

# UNITED STATES INTERNATIONAL TRADE COMMISSION

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In the Matter of: )  
)  
CERTAIN FROZEN OR CANNED ) Investigation Nos.:  
WARMWATER SHRIMP AND PRAWNS ) 731-TA-1063-1068  
FROM BRAZIL, CHINA, ECUADOR, ) (Final)  
INDIA, THAILAND, AND VIETNAM )  
and )  
CERTAIN CREPE PAPER PRODUCTS ) Investigation No.:  
FROM CHINA ) 731-TA-1070A  
) (Final)

Pages: 1 through 20

Place: Washington, D.C.

Date: January 6, 2005

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 FROM CHINA ) 731-TA-1070A  
 ) (Final)

Thursday,  
 January 6, 2005

Room 101  
 U.S. International  
 Trade Commission  
 500 E Street, SW  
 Washington, D.C.

The meeting commenced, pursuant to notice, at  
 10:58 a.m., before the Commissioners of the United States  
 International Trade Commission, the Honorable STEPHEN  
 KOPLAN, Chairman, presiding.

## APPEARANCES:

On behalf of the International Trade Commission:Commissioners:

STEPHEN KOPLAN, CHAIRMAN (presiding)  
 DEANNA TANNER OKUN, VICE CHAIRMAN  
 MARCIA E. MILLER, COMMISSIONER  
 JENNIFER A. HILLMAN, COMMISSIONER  
 CHARLOTTE R. LANE, COMMISSIONER  
 DANIEL R. PEARSON, COMMISSIONER

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## APPEARANCES (continued):

MARILYN R. ABBOTT, SECRETARY TO THE COMMISSION  
WILLIAM R. BISHOP, HEARINGS AND MEETINGS  
COORDINATOR  
SHARON BELLAMY, HEARINGS ASSISTANT  
JAMES. L. LYONS, GENERAL COUNSEL

Staff:Inv. Nos. 731-TA-1063-1068 (Final)(Certain Frozen  
or Canned Warmwater Shrimp and Prawns from Brazil,  
China, Ecuador, India, Thailand, and Vietnam):

JAMES H. McCLURE, SENIOR INVESTIGATOR  
ELIZABETH HAINES, INVESTIGATOR  
ROGER COREY, INDUSTRY ANALYST  
JOHN BENEDETTO, ECONOMIST  
JOHN ASCIENZO, AUDITOR/ACCOUNTANT  
MARC BERNSTEIN, ATTORNEY

Inv. No. 731-TA-1070A (Final)(Certain Crepe Paper  
Products from China):

FRED FORSTALL, INVESTIGATOR AND INDUSTRY ANALYST  
AMELIA PREECE, ECONOMIST  
MARY PEDERSEN, AUDITOR/ACCOUNTANT  
MARK REES, ATTORNEY  
DOUGLAS CORKRAN, SUPERVISORY INVESTIGATOR

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P R O C E E D I N G S

(10:58 a.m.)

CHAIRMAN KOPLAN: Good morning. This meeting of the U.S. International Trade Commission will please come to order.

Good morning, Madam Secretary.

MS. ABBOTT: Good morning, Mr. Chairman.

CHAIRMAN KOPLAN: We will first turn to the agenda for future meetings and outstanding action jackets. I understand there are none to consider.

We will next turn to the minutes of December 10 and December 14, 2004, and Ratification List 05-001. Are there any objections to approval of either those minutes or the ratification list?

(No response.)

CHAIRMAN KOPLAN: Hearing none, they are approved.

We will now turn to the briefing and vote in Investigation Nos. 731-TA-1063-1068 (Final) Certain Frozen or Canned Warmwater Shrimp and Prawns from Brazil, China, Ecuador, India, Thailand, and Vietnam.

However, before we vote, I want to take a moment to say that the terrible tragedy wrought by the tsunamis weighs heavily in our hearts. When I

1 approach our building, and for that matter, any  
2 federal building, our flags fly at half mast in memory  
3 of the victims. I realize that, as a procedural  
4 matter, none of the parties whose countries have been  
5 affected by this cataclysmic event has requested that  
6 the Commission delay our vote, but this does not  
7 lessen the fact that I feel the same sense of horror  
8 and sadness that I experienced at the time of 9/11,  
9 which occurred when I sat in this same chair in this  
10 same room.

11 Madam Secretary, this concludes my personal  
12 remarks. Unless any of my colleagues wish to add to  
13 what I have said, we will now turn to our briefing and  
14 vote.

