

## U.S. GROWERS' QUESTIONNAIRE

### RAW IN-SHELL PISTACHIOS FROM IRAN

This questionnaire must be received by the Commission by **February 2, 2017**

*See last page for filing instructions.*

The information called for in this questionnaire is for use by the United States International Trade Commission in connection with its review of the antidumping duty order concerning raw in-shell pistachios from Iran (Inv. No. 731-TA-287 (Second Review)). The information requested in the questionnaire is requested under the authority of the Tariff Act of 1930, title VII. This report is mandatory and failure to reply as directed can result in a subpoena or other order to compel the submission of records or information in your firm's possession (19 U.S.C. § 1333(a)).

Name of firm _____
Address _____
City _____ State _____ Zip Code _____
Website _____
Has your farm grown pistachios at any time since January 1, 2011?
<input type="checkbox"/> <b>NO</b> (Sign the certification below and promptly return <b>only</b> this page of the questionnaire to the Commission)
<input type="checkbox"/> <b>YES</b> (Complete all parts of the questionnaire, and return the entire questionnaire to the Commission)
Return questionnaire via the U.S. International Trade Commission <i>Drop Box</i> by clicking on the following link: <a href="https://dropbox.usitc.gov/oinv/">https://dropbox.usitc.gov/oinv/</a> . (PIN: <b>RISP</b> )

#### CERTIFICATION

*I certify that the information herein supplied in response to this questionnaire is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to audit and verification by the Commission. By means of this certification I also grant consent for the Commission, and its employees and contract personnel, to use the information provided in this questionnaire and throughout this proceeding in any other import-injury proceedings conducted by the Commission on the same or similar merchandise.*

*I acknowledge that information submitted in this questionnaire response and throughout this proceeding may be used by the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this proceeding or related proceedings for which this information is submitted, or in internal audits and proceedings relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3. I understand that all contract personnel will sign non-disclosure agreements.*

\_\_\_\_\_  
Name of Authorized Official Title of Authorized Official Date

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Signature Email address

**PART I.—GENERAL INFORMATION**

**Background.**--On July 17, 1986, the Department of Commerce ("Commerce") issued an antidumping duty order on imports of pistachios from Iran (51 FR 25922). On April 1, 2016, the Commission instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time.<sup>1</sup> Commerce has already rendered an affirmative determination (81 FR 51857). If the Commission makes an affirmative determination, the order will remain in place. If the Commission makes a negative determination, Commerce will revoke the order. Questionnaires and other information pertinent to this proceeding are available at: [https://usitc.gov/investigations/701731/2016/raw\\_in\\_shell\\_pistachios\\_iran/second\\_review\\_full.htm](https://usitc.gov/investigations/701731/2016/raw_in_shell_pistachios_iran/second_review_full.htm).

**Pistachios** covered by the order are raw, in-shell pistachio nuts from which the hulls have been removed, leaving the inner hard shells, and edible meats. This merchandise is currently provided for in subheading 0802.51.00 of the Harmonized Tariff Schedule of the United States ("HTS"). Although the HTS subheading is provided for convenience and customs purposes, the Department's written description of the merchandise under order is dispositive.

**Processor/Dryer.**--Any person or firm engaged either directly or through a parent company or subsidiary, in processing/drying pistachio nuts. Processing is defined as performing such services as removing the hull and drying the remaining shell and nutmeats to a moisture content of 4 to 6 percent. **Firms that perform both roasting and processing/drying operations are included in the term "processor/dryer" and should complete the "processors'/dryers'" questionnaire with respect to their processing/drying operations. Firms that do not perform processing/drying operations but purchase raw in-shell pistachios (such as firms that roast (final dry), salt, dye, and package pistachio nuts) should not complete the processors'/dryers' questionnaire but should instead complete the purchasers' questionnaire.**

**Roaster.**--Any person or firm, other than a processor/dryer, engaged either directly or through a parent company or subsidiary, in roasting (final drying) pistachio nuts. Roasting is defined as performing such services as roasting (final drying), salting, dyeing, and packaging pistachio nuts. **ROASTERS SHOULD ONLY COMPLETE THE PURCHASERS' QUESTIONNAIRE.**

**Processed weight basis.**--Weights determined by the processor/dryer after hulling and drying. Reported quantity data should be reported on a processed weight basis, unless otherwise stated.

**Reporting of information.**-- If information is not readily available from your records, provide carefully prepared estimates. If your firm is completing more than one questionnaire (i.e., a producer, importer, and/or purchaser questionnaire), you need not respond to duplicated questions.

