

## EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

*Chloropicrin from China*  
Inv. No. 731-TA-130 (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, as amended, 19 U.S.C. § 1675(c)(5).

The Commission received a single domestic producer response filed by ASHTA Chemicals, Inc. (“ASHTA”). ASHTA’s response also contains information submitted on behalf of two other producers of chloropicrin, Niklor Chemical Company, Inc., and Trinity Manufacturing, Inc. The Commission found that the individual response of each domestic chloropicrin producer to be individually adequate. The Commission further determined that the domestic interested party group response was adequate because these producers account for all of the domestic production of chloropicrin.

The Commission did not receive a response from any respondent interested party in the review and, therefore, determined that the respondent interested party group response was inadequate.

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 the conditions of competition.<sup>1</sup> These include possible changes in market conditions resulting from increasing environmental regulation of chloropicrin.

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

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<sup>1</sup> Commissioners Lane, Williamson, and Pinkert voted to conduct an expedited review citing both the lack of adequate respondent participation and their findings 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.