15 VICE CHAIRMAN OKUN: Mr. Chairman, may I be  
16 recognized?

17 CHAIRMAN KOPLAN: You are recognized.

18 VICE CHAIRMAN OKUN: Thank you, Mr.  
19 Chairman, and I share the sentiments you have  
20 expressed about the catastrophe of the tsunami that  
21 struck southeast Asia. In light of numerous  
22 information that is coming to the Commission and  
23 various reports, I move that we delay the vote in  
24 these investigations until 3 p.m. -- actually we  
25 recess until 3 p.m. to give our colleagues further

1 time to consider the information that we have and that  
2 we further continue to proceed to the other agenda  
3 items but that we recess until three before we  
4 determine whether to take up the shrimp vote.

5 CHAIRMAN KOPLAN: May I ask, since we're in  
6 open session, what that information is?

7 VICE CHAIRMAN OKUN: There is a number of  
8 information based on reports on the effect of the  
9 tsunami on shrimp farming in the region that I have  
10 not had time to look at and discuss with my staff, and  
11 I would appreciate additional time before I come back  
12 down here for the vote.

13 CHAIRMAN KOPLAN: If I could inquire of the  
14 general counsel, Mr. Lyons, what is the situation with  
15 respect to the status of the record?

16 MR. LYONS: Mr. Chairman, the record was  
17 closed with regard to the investigations involving  
18 China and Vietnam, so that record is currently closed.

19 CHAIRMAN KOPLAN: So does that mean that any  
20 new information under Commission Rule 207.30 is  
21 precluded from consideration at this time?

22 MR. LYONS: The only information before the  
23 Commission at this time is information either in the  
24 record at the time that it was closed or information  
25 which is in the public domain.



1 CHAIRMAN KOPLAN: As of what date?

2 MR. LYONS: I will have to defer to our  
3 staff lawyer for the date itself.

4 CHAIRMAN KOPLAN: Mr. McClure or Mr.  
5 Bernstein?

6 MR. BERNSTEIN: Mr. Chairman, this is Marc  
7 Bernstein, Office of the General Counsel. The record  
8 closed in these investigations on December 27th, and  
9 it closed with respect to all six investigations, all  
10 of the subject countries, just to clarify that.

11 CHAIRMAN KOPLAN: And the statutory deadline  
12 for our completing this; is that January 21st?

13 MR. LYONS: The statutory deadline for  
14 delivery of the determination to the Department of  
15 Commerce is on January 21st.

16 CHAIRMAN KOPLAN: Thank you.

17 COMMISSIONER MILLER: Mr. Chairman?

18 CHAIRMAN KOPLAN: Yes. Commissioner Miller?

19 COMMISSIONER MILLER: I would like to second  
20 the vice chairman's move to recess the meeting at this  
21 point and to hold the vote regarding the shrimp  
22 investigation at 3 o'clock this afternoon. I would  
23 suggest we go ahead with the crepe paper vote.

24 CHAIRMAN KOPLAN: Do I hear further  
25 discussion?

1                   COMMISSIONER PEARSON: Just a clarification,  
2                   Madam Vice Chairman, if I might. I think it's clear  
3                   from what you're saying, but what we are doing now is  
4                   we would lay on the table the vote on shrimp, we would  
5                   hold the vote on crepe paper and any other business  
6                   coming before the Commission at this time, and then  
7                   after that is accomplished, we would stand in recess  
8                   until 3 o'clock this afternoon. Is that the intent of  
9                   the motion?

10                   VICE CHAIRMAN OKUN: That's the intent of  
11                   the motion. You're correct, Commissioner Pearson.

12                   CHAIRMAN KOPLAN: Commissioner Lane, is  
13                   there anything you wanted to add?

14                   COMMISSIONER LANE: No.

15                   CHAIRMAN KOPLAN: Are there any other  
16                   comments from the dais?

17                   (No response.)

18                   CHAIRMAN KOPLAN: If not, I suggest that we  
19                   have a vote on this. Madam Secretary, will you call  
20                   the roll?

