

## U.S. IMPORTERS' QUESTIONNAIRE

### Fresh Tomatoes from Mexico

This questionnaire must be received by the Commission by December 3, 2018

*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 suspension of the antidumping duty investigation concerning fresh tomatoes from Mexico (inv. No. 731-TA-747 (Fourth 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 firm imported fresh tomatoes (as defined on the next page) <i>from any country</i> at any time since January 1, 2012?	
<input type="checkbox"/> NO	(Sign the certification below and promptly return only this page of the questionnaire to the Commission)
<input type="checkbox"/> YES	(Complete all parts of the questionnaire, and return the entire questionnaire to the Commission)
Return questionnaire via the 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: FRESH)	

#### 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 investigations or reviews conducted by the Commission on the same or similar merchandise.*

*I, the undersigned, acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceedings may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. I understand that all contract personnel will sign appropriate nondisclosure agreements.*

\_\_\_\_\_  
Name of Authorized Official

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email address

**PART I.—GENERAL INFORMATION**

**Background.**-- On November 1, 1996, the Department of Commerce ("Commerce") suspended an investigation on imports of fresh tomatoes from Mexico pursuant to a suspension agreement with growers and processors that accounted for substantially all imports of fresh tomatoes from Mexico. The suspension agreement was renegotiated three subsequent times, and the most recent suspension agreement was adopted on March 8, 2013. On February 1, 2018, 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 termination of the suspended investigation would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. If both the Commission and Commerce make an affirmative determination, the suspension agreement will remain in place. If either the Commission or Commerce makes a negative determination, Commerce will terminate the suspension agreement. Questionnaires and other information pertinent to this proceeding are available at [https://www.usitc.gov/investigations/701731/2018/fresh\\_tomatoes\\_mexico/fourth\\_review\\_full.htm](https://www.usitc.gov/investigations/701731/2018/fresh_tomatoes_mexico/fourth_review_full.htm).

**Fresh Tomatoes** are all fresh or chilled tomatoes (fresh tomatoes) which have Mexico as their origin, except for those tomatoes which are for processing. For purposes of this suspension agreement, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying, or the addition of chemical substances, or converting the tomato product into juices, sauces, or purees. Fresh tomatoes that are imported for cutting up, not further processing (e.g., tomatoes used in the preparation of fresh salsa or salad bars), are covered by this suspension agreement.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by this Suspension Agreement.

Tomatoes imported from Mexico covered by this suspension agreement are classified under the following subheading of the Harmonized Tariff Schedules of the United States (HTSUS), according to the season of importation: 0702.00. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

**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, purchaser and/or foreign producer questionnaire), you need not respond to duplicated questions.

**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.

**Valid number error messages.**--If you are completing this form in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 rather than \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete this form. Detailed instructions on how to resolve this issue is provided at the end of this questionnaire and is available upon request from Christopher Couper (202-708-1440, christopher.couper@usitc.gov).

**D-GRIDS tool.**--The Commission has a tool that firms can use to move data from their own MS Excel compilation files into self-contained data tables within this MS Word questionnaire, thereby reducing the amount of cell-by-cell data entry that would be required to complete this form. This tool is a macro-enabled MS Excel file available for download from the Commission's generic questionnaires webpage ([https://www.usitc.gov/trade\\_remedy/question.htm](https://www.usitc.gov/trade_remedy/question.htm)) called the "D-GRIDs tool." Use of this tool to help your firm complete this questionnaire is *optional*. Firms opting to use the D-GRIDs tool to populate their data into this questionnaire will need the D-GRIDs specification sheet PDF file specific to this proceeding (available on the case page which is linked under the "Background" above) which includes the necessary references relating to this questionnaire, as well as the macro-enable MS Excel D-GRIDs tool itself from the generic questionnaires page. More detailed instructions on how to use the D-GRIDs tool are available within the D-GRIDs tool itself.

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 40 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 covered.**--Provide the name and address of establishment(s) covered by this questionnaire. If your firm is publicly traded, please specify the stock exchange and trading symbol.

**"Establishment"**--Each facility of a firm involved in the importation of fresh tomatoes, including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

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I-3. **Ownership.**--Is your firm owned, in whole or in part, by any other firm?

No       Yes--List the following information.

Firm name	Address	Extent of ownership (percent)

I-4. **Related importers/exporters.**--Does your firm have any related firms, either domestic or foreign, that are engaged in importing fresh tomatoes into the United States or that are engaged in exporting fresh tomatoes to the United States?

No             Yes--List the following information.

<b>Firm name</b>	<b>Country</b>	<b>Affiliation</b>

I-5. **Related producers.**--Does your firm have any related firms, either domestic or foreign, that are engaged in the production or packing of fresh tomatoes?

No             Yes--List the following information.

<b>Firm name</b>	<b>Country</b>	<b>Affiliation</b>

I-6. **Importing operations.**--Please indicate the nature of your firm's importing operations on fresh tomatoes. More than one answer may be applicable.

