

## Petition P4-0005, filed on behalf of California olive producers.

### **Background:**

On December 3, 2003, the Federal Register published notice that the Olive Growers Council of California, Visalia, California, had filed a petition for trade adjustment assistance on behalf of table olive growers in California.

The petition indicated that the marketing year impacted by imports was August 2003 - July 2004. The 5-year base period used for the purpose of a price comparison began August 1998.

The Olive Growers Council proposed that imports of canned black olives in a saline solution were responsible for the decline in producer prices for fresh black olives.

### **Analysis:**

The TAA regulation defines articles like or directly competitive as products falling under the same Harmonized Tariff Schedule (HTS) number used to identify the agricultural commodity in the petition. Fresh olives are found in chapter 7 of the HTS, while canned olives are found in chapter 20. Thus, fresh and canned olives were not automatically assumed to be like or directly competitive products.

The petitioner presented the case that fresh and canned olives should be considered like or directly competitive products for the purposes of TAA in a public hearing in Washington, D.C., on December 10, 2003. Evidence was submitted that olives are not marketed fresh. Imported olives and fresh olives canned in California are destined for the same institutional and retail markets in the United States. Container sizes and specifications for both domestic and imported olives are the same. On December 22, 2003, the Administrator determined that for the purposes of TAA, fresh black olives produced by California growers and black olives imported in a saline solution are “like or directly competitive products.”

USDA attempted to evaluate imports during the marketing year 2003/04. However, data was not yet available.

### **Reason for denial of petition:**

To qualify for TAA, increases in imports of articles like or directly competitive with the agricultural commodity must contribute importantly to the decline in price. Because increases in imports during 2003/04 could not be verified, the petition was denied, and notice was published in the Federal Register on January 8, 2004. The Olive Growers Council was invited to resubmit the petition after the window for submitting petitions opened in mid-August 2004.