21                   MS. ABBOTT: Commissioner Lane?

22                   COMMISSIONER LANE: I vote to recess until 3  
23                   o'clock.

24                   MS. ABBOTT: Commissioner Koplan?

25                   CHAIRMAN KOPLAN: I vote against the motion.

1 MS. ABBOTT: Commissioner Okun?

2 VICE CHAIRMAN OKUN: I vote to recess until  
3 3 o'clock.

4 MS. ABBOTT: Commissioner Pearson?

5 COMMISSIONER PEARSON: I vote to delay this  
6 vote until 3 o'clock.

7 MS. ABBOTT: Commissioner Miller?

8 COMMISSIONER MILLER: I also vote to delay  
9 this vote, the shrimp vote, until 3 o'clock.

10 MS. ABBOTT: And Commissioner Hillman?

11 COMMISSIONER HILLMAN: I concur in delaying  
12 the shrimp vote until 3 o'clock.

13 MS. ABBOTT: The motion to recess until  
14 3 p.m. is affirmative.

15 CHAIRMAN KOPLAN: Thank you for that, Madam  
16 Secretary. I want to say that I greatly respect my  
17 colleagues' disagreement with me over this issue.  
18 This is an honest disagreement between us, but we'll  
19 reconvene on this at 3 o'clock and take it from there.

20 Now we will turn to the briefing and vote on  
21 Certain Crepe Paper Products from China. We'll take a  
22 moment for Mr. Corkran and the staff handling that  
23 investigation to come to the table.

24 (Pause.)

25 CHAIRMAN KOPLAN: Welcome, Mr. Corkran.

1 MR. CORKRAN: Thank you.

2 CHAIRMAN KOPLAN: Does any commissioner have  
3 questions for the staff?

4 (No response.)

5 CHAIRMAN KOPLAN: Are there any additions or  
6 corrections to the staff report?

7 MR. CORKRAN: Douglas Corkran, Office of  
8 Investigations. Thank you, Mr. Chairman. The staff  
9 has no additions or revisions to the staff report.

10 CHAIRMAN KOPLAN: Are there any objections  
11 to approval of the staff report?

12 (No response.)

13 CHAIRMAN KOPLAN: Hearing none, it is  
14 approved.

15 Madam Secretary, will you please call the  
16 roll?

17 MS. ABBOTT: Commissioner Koplan?

18 CHAIRMAN KOPLAN: I vote in the affirmative.

19 MS. ABBOTT: Commissioner Miller?

20 COMMISSIONER MILLER: I vote in the  
21 affirmative.

22 MS. ABBOTT: Commissioner Hillman?

23 COMMISSIONER HILLMAN: I vote in the  
24 affirmative.

25 MS. ABBOTT: Commissioner Lane?

1                   COMMISSIONER LANE: I vote in the  
2 affirmative.

3                   MS. ABBOTT: Commissioner Okun?

4                   VICE CHAIRMAN OKUN: I vote in the  
5 affirmative.

6                   MS. ABBOTT: Commissioner Pearson?

7                   COMMISSIONER PEARSON: I vote in the  
8 affirmative.

9                   MS. ABBOTT: Mr. Chairman, the Commission  
10 has reached an affirmative determination.

11                   CHAIRMAN KOPLAN: Thank you, Madam  
12 Secretary. Thank you to Mr. Corkran and all of the  
13 staff who have participated in this investigation.

14                   Further information regarding this  
15 determination will be in the press release.  
16 Commissioners' opinions are currently scheduled to be  
17 transmitted to the Department of Commerce on or before  
18 January 18, 2005.

19                   Thank you again to all staff. If there is  
20 no other business before the Commission, we will  
21 reconvene at 3 o'clock.

22                   (Whereupon, at 11:08 a.m., the Commission  
23 meeting was adjourned, to be reconvened at 3 p.m.)

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AFTERN OON SESS ION

(3:01 p.m.)

CHAIRMAN KOPLAN: Good afternoon. This meeting of the U.S. International Trade Commission will please come back to order.

We will now turn to -- well, before we do that, Madam Vice Chairman, is there something you would like to put on the record?

VICE CHAIRMAN OKUN: Thank you, Mr. Chairman. This morning, a majority of my colleagues voted to recess our meeting to consider the procedural options available to the Commission to consider the potential impact of the tsunami on the shrimp industries in India and Thailand. I want to thank the parties and our staff for their forbearance as we considered these important matters.

During our recess, we had the opportunity to consider the appropriate course of action. One option was to delay the vote on the two impacted countries, reopen the record with regard to the impact of the tsunami, and vote at a later date.