<b>Importer of record</b>	<b>Takes title to the imported product(s)</b>	<b>Consignee of the imported products(s)</b>	<b>Customs broker or freight forwarder</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I-7. **Consignees.**--If your firm is an importer of record of fresh tomatoes but is not the consignee, please list the consignees below (firm name, address, telephone number, and individual to contact).

Firm name	Address	Contact person and phone number

I-8. **FTZ, TIB, or bonded warehouses.**--Please indicate whether your firm enters fresh tomatoes into, or withdraws such merchandise from, foreign trade zones or bonded warehouses. Also indicate whether your firm imports fresh tomatoes under the TIB (temporary importation under bond) program.

**“Foreign trade zone”** is a designated location in the United States where firms utilize special procedures that allow delayed or reduced customs duty payments on foreign merchandise, as well as other savings. A foreign trade zone must be designed as such pursuant to the rules and procedures set forth in the Foreign-Trade Zones Act.

**“Bonded warehouse”** is a secured facility supervised by U.S. customs, where dutiable landed imports are stored pending their re-export, or release after payment of import duties, taxes, and other charges. A bonded warehouse must be designed as such pursuant to the rules and procedures set forth in 19 U.S.C. § 1555.

**“Temporary Importation under Bond (“TIB”) program”** is a procedure whereby, imported merchandise may be entered under certain conditions for a limited time into the United States free of duty. Under the program, an importer posts a bond for twice the amount of duty, taxes, etc. that would otherwise be owed on the importation and agrees to export or destroy the merchandise within a specified time or pay liquidated damages. This program is restricted to certain categories of merchandise listed in subheadings 9813.00.05 through 9813.00.75 of the Harmonized Tariff Schedule (HTS).

Item	No	Yes
Foreign trade zones	<input type="checkbox"/>	<input type="checkbox"/>
Bonded warehouses	<input type="checkbox"/>	<input type="checkbox"/>
Temporary importation under bond	<input type="checkbox"/>	<input type="checkbox"/>

I-9. **Business plan.**--In Parts II and III of this questionnaire we request a copy of your company's business plan. Does your company or any related firm have a business plan or any internal documents that describe, discuss, or analyze expected market conditions for fresh tomatoes?

- No             Yes--Please provide the requested documents. If you are not providing the requested documents, please explain why not.

I-10. **Other trade actions.**--To your knowledge, have the products subject to this proceeding been the subject of any other import relief proceedings in the United States or in any other countries?

- No             Yes--Please specify.

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

Further information on this part of the questionnaire can be obtained from Christopher Couper (202-708-1440, [christopher.couper@usitc.gov](mailto:christopher.couper@usitc.gov)). **Supply all data requested on a calendar-year basis.**

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	

II-2a. **Changes in operations.**--Please indicate whether your firm has experienced any of the following changes in relation to the importation of fresh tomatoes since January 1, 2012.

<i>Check as many as appropriate.</i>		<i>If checked, please describe; leave blank if not applicable.</i>
<input type="checkbox"/>	Office/warehouse openings	
<input type="checkbox"/>	Office/warehouse closings	
<input type="checkbox"/>	Relocations	
<input type="checkbox"/>	Expansions	
<input type="checkbox"/>	Acquisitions	
<input type="checkbox"/>	Consolidations	
<input type="checkbox"/>	Prolonged shutdowns or importation curtailments	
<input type="checkbox"/>	Revised labor agreements	
<input type="checkbox"/>	Weather-related events	
<input type="checkbox"/>	Other (e.g., technology)	



II-2b **Anticipated changes in operations.**—Does your firm anticipate any changes in in the character of its operations or organization relating to the importation of fresh tomatoes in the future?

<b>No</b>	<b>Yes</b>	<b>If 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 documentations that address this issue.</b>
<input type="checkbox"/>	<input type="checkbox"/>	

II-3. **Arranged imports.**--Has your firm imported or arranged for the importation of fresh tomatoes for delivery after **September 30, 2018**?

**“Arranged imports”** are imports for which your firm has placed an order with a foreign supplier for subject merchandise, but delivery of those imports is not scheduled to occur until after the date listed above.

No             Yes—Fill out the table below.

	<b>Quantity (pounds)</b>			
<b>Period/Source</b>	<b>Oct-Dec 2018</b>	<b>Jan-Mar 2019</b>	<b>Apr-June 2019</b>	<b>July-Sep 2019</b>
Mexico				
All other sources				

II-4. **Reasons for importing if producer.**--If your firm also produces fresh tomatoes in the United States, please indicate the reasons for importing this product. If your firm’s reasons differ by source, please elaborate.

**Definitions**

**"Imports"** –Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

**"Import quantities"** –Quantities reported should be net of returns.

**"Import values"** –Values reported should be landed, duty-paid values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (i.e., all charges except inland freight in the United States).

**"U.S. shipments"** – Shipments made within the United States (inclusive of commercial U.S. shipments, internal consumption, and transfers to related firms) as a result of an arm's length commercial transaction in the ordinary course of business. Report net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods) in U.S. dollars, f.o.b. your point of shipment.

