



Ottawa, Wednesday, March 6, 1991

Review No.: RR-90-004

IN THE MATTER OF a review, under section 76 of the *Special Import Measures Act*, of the review finding made by the Canadian Import Tribunal on March 6, 1986, in Review No. R-14-85, continuing, without amendment, the finding of material injury of the Anti-dumping Tribunal dated February 27, 1981, in Inquiry No. ADT-12-80, concerning:

CERTAIN VEHICLE WASHING, DRYING, WAXING, POLISHING OR CLEANING EQUIPMENT, PRODUCED OR EXPORTED BY OR ON BEHALF OF HANNA CAR WASH EQUIPMENT COMPANY, PORTLAND, OREGON, UNITED STATES OF AMERICA, OR COMPANIES WITH WHICH IT IS ASSOCIATED, INCLUDING CONTROL PANELS, HYDRAULIC AND HYDRAULIC POWER EQUIPMENT, WASH WATER RECLAIM EQUIPMENT, CONVEYORS AND OTHER RELATED EQUIPMENT, STRUCTURES AND MACHINERY, IMPORTED EITHER INDIVIDUALLY OR AS PART OF A VEHICLE WASH SYSTEM OR UNIT, IN A COMPLETE OR INCOMPLETE CONDITION, EITHER ASSEMBLED OR KNOCKED DOWN, FOR USE IN VEHICLE WASHING SYSTEMS OR UNITS COMMONLY REFERRED TO AS CONVEYOR AND DRIVE THROUGH SYSTEMS OR UNITS, BUT EXCLUDING THOSE SYSTEMS OR UNITS USED EXCLUSIVELY FOR BUSES OR TRAINS

ORDER

The Canadian International Trade Tribunal, under the provisions of section 76 of the *Special Import Measures Act*, has conducted a review of the review finding made by the Canadian Import Tribunal on March 6, 1986, in Review No. R-14-85, continuing, without amendment, the finding of material injury of the Anti-dumping Tribunal dated February 27, 1981, in Inquiry No. ADT-12-80.

Pursuant to subsection 76(4) of the *Special Import Measures Act*, the Canadian International Trade Tribunal hereby rescinds the above-mentioned review finding.

Robert J. Bertrand, Q.C.
Robert J. Bertrand, Q.C.
Presiding Member

W. Roy Hines
W. Roy Hines
Member

Michèle Blouin
Michèle Blouin
Member

Robert J. Martin
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Secretary



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ASSOCIATED**

TRIBUNAL: ROBERT J. BERTRAND, Q.C., Presiding Member
W. ROY HINES, Member
MICHÈLE BLOUIN, Member

STATEMENT OF REASONS

BACKGROUND

On October 15, 1990, the Canadian International Trade Tribunal (the Tribunal) issued a notice of review in this case, setting February 4, 1991, as the date for a public hearing. This notice was issued pursuant to a request for review that had been filed by the named exporter, Hanna Car Wash Equipment Company (Hanna) of Portland, Oregon, United States. It was Hanna's contention that the domestic industry had recovered from any injury it had suffered as a result of dumping and that, therefore, the anti-dumping finding was no longer necessary.

The principal firms constituting the domestic industry are Wash World Industries Ltd. (Wash World) and Sherman Supersonic Industries Corp. located in Mississauga, Ontario. These firms account for approximately 90 percent of domestic production. On November 14, 1990, counsel for Wash World informed the Tribunal that the company did not oppose the rescission of the finding at the end of the statutory expiry date, March 6, 1991.

According to Wash World, Hanna's market presence has decreased. Moreover, it was Wash World's understanding that Hanna had filed for protection under US bankruptcy laws, and its continued viability was in doubt. Given this, Wash World felt that it could not justify the extension of the 10-year-old finding. On November 15, 1990, Sherman Supersonic Industries Corp. indicated its concurrence with Wash World's position.

Counsel for Hanna, on being informed of the Canadian industry's position, withdrew the company's request for a review of the finding, by letter dated November 23, 1990, on the understanding that the finding would be allowed to expire on March 6, 1991, that is, the statutory expiry date.

REASONS FOR DECISION

Where a review of a finding has been initiated under subsection 76(2) of the *Special Import Measures Act*, the Tribunal is required, pursuant to subsection 76(4), to make an order rescinding or continuing the finding and to give reasons for the decision. Since no one availed himself of the opportunity to be heard orally on February 4, 1991, the Tribunal conducted its review on the basis of the documents submitted by the parties, information provided by importers of the subject goods as well as enforcement data available from Revenue Canada.

This information, as verified by Tribunal staff, confirms the domestic industry's assertion that Hanna is presently a small factor in the Canadian market. The Tribunal's staff also confirmed, through counsel for the exporter, that Hanna has filed for protection under US bankruptcy laws, resulting, among other things, in the replacement of Mr. D. Hanna Sr. as the Chief Executive Officer of the firm. According to the domestic industry, the past market strategies of the firm are closely associated with Mr. Hanna and, therefore, his removal diminishes the threat of dumping.

CONCLUSION

Accordingly, the Tribunal hereby rescinds the review finding respecting the subject vehicle washing equipment produced or exported by or on behalf of Hanna Car Wash Equipment Company, Portland, Oregon, United States of America, or companies with which it is associated.

Robert J. Bertrand, Q.C.
Robert J. Bertrand, Q.C.
Presiding Member

W. Roy Hines
W. Roy Hines
Member

Michèle Blouin
Michèle Blouin
Member