Another option was to consider whether the changed circumstances provision, 19 U.S.C. 1675(b), was applicable in the event the Commission reached an affirmative determination with regard to the affected

1 countries. This provision allows the Commission to  
2 address situations in which changed circumstances  
3 warrant review of an injury determination that has  
4 culminated in the issuance of an antidumping order.

5 At this point, Mr. Chairman, I will not move  
6 to delay the vote, but in the event the Commission  
7 reaches an affirmative determination, I will support  
8 the Commission collecting information from interested  
9 parties on whether the tsunami's impact on the  
10 affected countries' industries warrants the Commission  
11 self-initiating a changed circumstance review.

12 Thank you, Mr. Chairman, and I have no  
13 further comments at this time.

14 CHAIRMAN KOPLAN: Thank you, Madam Vice  
15 Chairman, and I appreciate your comments, and in the  
16 event that the vote does result in an affirmative  
17 determination, I would join with you in supporting  
18 such an alternative.

19 COMMISSIONER HILLMAN: Mr. Chairman?

20 CHAIRMAN KOPLAN: Yes. Commissioner  
21 Hillman.

22 COMMISSIONER HILLMAN: I would only like to  
23 note that while I concur with the vice chairman's  
24 suggestion and the chairman's to expeditiously  
25 consider a changed circumstance in this investigation

1 should there be an affirmative vote, I would have  
2 preferred a different approach. In light of the  
3 magnitude of the devastation caused by the earthquake  
4 and tsunami, I would have preferred to postpone the  
5 Commission's vote, at least with respect to imports  
6 from India and Thailand, in order to reopen the record  
7 for a brief period of time to gather additional  
8 information on the disaster's effect on each country's  
9 ability to produce and export shrimp to the United  
10 States.

11 With this information, the Commission's vote  
12 on these two countries would have been based on a more  
13 accurate record that takes cognizance of the  
14 devastation that has occurred in Asia. I regret that  
15 the Commission was unable to reach a consensus on this  
16 approach and that we are proceeding today on all six  
17 countries subject to this investigation without  
18 affording ourselves the opportunity to take into  
19 account the effects of this terrible tsunami. Thank  
20 you, Mr. Chairman.

21 CHAIRMAN KOPLAN: Thank you, Commissioner  
22 Hillman. Is there any other commissioner who wishes  
23 to be heard? Commissioner Pearson?

24 COMMISSIONER PEARSON: Mr. Chairman, I would  
25 just express my appreciation to you and the other



1 commissioners, all of whom had very good intent to try  
2 to find the best way to do the right thing in this  
3 complicated situation. I'm very glad that we've been  
4 able to reach this point with a considerable degree of  
5 comity.

6 CHAIRMAN KOPLAN: I appreciate your  
7 comments. Anyone else?

8 (No response.)

9 CHAIRMAN KOPLAN: If not, we will now turn  
10 to the briefing and vote in Investigation Nos. 731-TA-  
11 1063-1068 (Final) Certain Frozen or Canned Warmwater  
12 Shrimp and Prawns from Brazil, China, Ecuador, India,  
13 Thailand, and Vietnam.

14 Welcome to Mr. McClure and the staff who  
15 participated. Are there any questions for the staff?

16 (No response.)

17 CHAIRMAN KOPLAN: Are there any additions or  
18 corrections to the staff report?

19 MR. McCLURE: Mr. Chairman, Jim McClure,  
20 Office of Investigations. There is only one addition,  
21 and that's contained in Investigations Memorandum CC-  
22 002, which adds Tables C-2 and C-3 to the report.  
23 Beyond that, I would be remiss if I did not mention  
24 the names of the invaluable stat. unit that helped so  
25 much. For AED and John and all of the prices, Shakira

1 Van Savage and Loretta Willis; in our stat. unit, Lita  
2 David Harris, Mara Alexander, Carolyn Holmes, Darlene  
3 Smith-Alcalde, and the incomparable Andy Rylyk and  
4 Steve Hudgens. We simply wouldn't have gotten this  
5 done without them.

6 CHAIRMAN KOPLAN: I appreciate you doing  
7 that, Mr. McClure.

8 Are there any objections to approval of the  
9 staff report as revised?

10 (No response.)

11 CHAIRMAN KOPLAN: Hearing none, it is  
12 approved.

13 Madam Secretary, will you please call the  
14 roll?

15 MS. ABBOTT: Commissioner Lane?

16 COMMISSIONER LANE: I vote in the  
17 affirmative on present injury and negative with regard  
18 to critical circumstances relating to China.