**"Internal consumption"** –Product consumed internally by your firm. Such transactions are valued at fair market value.

**"Transfers to related firms"** –Shipments made to related domestic firms. Such transactions are valued at fair market value.

**"Related firm"** –A firm that your firm solely or jointly owns, manages, or otherwise controls.

**"Export shipments"** – Shipments to destinations outside the United States, including shipments to related firms.

**"Inventories"** --Finished goods inventory, not raw materials or work in progress.

*Note: As requested in Part I of this questionnaire, please keep all supporting documents/records used in the preparation of the trade data, as Commission staff may contact your firm regarding questions on the trade data. The Commission may also request that your company submit copies of the supporting documents/records (such as production and sales schedules, inventory records, etc.) used to compile these data.*

II-5a. **Imports from Mexico.**--Report your firm's imports and your firm's shipments and inventories of fresh tomatoes imported from Mexico during the specified periods.

## MEXICO

Quantity ( <i>pounds</i> ), value ( <i>dollars</i> )					
Item	Calendar year			January-September	
	2015	2016	2017	2017	2018
<b>Beginning-of-period inventories (quantity) (A)</b>					
<b>Imports:<sup>1</sup></b>					
<i>Quantity (B)</i>					
<i>Value (C)</i>					
<b>U.S. shipments:</b>					
<b>Commercial shipments:</b>					
<i>Quantity (D)</i>					
<i>Value (E)</i>					
<b>Internal consumption:<sup>2</sup></b>					
<i>Quantity (F)</i>					
<i>Value<sup>2</sup> (G)</i>					
<b>Transfers to related firms:<sup>2</sup></b>					
<i>Quantity (H)</i>					
<i>Value<sup>2</sup> (I)</i>					
<b>Export shipments:<sup>3</sup></b>					
<i>Quantity (J)</i>					
<i>Value (K)</i>					
<b>End-of-period inventories (quantity) (L)</b>					

<sup>1</sup> Please identify the foreign producers, if known: \_\_\_\_\_.

<sup>2</sup> Internal consumption and transfers to related firms must be valued at fair market value. If your firm uses a different basis for valuing these transactions in your records, please specify that basis (e.g., cost, cost plus, etc.): \_\_\_\_\_. However, the data provided above in this table should be based on fair market value.

<sup>3</sup> Identify your firm's principal export markets: \_\_\_\_\_.

**II-5a. Imports from Mexico.--Continued**

**RECONCILIATION OF SHIPMENTS, IMPORTS, AND INVENTORIES.**--Generally, the data reported for the end-of-period inventories (i.e., line L) should be equal to the beginning-of-period inventories (i.e., line A), plus imports (i.e., line B), less total shipments (i.e., lines D, F, H, and J). Please ensure that any differences are not due to data entry errors in completing this form, but rather actually reflect your firm's records; and also provide any likely explanations for any differences (e.g., theft, loss, damage, record systems issues, etc.) if they exist.

Reconciliation	Calendar year			January-September	
	2015	2016	2017	2017	2018
A + B – D – F – H – J – L = should equal zero ("0") or provide an explanation. <sup>1</sup>	0	0	0	0	0
<sup>1</sup> Explanation if the calculated fields above are returning values other than zero (i.e., "0") but are nonetheless accurate: _____.					

**II-5b. Channels of distribution: Mexico**

Item	Calendar year			January-September	
	2015	2016	2017	2017	2018
<b>Quantity (pounds)</b>					
<b>Channels of distribution:</b> U.S. shipments— to packers/repackers (T)					
to distributors, brokers, handlers (U)					
to supermarket and grocery chains (V)					
to food service providers (W)					
to other end users <sup>1</sup> (X)					
<sup>1</sup> Describe: .					

**RECONCILIATION OF CHANNELS.**--Please ensure that the quantities reported for channels of distribution (i.e., lines K and L) in each time period equal the quantity reported for commercial U.S. shipments (i.e., line D) in each time period. If the calculated fields below return values other than zero (i.e., "0"), the data reported must be revised prior to submission to the Commission.

Reconciliation	Calendar year			January-September	
	2015	2016	2017	2017	2018
M + N + O – D = zero ("0"), if not revise.	0	0	0	0	0

II-5c. **Historical U.S. imports.** --Report the quantity your firm's imports of fresh tomatoes imported from Mexico during the specified periods.

<b>Quantity (in pounds), Value (in dollars)</b>			
<b>Item</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>U.S. Imports</b>			
<i>Quantity</i>			
<i>Value</i>			

II-5d. **U.S. shipments by tomato variety.**--Please report your firm's U.S. shipments of fresh tomatoes from Mexico by tomato variety in 2017.

<b>Item</b>	<b>Quantity (in pounds)</b>	
	<b>2017</b>	
	<b>Open field or adapted</b>	<b>Greenhouse or controlled environment</b>
<b>U.S. shipments:</b>		
Round		
Roma (plum)		
Grape		
Other <sup>1</sup>		
Total (S)		

<sup>1</sup> Please list in order of importance the other tomato varieties your firm ships for sale: \_\_\_\_\_.

