proper form filed on behalf of Frazier Engineering, Inc., and the United States industry producing stacking chairs. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that the imports of the subject merchandise from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

The petitioner based U.S. sales prices on f.o.b. Italian quotes from Italian stacking chair producers, less ocean freight and import duty.

The petitioner based foreign market value on its own costs of production adjusted for differences in estimated Italian input costs.

Using this comparison, petitioner alleged dumping margins ranging from 23 to 40 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a

International Trade Administration

[A-475-404]

Tubular Metal Framed Stacking Chairs from Italy: Initiation of Antidumping Investigation

AGENCY: International Trade

petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on stacking chairs, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether stacking chairs from Italy are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by January 17, 1985.

Scope of Investigation

The products covered by this investigation are "tubular metal framed stacking chairs", including stacking chairs with plastic slats or expanded metal mesh instead of wire grid, as currently classified in the *Tariff Schedules of the United States, Annotated (TSUSA)* under item 727.7065.

Notification to ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 24, 1984, whether there is a reasonable indication that imports of stacking chairs from Italy are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: August 30, 1984.

C. Christopher Parlin,

Acting Deputy Assistant Secretary for Import Administration.

(FR Doc. 84-23809 Filed 9-5-84: 8:45 am)

MAILING CODE 3810-09-01

(A-583-402)

Tubular Metal Framed Stacking Chairs From Taiwan: Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether tubular metal framed stacking chairs (stacking chairs) from Taiwan are being, or are likely to be, sold in the United States at less than fair value. Critical circumstances have also been alleged under section 733(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 24, 1984, and we will make ours on or before January 17, 1985.

EFFECTIVE DATE: September 6, 1984.

FOR FURTHER INFORMATION CONTACT: Ken Shimabukuro, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2813.

SUPPLEMENTARY INFORMATION:

The Petition

On August 10, 1984, we received a petition in proper form filed on behalf of Frazier Engineering, Inc., and the United States industry producing stacking chairs. In compliance with the filing requirements of § 353.38 of the Commerce Regulations (19 CFR 353.38), the petition alleged that the imports of the subject merchandise from Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are causing material injury, or threaten material injury, to a United States industry.

The petitioner based U.S. sales prices on f.o.b. Taiwan quotes from Taiwan stacking chair producers, less ocean freight and import duty.

The petitioner based foreign market value on its own costs of production adjusted for differences in estimated Taiwan input costs, discounted to reflect the lighter gauge tubing and shorter

arms used in Taiwan stacking chairs, and the possible use of less expensive coatings.

Using this comparison, petitioner alleged dumping margins ranging from 32 to 48 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on stacking chairs, and we have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether stacking chairs from Taiwan are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by January 17, 1985.

Scope of Investigation

The products covered by this investigation are "tubular metal framed stacking chairs", including stacking chairs with plastic slats or expanded metal mesh instead of wire grid, as currently classified in the *Tariff Schedules of the United States, Annotated (TSUSA)* under item 727.7065.

Notification to ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 24, 1984, whether there is a reasonable indication that imports of stacking chairs from Taiwan are causing material injury, or threaten material injury, to a United States industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: August 30, 1984.
C. Christopher Parlin,
*Acting Deputy Assistant Secretary for Import
Administration.*
(FR Doc. 84-22810 Filed 8-5-84 8:45 am)
BILLING CODE 2310-03-01

APPENDIX B

LIST OF WITNESSES APPEARING AT THE COMMISSION'S CONFERENCE

CALENDAR OF PUBLIC CONFERENCE

Investigations Nos. 731-TA-202 and 203 (Preliminary)

TUBULAR METAL FRAMED STACKING CHAIRS FROM ITALY AND TAIWAN

Those listed below appeared at the United States International Trade Commission's conference held in connection with the subject investigations on August 31, 1984, in the Hearing Room of the USITC Building, 701 E Street, N.W., Washington, D.C.

In support of the imposition of antidumping duties

Roger B. Schagrin, Esq—Counsel
Washington, D.C.
on behalf of

Frazier Engineering, Inc. ("The Wire Company")
Greenfield, IN

Larry E. Strodtman, President

Roger Shagrin—OF COUNSEL

In opposition to the imposition of antidumping duties

Kaplan, Russin & Vecchi—Counsel
Washington, D.C.
on behalf of

Manufacturers and Exporters of Tubular Metal
Framed Chairs from Taiwan

A. DeGregorio, President
Preferred Services, Ltd.
New York, NY

Kathleen Patterson—OF COUNSEL

Sutherland, Asbill & Brennan—Counsel
Washington, D.C. and Atlanta, GA
on behalf of

EMU, S.p.A (Italy)
EMU/USA, Inc. (Atlanta, GA)

Robert B. Curry, President
EMU/USA, Inc.

Arthur Downey—OF COUNSEL

In opposition to the imposition of antidumping duties—Continued

Larry E. Klayman, Esq.—Counsel
Washington, D.C.
on behalf of

Stilgarden, S.p.A. (Italy)

Normam Tolken, President
The Door Store, Washington, D.C.

Larry E. Klayman) —OF COUNSEL
Teresa M. Polino)

Dow, Lohnes & Albertson—Counsel
Washington, D.C.
on behalf of

Ellissee, S.p.A. (Italy)
IMX Corporation, Boca Raton, FL

William Silverman) —OF COUNSEL
Edward LeBow)

APPENDIX C
PRICES REPORTED BY PURCHASERS

Table C-1.—Tubular steel framed stacking chairs from Taiwan and Italy:
 Weighted-average delivered prices, wire grid style, as reported by
 purchasers, by sources and by quarters, 1982, 1983, and January-June 1984

Period	Chairs from the	Chairs from	Chairs from
	United States	Taiwan	Italy
	<u>Dollars per unit</u>		
1982:			
January-March	-	-	10.56
April-June	-	-	11.19
July-September	7.00	-	-
October-December	-	-	-
1983:			
January-March	-	6.46	11.34
April-June	-	9.40	9.94
July-September	7.98	-	10.00
October-December	-	-	10.00
1984:			
January-March	7.39	5.02	6.74
April-June	5.91	5.12	5.41

Source: Compiled from data submitted in response to questionnaires of the U.S. International Trade Commission.