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<sup>1</sup> On July 1, 2010, prior to Commerce's initiation of the second review scheduled for December 2010, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Pub. L. 111-195) was signed into law. Among its provisions is a general prohibition on imports from Iran (Sec. 103) that became effective on September 29, 2010. This prohibition on imports led Commerce, pursuant to 19 U.S.C. 1675(c)(7), to toll the initiation of the second review of this order. Commerce announced that it would not initiate the second review until two months after the lifting of the prohibition (75 FR 67081, November 1, 2010). On January 21, 2016, the Iranian Transactions and Sanctions Regulations were amended to permit the importation of pistachios from Iran (81 FR 3330). Commerce subsequently included the second review of this order in its list of reviews scheduled for initiation in April 2016 (81 FR 10577, March 1, 2016).

**Confidentiality.**--The commercial and financial data furnished in response to this questionnaire that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, general characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

**Verification.**--The information submitted in this questionnaire is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all files, worksheets, and supporting documents used in the preparation of the questionnaire response. Please also retain a copy of the final document that you submit.

**Release of information.**--The information provided by your firm in response to this questionnaire, as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this proceeding or other import-injury proceedings conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals.

I-1. **OMB statistics.**--Please report below the actual number of hours required and the cost to your firm of completing this questionnaire.

Hours	Dollars

The questions in this questionnaire have been reviewed with market participants to ensure that issues of concern are adequately addressed and that data requests are sufficient, meaningful, and as limited as possible. Public reporting burden for this questionnaire is estimated to average 50 hours per response, including the time for reviewing instructions, gathering data, and completing and reviewing the questionnaire.

We welcome comments regarding the accuracy of this burden estimate, suggestions for reducing the burden, and any suggestions for improving this questionnaire. Please attach such comments to your response or send to the Office of Investigations, USITC, 500 E St. SW, Washington, DC 20436.

I-2. **Establishments/orchards covered.**—Please describe the establishments/orchards covered by this questionnaire response. It is not necessary to identify each physically separate tract of land in which you operate your orchard. **Firms operating more than one establishment/orchard should combine the data for all establishments/farms into a single report.**

I-3. **Position regarding continuation of order.**--Does your firm support or oppose continuation of the antidumping duty order currently in place, which provides for the imposition of antidumping duties by U.S. Customs and Border Protection against imports of raw in-shell pistachios from Iran?

Support	Oppose	Take no position
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please explain: _____ .		

I-4. **Ownership.**--Is your farm owned, in whole or in part, by any other firm?

No Yes--List the following information.

Firm name	Address	Extent of ownership (percent)

I-5. **Related importers/exporters.**--Does your farm have any related firms, either domestic or foreign, that are engaged in importing raw in-shell pistachios from Iran into the United States or that are engaged in exporting raw in-shell pistachios from Iran to the United States?

No     Yes--List the following information.

Firm name	Country	Affiliation

I-6. **Related producers.**--Does your farm have any related firms, either domestic or foreign, that are engaged in the production of raw in-shell pistachios?

No     Yes--List the following information.

Firm name	Country	Affiliation

I-7. **Contractual relationships.**--Does your farm enter into contractual relationships with processors/dryers?

No                       Yes--Supply details as to the nature of the contractual relationship. Do you enter into multiple years/long term contracts? If yes, explain why. Please indicate what portion of your production is sold under your own price decision (pursuant to the "call poll system"), as opposed to when the processor is entrusted with the final decision on sale price (pursuant to the "straight poll system").

**PART II.--TRADE AND RELATED INFORMATION**

Further information on this part of the questionnaire can be obtained from Amy Sherman (202-205-3289, [amy.sherman@usitc.gov](mailto:amy.sherman@usitc.gov) ).

- II-1. **Contact information.**-- Please identify the responsible individual and the manner by which Commission staff may contact that individual regarding the confidential information submitted in part II.

Name	
Title	
Email	
Telephone	
Fax	

- II-2. **Changes in operations.**--Please indicate whether your farm has experienced any of the following changes in relation to the production of unhulled pistachios since January 1, 2011.

<i>(check as many as appropriate)</i>		<i>(please describe)</i>
<input type="checkbox"/>	Purchase or expansion of land	
<input type="checkbox"/>	Sale or reduction of land	
<input type="checkbox"/>	Increase in production of unhulled pistachios	
<input type="checkbox"/>	Decrease in production of unhulled pistachios	
<input type="checkbox"/>	Adverse weather conditions affecting crop yield	
<input type="checkbox"/>	Labor disputes or shortages	
<input type="checkbox"/>	Water shortages or increased water costs	
<input type="checkbox"/>	Other <i>(please specify the nature)</i>	

II-3. **Anticipated changes in operations.**--Does your farm anticipate any changes in the character of operations or organization (as noted above) relating to the growing and harvesting of unhulled pistachios in the future?

