

U.S. PRODUCERS' QUESTIONNAIRE

FRESH OR CHILLED BELL PEPPERS

This questionnaire must be received by the Commission by **February 16, 2021**.
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 investigation No. 332-582, Monitoring of Fresh or Chilled Bell Peppers, which is being conducted at the request of the United States Trade Representative in accordance with section 202(d)(1)(B) of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2252(d)(1)(B)) for the purpose of collecting and analyzing information that would expedite an investigation under section 202(b) of the Trade Act. The information requested in the questionnaire is needed to supplement data available to the Commission from other sources and is requested under the authority of section 202 of the Trade Act of 1974. 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 possession (19 U.S.C. § 1333(a)).

Name of firm _____
Address _____
City _____ State _____ Zip Code _____
Website _____

Has your firm produced fresh or chilled bell peppers (as defined on the next page) at any time since 2016?

☐ NO

☐ YES (Complete all parts of the questionnaire, and return the entire questionnaire to the Commission)

Return questionnaire via the U.S. International Trade Commission *Drop Box* by clicking on the following link: <https://dropbox.usitc.gov/oinv/> (PIN: **PEPP**)

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, 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. I understand that the confidential business information that is furnished may be transmitted to the Office of the United States Trade Representative (USTR) and may be included in a confidential version of the report that the Commission transmits to the President and USTR for use in decision-making related to this proceeding.

Name of Authorized Official

Title of Authorized Official

Date

Phone: _____

Signature

Email address

PART I.—GENERAL INFORMATION

Background. On October 6, 2020, the Florida Fruit and Vegetable Association and the Florida Farm Bureau submitted a request to the United States Trade Representative (USTR) for monitoring of imports of fresh or chilled bell peppers under the perishable agricultural product provisions of section 202(d)(1) of the Trade Act (19 U.S.C. § 2252(d)(1)). In response to that request, the USTR determined that imports of bell peppers satisfy the requirements of section 202(d)(1)(A) of the Trade Act.

In accordance with section 202(d)(1)(B) of the Trade Act, the USTR requested, under section 332(g) of the Tariff Act of 1930, that the Commission monitor and investigate imports of fresh or chilled bell peppers, provided for in statistical reporting numbers 0709.60.4015, 0709.60.4025, 0709.60.4065, and 0709.60.4085 of the Harmonized Tariff Schedule of the United States (HTS). He further requested that the monitoring and investigation include the collection and analysis of information that would expedite an investigation under section 202(b) of the Trade Act.

Section 202(d)(1)(C) of the Trade Act provides procedures under which domestic producers of a perishable agricultural product may, in a petition filed under section 202(a) of the Trade Act, request provisional relief. Under those procedures, if the Commission has monitored imports of the article for at least 90 days, the domestic industry may, in such a petition, request a preliminary determination and provisional relief pending completion of a full Commission investigation. Should that occur, the Commission would have 21 days, from the day on which the request was received, to make a preliminary injury determination, and if in the affirmative, to recommend provisional relief to the President.

Fresh or chilled bell peppers. — For purposes of this investigation, the fresh or chilled bell peppers are those provided for in statistical reporting numbers 0709.60.4015, 0709.60.4025, 0709.60.4065, and 0709.60.4085 of the HTS.

Reporting of information. — If information is not readily available from your records in exactly the form requested, please provide carefully prepared estimates.

Calendar year. — Report the requested data on a calendar year basis. If your firm, however, is unable to do so and has reported its data on a marketing year basis that differs from the requested calendar basis, please indicate that in response to question 3b and indicate the marketing year used.

Confidentiality and release of information. — 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. The Commission will not release information that the Commission considers to be confidential business information unless the party submitting it had notice, at the time of submission, that such information would be released by the Commission, or such party subsequently consents to the release of the information (see 19 U.S.C. 1332(g)).

Should a petition be filed and the Commission institute an investigation under section 202(b) of the Trade Act, some or all of the information that you submit may be included in the report that the Commission sends to the USTR and the President or otherwise provides to USTR. In addition, the Commission may release such information to authorized representatives of interested parties under an administrative protective order during an investigation under section 202(b) of the Trade Act (see 19 U.S.C. § 2252(i) and 19 CFR 206.17).

Further information. — Additional information on the questionnaire can be obtained from Ahdia Bavari (202-205-3191), ahdia.bavari@usitc.gov). Information pertinent to this proceeding are available at: https://www.usitc.gov/investigations/misc/2020/monitoring_fresh_or_chilled_bell_peppers/other.htm

1. **Position regarding the potential imposition of safeguard relief.** —Based on what you know now, if the Commission receives a petition requesting an investigation under section 202(b) of the Trade Act, would your firm be likely to support or oppose the petition and the imposition of safeguard relief from imports of fresh or chilled bell peppers?

| Support | Oppose | Take no position | Describe your likely position |
|--------------------------|--------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

2. **Employment data.**--Report your firm's employment-related data related to the production of fresh or chilled strawberries and provide any explanation for any trends in these data.

