



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

ORDER AND REASONS

Interim Review No. RD-2009-003

Waterproof Footwear and Bottoms

*Order and reasons issued
Tuesday, April 13, 2010*

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IN THE MATTER OF an interim review, pursuant to subsection 76.01(1) of the *Special Import Measures Act*, of the order made by the Canadian International Trade Tribunal on December 7, 2005, in Expiry Review No. RR-2004-008, continuing, without amendment, its finding made on December 8, 2000, in Inquiry No. NQ-2000-004, concerning:

**WATERPROOF FOOTWEAR AND BOTTOMS ORIGINATING IN OR
EXPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA**

ORDER

The Canadian International Trade Tribunal, pursuant to subsection 76.01(1) of the *Special Import Measures Act*, has conducted an interim review of its order made on December 7, 2005, in Expiry Review No. RR-2004-008, continuing, without amendment, its finding made December 8, 2000, in Inquiry No. NQ-2000-004, concerning waterproof footwear and bottoms of plastic or rubber, including moulded clogs, originating in or exported from the People's Republic of China, excluding ski boots, skating boots and all footwear subject to the order made by the Canadian International Trade Tribunal in Review No. RR-97-001.

Pursuant to paragraph 76.01(5)(b) of the *Special Import Measures Act*, the Canadian International Trade Tribunal hereby amends its order made on December 7, 2005, to exclude fishing waders made of polyester neoprene shells affixed to ethylene vinyl acetate boots with thermoplastic rubber outsoles.

Jason W. Downey

Jason W. Downey
Presiding Member

Pasquale Michaele Saroli

Pasquale Michaele Saroli
Member

Stephen A. Leach

Stephen A. Leach
Member

Dominique Laporte

Dominique Laporte
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STATEMENT OF REASONS

1. On December 22, 2009, the Canadian International Trade Tribunal (the Tribunal) received a request from The Coleman Company, Inc. (Coleman) for an interim review of its order made on December 7, 2005, in Expiry Review No. RR-2004-008, continuing, without amendment, its finding made on December 8, 2000, in Inquiry No. NQ-2000-004, concerning waterproof footwear and bottoms of plastic or rubber, including moulded clogs, originating in or exported from the People's Republic of China, excluding ski boots, skating boots and all footwear previously subject to the order made by the Tribunal in Review No. RR-97-001. In this request, Coleman asks the Tribunal to exclude fishing waders made of polyester neoprene shells affixed to ethylene vinyl acetate (EVA) boots with thermoplastic rubber (TPR) outsoles from its order made in Expiry Review No. RR-2004-008.

2. On January 22, 2010, the Tribunal decided that the request was properly documented in the manner prescribed by subrule 70(1) of the *Canadian International Trade Tribunal Rules*.¹ In addition, pursuant to subrule 70(2), the Tribunal informed all parties to Expiry Review No. RR-2004-008 of its receipt of the request and invited them to make representations concerning Coleman's request by February 3, 2010.

3. On January 29, 2010, The Shoe Manufacturers' Association of Canada (SMAC), which represents several domestic producers of waterproof footwear, consented to Coleman's request. SMAC was the only party that filed representations.

4. Section 76.01 of the *Special Import Measures Act*² gives the Tribunal the jurisdiction to conduct an interim review if it is satisfied that a review is warranted. On the basis of the submissions received, the Tribunal decided, on February 24, 2010, that an interim review was warranted and issued a notice of commencement of interim review. This notice of commencement was sent to over 390 interested persons and companies, inviting them to file submissions.

5. The purpose of the interim review was to determine if the order should be amended to exclude the products for which an exclusion had been requested. Submissions already filed by parties were placed on the record of the interim review.

6. Pursuant to paragraph 25(c) of the *Rules*, the Tribunal decided to proceed by way of a hearing by way of written submissions. Interested parties were invited to make submissions no later than March 8, 2010.

7. On March 8, 2010, the Tribunal received a formal submission from Coleman, in which it summarized the points made in its previous correspondence with the Tribunal and noted that SMAC had already consented to its exclusion request. The Tribunal received no other submissions.

REASONS FOR DECISION

8. The evidence indicates that SMAC does not oppose the request for exclusion. Furthermore, the Tribunal notes that the products in question are imported in low volumes and are intended for a specialized niche market. In light of the evidence that the fishing waders subject to this interim review are not likely to cause or threaten to cause injury to the domestic industry, the Tribunal finds it appropriate to exclude these goods from the order made in Expiry Review No. RR-2004-008.

1. S.O.R./91-499 [*Rules*].

2. R.S.C. 1985, c. S-15 [*SIMA*].

9. For the foregoing reasons, the Tribunal determines that, pursuant to paragraph 76.01(5)(b) of *SIMA*, the order made on December 7, 2005, should be amended to exclude fishing waders made of polyester neoprene shells affixed to EVA boots with TPR outsoles.

Jason W. Downey

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Presiding Member

Pasquale Michaele Saroli

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Member

Stephen A. Leach

Stephen A. Leach
Member