No

Yes--Supply details as to the time, nature, and significance of such changes and provide underlying assumptions, along with relevant portions of business plans or other supporting documentation that address this issue. **Include in your response a specific projection of your farm's capacity to grow unhulled pistachios (in pounds) for 2017 and 2018.**

II-4. **Anticipated changes in operations in the event the order is revoked.**--Would your farm anticipate any changes in the character of its operations or organization (as noted above) relating to the growing and harvesting of unhulled pistachios in the future if the antidumping duty order on pistachios from Iran were to be revoked?

No

Yes--Supply details as to the time, nature, and significance of such changes and provide underlying assumptions, along with relevant portions of business plans or other supporting documentation that address this issue. **Include in your response a specific projection of your farm's capacity to grow unhulled pistachios (in pounds) for 2017 and 2018.**

II-5. **Farm operations.**-- Please report your farm's production of unhulled pistachios.

**"Production"** – All harvesting in your U.S. establishment(s), including production consumed internally within your farm (i.e. a grower that does his own hulling and drying) and production for another farm under a toll agreement.

Item	Calendar year		
	2014	2015	2016
<b>Total useful farming acreage owned/leased</b> (acres)			
<b>Pistachios:</b> Acres dedicated to pistachio trees			
Production (pounds, processed weight basis)			

II-6. **Production constraints.**--Please describe the constraint(s) that set the limit(s) on your growing/harvesting capabilities for pistachios.

II-7a. **Product shifting.**--Does your farm grow/harvest other products on the same land used to grow pistachios?

No                       Yes-- (i.e., have produced other products or are able to produce other products).  
Please identify other actual or potential products: \_\_\_\_\_ .

II-7b. **Product shifting factors.**--Please describe the factors that affect your farm's ability to shift growing/harvesting capacity between pistachios and other products (e.g., time, cost, relative price change, etc.), and the degree to which these factors enhance or constrain such shifts.



II-8a. **Employment data.**--Report your farm's employment related data.

**"Production Related Workers" (PRWs)** includes working supervisors and all nonsupervisory workers (including group leaders and trainees) and contracted employees engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power plant), recordkeeping, and other services closely associated with the above production operations.

Average number employed may be computed by adding the number of employees, both full time and part time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12.

**"Hours worked"** includes time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight time hours.

**"Wages paid"** --Total wages paid before deductions of any kind (e.g., withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your farm for overtime, holidays, vacations, and sick leave.

Item	Calendar year		
	2014	2015	2016
<b>Average number of PRWs</b> (number) employed at farms with pistachio operations			
<b>Hours worked by PRWs</b> (hours) in relation to pistachio growing and harvesting			
<b>Total wages paid to PRWs</b> (in dollars) in relation to pistachio harvesting			

II-8b. Do your employment data include work performed by grower's own family?

No                       Yes--Please explain how this is accounted for in the above employment data:

II-9. **Other explanations.**--If your farm would like to further explain a response to a question in Part II that did not provide a narrative box, please note the question number and the explanation in the space provided below. Please also use this space to highlight any issues your farm had in providing the data in this section, including but not limited to technical issues with the MS Word questionnaire.

II-10. **Other changes in market conditions.**--Given that the Commission has not examined this industry in over a decade, have there been any significant changes in market conditions since 2005 that are not otherwise specified in this questionnaire response?

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**PART III.--FINANCIAL INFORMATION**

Address questions on this part of the questionnaire to David Boyland (202-708-4725, [david.boyland@usitc.gov](mailto:david.boyland@usitc.gov)).

III-1. **Contact information.**-- Please identify the responsible individual and the manner by which Commission staff may contact that individual regarding the confidential information submitted in part III.

Name	
Title	
Email	
Telephone	
Fax	

III-2. **Accounting system.**--Briefly describe your farm's financial accounting system. Fiscal year is defined as the 12-month period between settlement of your firm's financial accounts.

A. When does your farm's fiscal year end (month and day)? \_\_\_\_\_  
If your farm's fiscal year changed during the data-collection period, explain:  
\_\_\_\_\_

B.1. Accounting basis: accrual basis (GAAP) basis, cash basis, tax basis, or  other basis (comprehensive basis of accounting) (specify) \_\_\_\_\_

B.2. Does your farm submit, to IRS, a Schedule F that is solely or substantially related to your pistachio growing operations? Yes  No

If you answered "Yes," then you may use the figures from your IRS Schedule F as the basis for the data reported in Question III-6.

*Note: The Commission may request that your company submit copies of its financial statements, including internal profit-and-loss statements for the division or product group that includes unhulled pistachios, as well as those statements and worksheets used to compile data for your farm's questionnaire response.*

III-3. **Cost accounting system.**--Briefly describe the manner and level of detail in which costs/expenses specific to unhulled pistachios are tracked by your farm's accounting system. If your farm grows other items in addition to unhulled pistachios and/or engages in other activity, please describe how costs specific to unhulled pistachios and other products/activity are distinguished in your accounting system.