II-6a. **Imports from all other sources.**-- Report your firm's imports and your firm's shipments and inventories of fresh tomatoes imported from **all other sources combined** during the specified periods.

## ALL OTHER SOURCES COMBINED

(list sources: \_\_\_\_\_)

Quantity ( <i>pounds</i> ), value ( <i>dollars</i> )					
Item	Calendar year			January-September	
	2015	2016	2017	2017	2018
<b>Beginning-of-period inventories</b> ( <i>quantity</i> ) (A)					
<b>Imports:</b> <sup>1</sup>					
<i>Quantity</i> (B)					
<i>Value</i> (C)					
<b>U.S. shipments:</b>					
<b>Commercial shipments:</b>					
<i>Quantity</i> (D)					
<i>Value</i> (E)					
<b>Internal consumption:</b> <sup>2</sup>					
<i>Quantity</i> (F)					
<i>Value</i> <sup>2</sup> (G)					
<b>Transfers to related firms:</b> <sup>2</sup>					
<i>Quantity</i> (H)					
<i>Value</i> <sup>2</sup> (I)					
<b>Export shipments:</b> <sup>3</sup>					
<i>Quantity</i> (J)					
<i>Value</i> (K)					
<b>End-of-period inventories</b> ( <i>quantity</i> ) (L)					

<sup>1</sup> Please identify the foreign producers, if known: \_\_\_\_\_.

<sup>2</sup> Internal consumption and transfers to related firms must be valued at fair market value. If your firm uses a different basis for valuing these transactions in your records, please specify that basis (e.g., cost, cost plus, etc.): \_\_\_\_\_. However, the data provided above in this table should be based on fair market value.

<sup>3</sup> Identify your firm's principal export markets: \_\_\_\_\_.

**II-6a. Imports from all other sources.—Continued**

**RECONCILIATION OF SHIPMENTS, IMPORTS, AND INVENTORIES.**--Generally, the data reported for the end-of-period inventories (i.e., line L) should be equal to the beginning-of-period inventories (i.e., line A), plus imports (i.e., line B), less total shipments (i.e., lines D, F, H, and J). Please ensure that any differences are not due to data entry errors in completing this form, but rather actually reflect your firm's records; and also provide any likely explanations for any differences (e.g., theft, loss, damage, record systems issues, etc.) if they exist.

Reconciliation	Calendar year			January-September	
	2015	2016	2017	2017	2018
A + B – D – F – H – J – L = should equal zero ("0") or provide an explanation. <sup>1</sup>	0	0	0	0	0
<sup>1</sup> Explanation if the calculated fields above are returning values other than zero (i.e., "0") but are nonetheless accurate: _____.					

**II-6b. Channels of distribution: All other sources**

Item	Calendar year			January-September	
	2015	2016	2017	2017	2018
<b>Quantity (pounds)</b>					
<b>Channels of distribution:</b> U.S. shipments— to packers/repackers (T)					
to distributors, brokers, handlers (U)					
to supermarket and grocery chains (V)					
to food service providers (W)					
to other end users <sup>1</sup> (X)					
<sup>1</sup> Describe: _____.					

**RECONCILIATION OF CHANNELS.**--Please ensure that the quantities reported for channels of distribution (i.e., lines K and L) in each time period equal the quantity reported for commercial U.S. (i.e., line D) in each time period. If the calculated fields below return values other than zero (i.e., "0"), the data reported must be revised prior to submission to the Commission.

Reconciliation	Calendar year			January-September	
	2015	2016	2017	2017	2018
M + N + O – D = zero ("0"), if not revise.	0	0	0	0	0

II-6c. **Historical U.S. imports.** --Report the quantity your firm's imports of fresh tomatoes imported from **all other sources combined** during the specified periods.

<b>Quantity (pounds), Value (dollars)</b>			
<b>Item</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Fresh tomatoes</b>			
<i>Quantity</i>			
Value			

II-6d. **U.S. shipments by tomato variety.**--Please report your firm's U.S. shipments of fresh tomatoes from all other sources by tomato variety in 2017.

<b>Item</b>	<b>Quantity (in pounds)</b>	
	<b>2017</b>	
	<b>Open field or adapted</b>	<b>Greenhouse or controlled environment</b>
<b>U.S. shipments:</b>		
Round		
Roma (plum)		
Grape		
Other <sup>1</sup>		
Total (S)		

<sup>1</sup> Please list in order of importance the other tomato varieties your firm ships for sale: \_\_\_\_\_.

II-7. **Effect of suspension agreement.**--Describe the significance of the existing suspension agreement covering imports of fresh tomatoes from Mexico in terms of its effect on your firm's imports, U.S. shipments of imports, and inventories. You may wish to compare your firm's operations before and after the suspension agreement.



II-8. **Likely impact of revocation.** --Would your firm anticipate any changes in in the character of its operations or organization, including its imports, U.S. shipments of imports, or inventories of fresh tomatoes in the future if the suspended investigation on fresh tomatoes from Mexico were to be revoked?