"Worker" – includes compensated and non-compensated workers, as defined below.

Compensated worker: Anyone who was paid for work done on a farm in connection with the production of strawberries. This includes field workers (employees engaged in planting, tending and harvesting strawberries including operation of farm machinery); supervisors; other workers employed by your firm (e.g., bookkeepers); and contract labor.

Non-compensated worker: Self-employed and family farm members.

"Hours worked" includes all compensated and non-compensated hours worked as well as 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 firm for overtime, holidays, vacations, and sick leave. Include payments made by your firm for contract labor.

| Item | Compensated workers | | | | |
|---|---------------------|------|------|------|------|
| | Calendar year | | | | |
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Number of compensated workers ¹ (number) | | | | | |
| Hours worked by compensated workers (hours) | | | | | |
| Wages paid to compensated workers (dollars) | | | | | |
| ¹ Record your firm's peak number of PRWs, that is, the maximum number of PRWs your firm had at any given time within the year. | | | | | |

2. Employment data.-- Continued.

| Item | Non-compensated workers | | | | |
|---|-------------------------|------|------|------|------|
| | Calendar year | | | | |
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Number of non-compensated workers ¹ (<i>number</i>) | | | | | |
| Hours worked by non-compensated workers (<i>hours</i>) | | | | | |
| ¹ Record your firm's peak number of non-compensated workers, that is, the maximum number of non-compensated workers your firm had at any given time within the year. | | | | | |

Explanation of employment data trends:

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- 3a. **Operations on sales of fresh or chilled bell peppers.**--Report the revenue and cost information requested below on the growing operations of your firm's U.S. establishment(s) for fresh or chilled bell peppers.¹ **Do not report resales of purchased products or financial data for other products grown on the same land.** Report sales and the associated costs in the same period. Provide data for the five requested calendar years. Reasonable estimates are acceptable.

| Quantity (pounds) and value (dollars) | | | | | |
|--|---------------|------|------|------|------|
| Item | Calendar year | | | | |
| | | | | | |
| | 2016 | 2017 | 2018 | 2019 | 2020 |
| Proceeds from deliveries/sales (Net sales): | | | | | |
| Quantity | | | | | |
| Value | | | | | |
| Other income² | | | | | |
| Total expenses³ | | | | | |
| Net income or (loss) before income taxes | 0 | 0 | 0 | 0 | 0 |

¹ Include only sales (whether domestic or export) and costs related to your U.S. growing operations related to sales of fresh or chilled bell peppers. "Growing operations" refers to the production and sale of fresh or chilled bell peppers.

² Include all other income related to growing fresh or chilled bell peppers (government assistance, insurance proceeds, etc.).

³ Include all costs related to fresh or chilled bell peppers, including growing, harvesting, packing, and storing expenses. Also include costs such as depreciation, interest expense, and insurance expense.

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

- 3b. If your firm was unable to report calendar year periods as requested in question 3a, please identify the annual periods reported.

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- 3c. **Financial data checklist.**--Please check that the financial data in question 3a have been correctly reported.

| Confirm the following regarding your financial data in question 3a: | ✓ if Yes |
|--|--------------------------|
| Quantity data are reported in actual pounds (not 1,000s)? | <input type="checkbox"/> |
| Value data are reported in actual dollars (not 1,000s)? | <input type="checkbox"/> |
| Does not include data for other products grown on the same land? | <input type="checkbox"/> |
| Does not include any resales of purchased fresh or chilled bell peppers? | <input type="checkbox"/> |
| Sales and cost data for all requested time periods in which growing operations occurred have been provided? | <input type="checkbox"/> |
| If you did not ✓ Yes in any of the boxes above, please go back to 3a and revise your responses or provide an explanation here. _____ | |

4. **Other explanations.**--If you intentionally did not respond to a question or left one or more answers blank, please also use this space to explain the reason or highlight any issues your firm had in providing the data in this section.

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5. **OMB statistics.**--Please report below the actual number of hours required to complete this questionnaire and the cost to your firm of doing so.

| Hours | Dollars |
|-------|---------|
| | |

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/misc/2020/monitoring_fresh_or_chilled_bell_peppers/other.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: PEPP

- **E-mail.**—E-mail the MS Word questionnaire to ahdia.bavari@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 uses 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.*