19 MS. ABBOTT: Commissioner Koplan?

20 CHAIRMAN KOPLAN: Thank you, Madam  
21 Secretary. I concur with Commissioner Lane.

22 MS. ABBOTT: Commissioner Okun?

23 VICE CHAIRMAN OKUN: I find two separate  
24 like products, one encompassing canned warmwater  
25 shrimp and prawns and one encompassing certain

1 noncanned warmwater shrimp and prawns. I vote in the  
2 negative with respect to canned and in the affirmative  
3 with respect to certain noncanned shrimp and prawns.

4 With respect to imports of canned shrimp, I  
5 find imports from Brazil, Ecuador, and India to be  
6 negligible. With respect to critical circumstances, I  
7 vote in the negative.

8 MS. ABBOTT: Commissioner Pearson?

9 COMMISSIONER PEARSON: I concur with  
10 Commissioner Okun.

11 MS. ABBOTT: Commissioner Miller?

12 COMMISSIONER MILLER: I also concur with  
13 Commissioner Okun.

14 MS. ABBOTT: Commissioner Hillman?

15 COMMISSIONER HILLMAN: I also concur with  
16 Commissioner Okun.

17 MS. ABBOTT: Mr. Chairman, the Commission  
18 has found either negative or negligible concerning  
19 canned warmwater shrimp and prawns and affirmative in  
20 all other investigations.

21 CHAIRMAN KOPLAN: Thank you, Madam  
22 Secretary.

23 Further information regarding this  
24 determination will be in the press release.  
25 Commissioners' opinions are currently scheduled to be

1 transmitted to the Department of Commerce on or before  
2 January 21, 2005.

3 I again want to thank all staff who assisted  
4 us in this investigation. It's very much appreciated.  
5 Seeing no other business before the Commission, --  
6 sorry about that. Madam Vice Chair?

7 VICE CHAIRMAN OKUN: Mr. Chairman, I will  
8 not make a practice of this. I just wondered if, in  
9 light of the determination that was just announced by  
10 the secretary that we have reached an affirmative  
11 determination, whether you could help the Commission  
12 understand how we'll proceed with regard to collecting  
13 information on a changed circumstances review.

14 CHAIRMAN KOPLAN: I would suggest that we  
15 get together with staff immediately after this and  
16 come up with a timetable and program, unless you have  
17 something to suggest at this time.

18 VICE CHAIRMAN OKUN: No. I think that is  
19 appropriate and that we would allow parties to comment  
20 on the appropriateness of taking that action.

21 CHAIRMAN KOPLAN: Absolutely. Yes.

22 VICE CHAIRMAN OKUN: Thank you.

23 CHAIRMAN KOPLAN: Anything further?

24 (No response.)

25 CHAIRMAN KOPLAN: If not, this meeting is

1 adjourned.

2 (Whereupon, at 3:10 p.m., the Commission  
3 meeting was adjourned.)

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**CERTIFICATION OF TRANSCRIPTION**

**TITLE:** Certain Frozen Canned Warmwater Shrimp

**INVESTIGATION NOS.:** 731-TA-1063-1068 (Final)

**HEARING DATE:** January 6, 2005

**LOCATION:** Washington, D.C.

**NATURE OF HEARING:** Briefing and vote

I hereby certify that the foregoing/attached transcript is a true, correct and complete record of the above-referenced proceeding(s) of the U.S. International Trade Commission.

**DATE:** January 6, 2005

**SIGNED:** LaShonne Robinson  
Signature of the Contractor or the  
Authorized Contractor's Representative  
1220 L Street, N.W. - Suite 600  
Washington, D.C. 20005

I hereby certify that I am not the Court Reporter and that I have proofread the above-referenced transcript of the proceeding(s) of the U.S. International Trade Commission, against the aforementioned Court Reporter's notes and recordings, for accuracy in transcription in the spelling, hyphenation, punctuation and speaker-identification, and did not make any changes of a substantive nature. The foregoing/attached transcript is a true, correct and complete transcription of the proceeding(s).

**SIGNED:** Carlos Gamez  
Signature of Proofreader

I hereby certify that I reported the above-referenced proceeding(s) of the U.S. International Trade Commission and caused to be prepared from my tapes and notes of the proceedings a true, correct and complete verbatim recording of the proceeding(s).

**SIGNED:** Renee Katz/Kyle Johnson  
Signature of Court Reporter