<b>No</b>	<b>Yes</b>	<b>If 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 documentations that address this issue.</b>
<input type="checkbox"/>	<input type="checkbox"/>	

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

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**PART III.--PRICING AND MARKET FACTORS**

Further information on this part of the questionnaire can be obtained from James Horne (202-205-2722, James.Horne@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	

**PRICE DATA**

III-2. This question requests monthly quantity and value data for your firm's commercial shipments to unrelated U.S. customers of the following products your firm imported from Mexico:

**Product 1.** -- Open field or adapted environment Roma (plum) tomatoes, 85 percent U.S. #1 or better, bulk packed in 20-pound or above boxes

**Product 2.** -- Greenhouse Roma (plum) tomatoes, 85 percent U.S. #1 or better, bulk packed in 20-pound or above boxes

**Product 3.** -- Open field adapted round tomatoes, packed in 15-pound boxes, 85 percent or better US#1,

**Product 4.** -- Greenhouse-grown round tomatoes, packed in 15-pound boxes, 85 percent or better US#1,

**Product 5.** -- Open field or adapted environment grape tomatoes, packed in one pint clam shells, 12 pints per box, 85 percent or better US#1

**Product 6.** -- Greenhouse-grown grape tomatoes, packed in one pint clam shells, 12 pints per box, 85 percent or better US#1

**Please note that values should be f.o.b., U.S. point of shipment and should not include U.S.-inland transportation costs. Values should reflect the *final net* amount paid to your firm (i.e., should be net of all deductions for discounts or rebates).**

(a) During January 2015- September 2018, did your firm import from Mexico and sell to unrelated U.S. customers any of the above listed products (or any products that were competitive with these products)?

<input type="checkbox"/>	<b>Yes.</b> --Please complete the following pricing data table as appropriate.
<input type="checkbox"/>	<b>No.</b> --Skip to question III-3.







III-2c. **Price data checklist.**--Please check that the pricing data in question III-2(b) has been correctly reported.

Is the price and quantity data reported above:	v if Yes
In actual dollars?	<input type="checkbox"/>
In actual pounds?	<input type="checkbox"/>
F.o.b. U.S. point of shipment (i.e., does not include U.S. transport costs)?	<input type="checkbox"/>
Net of all discounts and rebates?	<input type="checkbox"/>
Have returns credited to the quarter in which the sale occurred?	<input type="checkbox"/>
Less than reported commercial shipments in question II-5a in each year?	<input type="checkbox"/>

III-2d. **Pricing data methodology.**--Please describe the method and the kinds of documents/records that were used to compile your price data.

*Note: As requested in Part I of this questionnaire, please keep all supporting documents/records used in the preparation of the price data, as Commission staff may contact your firm regarding questions on the price data. The Commission may also request that your company submit copies of the supporting documents/records (such as sales journal, invoices, etc.) used to compile these data.*

III-3. **Price setting.**--How does your firm determine the prices that it charges for sales of fresh tomatoes (*check all that apply*)? If your firm issues price lists, please submit sample pages of a recent list.

Transaction by transaction	Contracts	Set price lists	Other	If other, describe
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

III-4. **Discount policy.**--Please indicate and describe your firm's discount policies (*check all that apply*).

Quantity discounts	Annual total volume discounts	No discount policy	Other	Describe
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

III-5. **Pricing terms.**--On what basis are your firm's prices of imported fresh tomatoes from Mexico usually quoted? (*check one*)

Delivered	F.o.b.	If f.o.b., specify point
<input type="checkbox"/>	<input type="checkbox"/>	

III-6. **Contract versus spot.**-- Approximately what share of your firm's sales of fresh tomatoes imported from Mexico in 2017 was on a (1) short-term contract basis, (2) annual contract basis, (3) long-term contract basis, and (4) spot sales basis?

Item	Type of sale				Total (should sum to 100.0%)
	Short-term contracts (multiple deliveries for less than 12 months)	Annual contracts (multiple deliveries for 12 months)	Long-term contracts (multiple deliveries for more than 12 months)	Spot sales (for a single delivery)	
Share of your 2017 sales	%	%	%	%	0.0 %

III-7. **Bundling sales.**--Does your firm bundle sales of fresh tomatoes with other products?

No	Yes	Estimate share of your fresh tomatoes in 2017 that were sold in a bundle	If yes, describe other products that are typically in bundled sales
<input type="checkbox"/>	<input type="checkbox"/>		



III-8. **Contract provisions.**--Please fill out the table regarding your firm's typical sales contracts for U.S.-produced fresh tomatoes (or check "not applicable" if your firm does not sell on a short-term, annual and/or long-term contract basis).

<b>Typical sales contract provisions</b>	<b>Item</b>	<b>Short-term contracts</b> (multiple deliveries for less than 12 months)	<b>Annual contracts</b> (multiple deliveries for 12 months)	<b>Long-term contracts</b> (multiple deliveries for more than 12 months)
Average contract duration	<i>No. of days</i>		365	
Price renegotiation (during contract period)	<i>Yes</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>No</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fixed quantity and/or price	<i>Quantity</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Price</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Both</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indexed to raw material costs <sup>1</sup>	<i>Yes</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>No</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup> Please identify the indexes used:

III-9. **Lead times.**--What is the typical lead time between a customer's order and the date of delivery for your firm's sales of its U.S.-produced fresh tomatoes?

