



Ottawa, Monday, April 22, 2002

**Interim Review No. RD-2001-002**

IN THE MATTER OF an interim review, under subsection 76.01(1) of the *Special Import Measures Act*, of the order made by the Canadian International Trade Tribunal on November 28, 1997, in Review No. RR-97-002, continuing, without amendment, its finding made on November 30, 1992, in Inquiry No. NQ-92-001, concerning:

**FRESH ICEBERG (HEAD) LETTUCE, ORIGINATING IN OR EXPORTED  
FROM THE UNITED STATES OF AMERICA, FOR USE OR CONSUMPTION  
IN THE PROVINCE OF BRITISH COLUMBIA**

**ORDER**

The Canadian International Trade Tribunal, under the provisions of subsection 76.01(1) of the *Special Import Measures Act*, has conducted an interim review of its order made on November 28, 1997, in Review No. RR-97-002, continuing, without amendment, its finding made on November 30, 1992, in Inquiry No. NQ-92-001.

Pursuant to paragraph 76.01(5)(a) of the *Special Import Measures Act*, the Canadian International Trade Tribunal hereby rescinds its order made on November 28, 1997, in Review No. RR-97-002, continuing, without amendment, its finding made on November 30, 1992, in Inquiry No. NQ-92-001, concerning fresh Iceberg (head) lettuce, originating in or exported from the United States of America, for use or consumption in the province of British Columbia.

Pierre Gosselin

Pierre Gosselin  
Presiding Member

Richard Lafontaine

Richard Lafontaine  
Member

Ellen Fry

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Member

Michel P. Granger

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Secretary



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**FRESH ICEBERG (HEAD) LETTUCE, ORIGINATING IN OR EXPORTED  
FROM THE UNITED STATES OF AMERICA, FOR USE OR CONSUMPTION  
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TRIBUNAL: PIERRE GOSSELIN, Presiding Member  
RICHARD LAFONTAINE, Member  
ELLEN FRY, Member

**STATEMENT OF REASONS**

**BACKGROUND**

On January 25, 2002, the Canadian International Trade Tribunal (the Tribunal), in a notice of expiry (Expiry No. LE-2001-007), gave notice, pursuant to subsection 76.03(2) of the *Special Import Measures Act*,<sup>1</sup> that its order (the 1997 Order) made on November 28, 1997, in Review No. RR-97-002, continuing, without amendment, its finding made on November 30, 1992, in Inquiry No. NQ-92-001, concerning fresh Iceberg (head) lettuce, originating in or exported from the United States of America, was scheduled to expire on November 27, 2002. Under SIMA, findings of injury or threat of injury and the related anti-dumping or countervailing duties expire five years from the date of the last order or finding, unless an expiry review has been initiated before that date.

In response to the Tribunal's notice of expiry, the BC Vegetable Marketing Commission (BCVMC), the original complainant, submitted that the 1997 Order should be rescinded immediately, given current industry circumstances and the low volume of Iceberg lettuce it projected it would produce this coming crop year.

In its submission, the BCVMC also stated that it wished to act fairly and in the interests of the distributive trade and the consumer.

**INITIATION OF AN INTERIM REVIEW**

In light of the BCVMC's request for an immediate rescission of the 1997 Order, the Tribunal gave notice, on March 15, 2002, pursuant to subsection 76.01(1) of SIMA, that it had decided to initiate an interim review of the order.

The Tribunal invited interested persons or governments to file submissions supporting or opposing a rescission of the order by April 5, 2002.

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1. R.S.C. 1985, c. S-15 [hereinafter SIMA].

No submissions opposing a rescission of the order were received, and one submission supporting a rescission of the order was filed by the Western Growers Association, a non-profit agricultural trade association that represents growers, packers and distributors of fresh fruit and vegetables in the states of California and Arizona.

### **DECISION OF THE TRIBUNAL**

Based on the submissions received, the Tribunal finds that there have been sufficient changes in circumstances to justify an immediate rescission of the order.

For these reasons, the Tribunal hereby rescinds, pursuant to paragraph 76.01(5)(a) of SIMA, its order made on November 28, 1997, in Review No. RR-97-002, continuing, without amendment, its finding made on November 30, 1992, in Inquiry No. NQ-92-001, concerning fresh Iceberg (head) lettuce, originating in or exported from the United States of America, for use or consumption in the province of British Columbia.

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