

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Raw In-Shell Pistachios from Iran Inv. No. 731-TA-287 (Second Review)

On July 5, 2016, the Commission determined to conduct a full review in the subject five-year review pursuant to section 751(c)(3) of the Tariff Act of 1930, as amended, 19 U.S.C. § 1675(c)(3).

The Commission received individually adequate responses to the notice of institution from American Pistachio Growers, a trade association whose members are domestic producers of raw in-shell pistachios (“pistachios”), and Wonderful Pistachios & Almonds LLC, a domestic producer of pistachios. Because the Commission received adequate responses accounting for a substantial share of U.S. production of pistachios, it unanimously determined that the domestic interested party group response was adequate.

The Commission received two responses to the notice of institution from respondent interested parties. It received individually adequate responses from the Iran Pistachio Association (“IPA”),¹ a trade association representing Iranian pistachio producers, and from Nima Trading Company (“Nima”), an exporter of subject merchandise. However, the responses did not provide sufficient information to enable the Commission to conclude that the responding parties accounted for a substantial portion of production or exports of subject merchandise. The Commission therefore found the respondent interested party group response inadequate.^{2 3}

Notwithstanding the inadequate respondent interested party group response, the Commission determined to conduct a full review of the order in light of changes in the conditions of competition in the pistachio market in the United States and Iran since the prior review.

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

¹ Commissioner Johanson found that the response filed by IPA was not adequate.

² Commissioner Broadbent found that the respondent group response was adequate.

³ Commissioner Johanson found that the respondent group response was inadequate because the individually adequate response from Nima accounted for a very small percentage of Iranian production.