<b>Lead time (days)</b>	<b>Explanation</b>

III-10. **Shipping information.--**

- (a) What is the approximate percentage of the cost of fresh tomatoes imported from Mexico that is accounted for by U.S. inland transportation costs? \_\_\_\_\_ %
- (b) Who generally arranges the transportation to your firm's customers' locations?  
 Your firm     Purchaser *(check one)*
- (c) When your firm sells fresh tomatoes imported from Mexico, from where is it shipped?  
 Point of importation     Storage facility *(check one)*
- (d) Indicate the approximate percentage of your sales of fresh tomatoes imported from Mexico that are delivered the following distances from your firm's U.S. point of shipment.

<b>Distance from your firm's U.S. point of shipment</b>	<b>Share</b>
Within 100 miles	%
101 to 500 miles	%
501 to 1,000 miles	%
Over 1,000 miles	%
<b>Total (should sum to 100.0%)</b>	<b>0.0 %</b>

III-11. **Geographical shipments.--** In which U.S. geographic market area(s) has your firm sold fresh tomatoes imported from subject countries since January 1, 2012 (check all that apply)?

<b>Geographic area</b>	<b>Mexico</b>
<b>Northeast.</b> —CT, ME, MA, NH, NJ, NY, PA, RI, and VT.	<input type="checkbox"/>
<b>Midwest.</b> —IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, and WI.	<input type="checkbox"/>
<b>Southeast.</b> —AL, DE, DC, FL, GA, KY, MD, MS, NC, SC, TN, VA, and WV.	<input type="checkbox"/>
<b>Central Southwest.</b> —AR, LA, OK, and TX.	<input type="checkbox"/>
<b>Mountains.</b> —AZ, CO, ID, MT, NV, NM, UT, and WY.	<input type="checkbox"/>
<b>Pacific Coast.</b> —CA, OR, and WA.	<input type="checkbox"/>
<b>Other.</b> —All other markets in the United States not previously listed, including AK, HI, PR, and VI.	<input type="checkbox"/>

III-12. **Substitutes.**—

- (a) Have there been any changes in the number or types of products that can be substituted for fresh tomatoes since January 1, 2012? Do you anticipate any future changes?

<b>Changes in substitutes</b>	<b>No</b>	<b>Yes</b>	<b>Explain</b>
Changes since January 1, 2012	<input type="checkbox"/>	<input type="checkbox"/>	
Anticipated changes	<input type="checkbox"/>	<input type="checkbox"/>	

- (b) If yes, have there been any changes in the business cycles or conditions of competition for fresh tomatoes since January 1, 2012?

<b>No</b>	<b>Yes</b>	<b>If yes, describe.</b>
<input type="checkbox"/>	<input type="checkbox"/>	

III-13. **Availability of supply.**--Has the availability of fresh tomatoes in the U.S. market changed since January 1, 2012? Do you anticipate any future changes?

<b>Availability in the U.S. market</b>	<b>No</b>	<b>Yes</b>	<b>Please explain, noting the countries and reasons for the changes.</b>
<b>Changes since January 1, 2012:</b>			
U.S.-produced product	<input type="checkbox"/>	<input type="checkbox"/>	
Imports from Mexico	<input type="checkbox"/>	<input type="checkbox"/>	
Imports from all other countries	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Anticipated changes:</b>			
U.S.-produced product	<input type="checkbox"/>	<input type="checkbox"/>	
Imports from Mexico	<input type="checkbox"/>	<input type="checkbox"/>	
Imports from all other countries	<input type="checkbox"/>	<input type="checkbox"/>	

III-14. **Demand trends.**-- Indicate how demand within the United States and outside of the United States (if known) for fresh tomatoes has changed since January 1, 2012, and how you anticipate demand will change in the future. Explain any trends and describe the principal factors that have affected, and that you anticipate will affect, these changes in demand.

Market	Overall increase	No change	Overall decrease	Fluctuate with no clear trend	Explanation and factors
<b>Demand since January 1, 2012</b>					
Within the United States	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Outside the United States	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Anticipated future demand</b>					
Within the United States	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Outside the United States	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

III-15. **Product changes.**--Have there been any significant changes in the product range, product mix, or marketing of fresh tomatoes since January 1, 2012? Do you anticipate any future changes?

Changes in product range, product mix, or marketing	No	Yes	Explain
Changes since January 1, 2012	<input type="checkbox"/>	<input type="checkbox"/>	
Anticipated changes	<input type="checkbox"/>	<input type="checkbox"/>	

III-16. **Product characteristics differences.**--Are there seasonal differences (such as availability, flavor, price, quality, ripeness, etc.) between fresh tomatoes from the U.S. and Mexico

No	Yes	If yes, please explain the seasonal differences between fresh tomatoes from the U.S. and Mexico and report the months when these differences occur.
<input type="checkbox"/>	<input type="checkbox"/>	

III-17. **Conditions of competition.**--

(a) Is the fresh tomatoes market subject to business cycles (other than general economy-wide conditions) and/or other conditions of competition distinctive to fresh tomatoes?

