

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Sorbitol from France
Inv. No. 731-TA-44 (Third Review)

On October 5, 2009, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. §1675(c)(5)).

The Commission received responses to the notice of institution from two domestic producers of sorbitol: (1) Archer Daniels Midland Co. (“ADM”), and (2) Corn Products International, Inc. (“CPI”). The Commission found the individual response of each of these domestic producers, which contained company-specific data, to be adequate. Because the two producers that provided company-specific data collectively account for a substantial proportion of domestic production of sorbitol, the Commission further determined that the domestic interested party group response was adequate.

The Commission did not receive a response to the notice of institution from any respondent interested party. The Commission determined that the respondent interested party group response was inadequate in this review.

Notwithstanding the Commission’s determination that the respondent interested party group response was inadequate, the Commission determined to conduct a full review in light of information regarding possible changes in conditions of competition.¹ These include changes in domestic and global market conditions, including trends in U.S. demand, and substantial increases in U.S. imports of sorbitol from France since the second five-year review.

A record of the Commissioners’ votes is available from the Office of the Secretary and the Commission’s web site (www.usitc.gov).

¹ Commissioners Williamson and Pinkert voted to conduct an expedited review, citing both the lack of adequate respondent participation and their finding that the record in this adequacy phase did not indicate sufficient changes in the conditions of competition since the original investigation and the first and second five-year reviews to warrant conducting a full review.