III-4. **Allocation basis.**--If your farm grows other items in addition to unhulled pistachios and/or engages in other activity, please describe, to the extent applicable, how common costs were allocated to unhulled pistachios and/or other products/activity in the financial results reported to the Commission in table III-6 (Grower's operations on unhulled pistachios).

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III-5. **Other products.**--Please list the other products grown on the land on which your farm grows unhulled pistachios, and provide the share of net sales accounted for by these other products in your farm's most recent fiscal year.

<b>Products</b>	<b>Share of sales</b>
Unhulled pistachios	%
	%
	%
	%
	%

III-6. **Growers' operations on unhulled pistachios.**--Report the revenue and related total growing and operating expenses information requested below on the unhulled pistachios operations of your farm's U.S. operations. Provide data for your farm's three most recently completed fiscal years (equivalent to, or closest to, calendar years 2014, 2015, and 2016).

<b>Quantity (pounds, processed weight basis) and value (in dollars)</b>			
<b>Item</b>	<b>Fiscal year (equivalent to, or closest to, calendar years below)</b>		
	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Net sales quantities:<sup>1</sup></b>			
Commercial sales			
Internal consumption			
Transfers to related farms			
Total net sales quantities	0	0	0
<b>Net sales values:<sup>1</sup></b>			
Commercial sales			
Internal consumption			
Transfers to related farms			
Total net sales values	0	0	0
<b>Growing and operating expenses:</b>			
Total growing and operating expenses			
<b>Operating income or (loss)</b>	0	0	0
<b>Other expenses and income:</b>			
Interest expense			
All other expense items			
All other income items <sup>2</sup>			
<b>Net income or (loss) before income taxes</b>	0	0	0
<sup>1</sup> Include all relevant revenue related to sale of in-shell pistachios from your farm's U.S. operations. <sup>2</sup> Government programs, including (as applicable) crop insurance proceeds, federal crop disaster payments, CCC loans forfeited, and agricultural program payments.			

*Note -- The table above contains calculations that will appear when you have entered data in the MS Word form fields.*

III-7. **Financial data reconciliation.**--Total sales value minus total growing and operating expenses, should equal operating income or loss. Does it?

Yes                       No--Please explain in the space provided below.

III-8. **Operations on unhulled pistachios: assets, capital expenditures, and research and development expenses.**-- Report your farm's total assets, capital expenditures, and research and development (R&D) expenses attributable to operations on unhulled pistachios. Provide data for your farm's three most recently completed fiscal years (equivalent to or closest to calendar years 2014, 2015, and 2016).

<b>Value (in dollars)</b>			
<b>Item</b>	<b>Fiscal year (equivalent to or closest to calendar year below)</b>		
	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Total assets (net)</b>			
<b>Capital expenditures</b>			
<b>R&amp;D expenses</b>			

## HOW TO FILE YOUR QUESTIONNAIRE RESPONSE

This questionnaire is available as a “fillable” form in MS Word format on the Commission’s website at:

[https://usitc.gov/investigations/701731/2016/raw\\_in\\_shell\\_pistachios\\_iran/second\\_review\\_full.htm](https://usitc.gov/investigations/701731/2016/raw_in_shell_pistachios_iran/second_review_full.htm).

***Please do not attempt to modify the format or permissions of the questionnaire document.***

Please submit the completed questionnaire using one of the methods noted below. If your firm is unable to complete the MS Word questionnaire or cannot use one of the electronic methods of submission, please contact the Commission for further instructions.

• **Upload via Secure Drop Box.**—Upload the MS Word questionnaire along with a scanned copy of the signed certification page (page 1) through the Commission’s secure upload facility:

**Web address:** <https://dropbox.usitc.gov/oinv/> **Pin:** **RISP**

• **E-mail.**—E-mail your questionnaire to [amy.sherman@usitc.gov](mailto:amy.sherman@usitc.gov); include a scanned copy of the signed certification page (page 1). *Please note that submitting your questionnaire by e-mail may subject your firm’s business proprietary information to transmission over an unsecure environment and to possible disclosure. If you choose this option, the Commission warns you that any risk involving possible disclosure of such information is assumed by the submitter and not by the Commission.*

**If your firm does not produce this product**, please fill out page 1, print, sign, and submit a scanned copy to the Commission.

***Parties to this proceeding.***—If your firm is a party to this proceeding, you are required to serve a copy of the completed questionnaire on parties to the proceeding that are subject to administrative protective order (see 19 CFR ' 207.7). A list of such parties may be obtained from the Commission’s Secretary (202-205-1803). A certificate of service must accompany the completed questionnaire you submit (see 19 CFR ' 207.7). Service of the questionnaire must be made in paper form.