<b>Check all that apply.</b>	<b>Please describe.</b>
<input type="checkbox"/> <b>No</b>	Skip to question III-18.
<input type="checkbox"/> <b>Yes-Business cycles (e.g. seasonal business)</b>	
<input type="checkbox"/> <b>Yes-Seasonality</b>	
<input type="checkbox"/> <b>Yes-Other distinctive conditions of competition</b>	

(b) If yes, have there been any changes in the business cycles or conditions of competition for fresh tomatoes since January 1, 2012?

<b>No</b>	<b>Yes</b>	<b>If yes, describe.</b>
<input type="checkbox"/>	<input type="checkbox"/>	

III-18. **Supply constraints.**--Has your firm refused, declined, or been unable to supply fresh tomatoes since January 1, 2012 (examples include placing customers on allocation or "controlled order entry," declining to accept new customers or renew existing customers, delivering less than the quantity promised, being unable to meet timely shipment commitments, etc.)?

<b>No</b>	<b>Yes</b>	<b>If yes, please describe.</b>
<input type="checkbox"/>	<input type="checkbox"/>	

III-19. **Raw materials.**--Indicate how the costs of growing fresh tomatoes have changed since January 1, 2012, and how you expect they will change in the future.

Raw materials prices	Overall increase	No change	Overall decrease	Fluctuate with no clear trend	Explain, noting how raw material price changes have affected your firm's selling prices for fresh tomatoes.
Changes since January 1, 2012	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anticipated changes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

III-20. **GMO raw materials.**--Has the increased prevalence and concertation of GMO raw material suppliers impacted the market or your firm's operations since January 1, 2012?

No	Yes	If yes, please explain.
<input type="checkbox"/>	<input type="checkbox"/>	

III-21. **GMO vs non-GMO tomato variety.**--Has there been an increase in customer awareness of GMO vs non-GMO varieties and/or any shift in customer preference relating to GMO vs non-GMO products since January 1, 2012?

No	Yes	If yes, please explain.
<input type="checkbox"/>	<input type="checkbox"/>	

III-22. **Price comparisons.**--Please compare market prices of fresh tomatoes in U.S. and non-U.S. markets if known. Provide information as to time periods and regions for any price comparisons.

--

III-23. **Market studies.**--Please provide as a separate attachment to this request any studies, surveys, etc. that you are aware of that quantify and/or otherwise discuss fresh tomatoes supply (including production capacity and capacity utilization) and demand in (1) the United States, (2) each of the other major producing/consuming countries, including Mexico, and (3) the world as a whole. Of particular interest is such data from 2012 to the present and forecasts for the future.

III-24. **Interchangeability.**--Is fresh tomatoes produced in the United States and in other countries interchangeable (i.e., can they physically be used in the same applications)?

Please indicate A, F, S, N, or O in the table below:

A = the products from a specified country-pair are *always* interchangeable

F = the products are *frequently* interchangeable

S = the products are *sometimes* interchangeable

N = the products are *never* interchangeable

O = *no familiarity* with products from a specified country-pair

Country-pair	Mexico	Other countries
United States		
Mexico	X	
<p>For any country-pair producing fresh tomatoes which is <i>sometimes</i> or <i>never</i> interchangeable, please identify the country-pair and explain the factors that limit or preclude interchangeable use:</p>		

III-25. **Factors other than price.**--Are differences other than price (e.g., quality, availability, transportation network, product range, technical support, etc.) between fresh tomatoes produced in the United States and in other countries a significant factor in your firm's sales of the products?

Please indicate A, F, S, N, or O in the table below:

- A = such differences are *always* significant
- F = such differences are *frequently* significant
- S = such differences are *sometimes* significant
- N = such differences are *never* significant
- O = *no familiarity* with products from a specified country-pair

Country-pair	Mexico	Other countries
United States		
Mexico		
<p>For any country-pair for which factors other than price <i>always</i> or <i>frequently</i> are a significant factor in your firm's purchases of Fresh Tomatoes, identify the country-pair and report the advantages or disadvantages imparted by such factors:</p>		

III-26. **Other explanations.**--If your firm would like to further explain a response to a question in Part III for which a narrative box was not provided, please note the question number and the explanation in the space provided below. Please also use this space to highlight any issues your firm had in providing the data in this section, including but not limited to technical issues with the MS Word questionnaire.



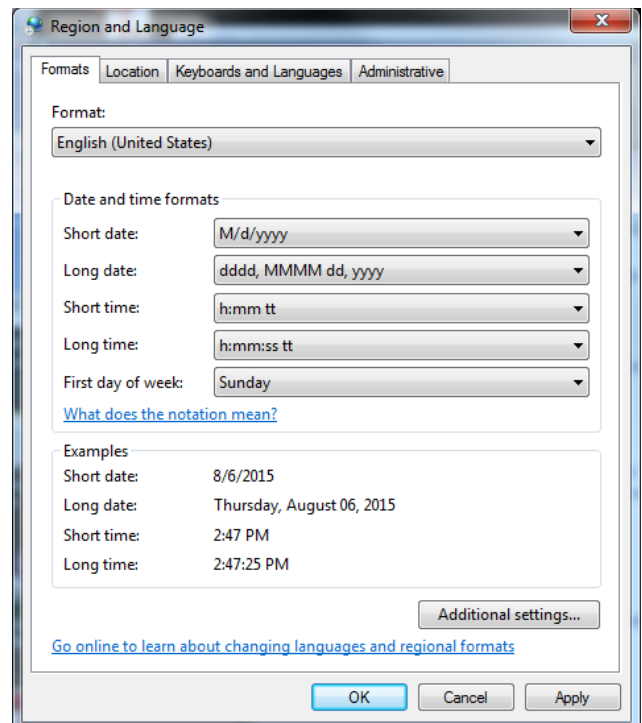
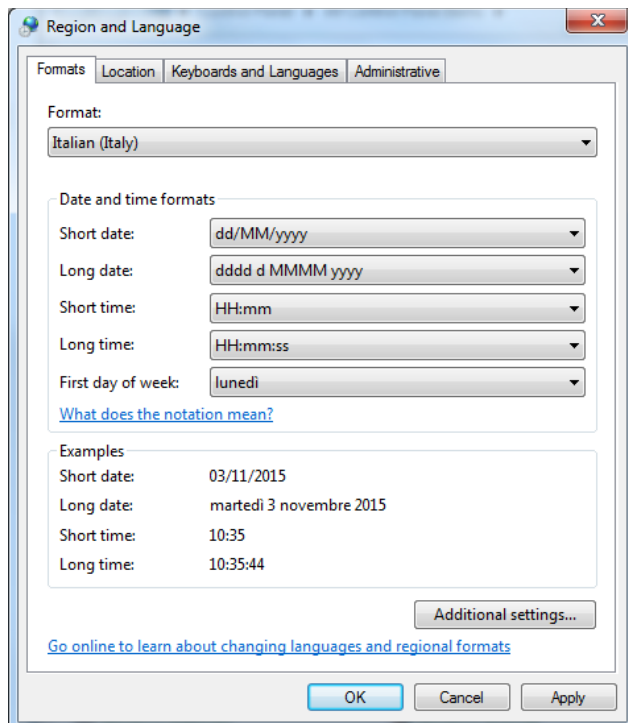
**Correcting Valid number error messages.**--If you are completing a Commission questionnaire in a country that uses periods (".") to delineate multiples of 1000 (e.g., one million would appear as \$1.000.000 instead of as \$1,000,000), you may be unable to enter in numbers greater than 999 in numeric form fields. This issues stem from your computer number formatting setting (e.g., not the MS Word document itself, but the computer from which you are opening up the document). In the United States commas (,) delineate multiples of 1000 and periods (.) delineate fractions less than one. Many EU countries use the reverse where multiples of 1000 are delineated with periods (.) and fractions less than one are delineated with commas (,). The US International Trade Commission's questionnaires are set-up in the United States with the U.S. number formatting. When this formatting interacts with a computer set to EU number formatting, we believe this may cause this issue.

The solution to this data entry issue is to temporarily change your operating system's number formatting to be consistent with the U.S. number formatting system while you complete the questionnaire.

To temporarily change your computer's number settings to U.S. settings, please do the following (for Microsoft Windows Operating system):

- START
- Control Panel
- Region and Language (under Clock, Language, and Region category)
- Format tab
- Change the Format from your existing one (e.g. "Italian (Italy)") to "English (United States)" (see screen shots below)

When you do this the number "twelve million dollars and thirty five cents" would change from \$12.000.000,35 (Italy format) to \$12,000,000.35 (U.S. format), and then there will be no conflict with the questionnaire. When you finish reporting the data then you can close the questionnaire and switch back to Italy settings.



## 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://www.usitc.gov/investigations/701731/2018/fresh\\_tomatoes\\_mexico/fourth\\_review\\_full.htm](https://www.usitc.gov/investigations/701731/2018/fresh_tomatoes_mexico/fourth_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:** FRESH

- **E-mail.**—E-mail the MS Word questionnaire to [christopher.couper@usitc.gov](mailto:christopher.couper@usitc.gov); include a scanned copy of the signed certification page (page 1). *Submitters are strongly encouraged to encrypt nonpublic documents that are electronically transmitted to the Commission to protect your sensitive information from unauthorized disclosure. The USITC secure drop-box system and the Electronic Document Information System (EDIS) use Federal Information Processing Standards (FIPS) 140-2 cryptographic algorithms to encrypt data in transit. Submitting your nonpublic documents by a means that does not use these encryption algorithms (such as by email) may subject your firm’s nonpublic information to unauthorized disclosure during transmission. If you choose a non-encrypted method of electronic transmission, the Commission warns you that the risk of such possible unauthorized disclosure is assumed by you and not by the Commission.*

**If your firm does not import 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, it is 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.