

U.S. FARMERS'/FISHERMEN'S QUESTIONNAIRE

FROZEN WARMWATER SHRIMP FROM CHINA, INDIA, THAILAND, AND VIETNAM

This questionnaire must be received by the Commission by **February 6, 2023**
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 orders concerning frozen warmwater shrimp from China, India, Thailand, and Vietnam (Inv. Nos. 731-TA-1064 and 1066-1068 (Third 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 produced frozen warmwater shrimp (as defined on the next page) at any time since January 1, 2016?

☐ **NO** (Sign the certification below and promptly return only this page of the questionnaire to the Commission)

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

Return questionnaire via the Commission **Drop Box** by clicking on the following link:

<https://dropbox.usitc.gov/oinv/> (PIN: **SHRIMP**)

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 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 February 1, 2005, the Department of Commerce ("Commerce") issued antidumping duty orders on imports of frozen warmwater shrimp from China, India, Thailand, and Vietnam. On May 2, 2022, 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 orders 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 orders will remain in place. If either the Commission or Commerce makes a negative determination, Commerce will revoke the orders. Questionnaires and other information pertinent to this proceeding are available at https://usitc.gov/investigations/701731/2022/frozen_warmwater_shrimp_china_india_thailand_and/third_review_full.htm.

Frozen warmwater shrimp covered by these reviews include certain frozen warmwater shrimp and prawns, whether wild-caught (ocean harvested) or farm-raised (produced by aquaculture), head-on or head-off, shell-on or peeled, tail-on or tail-off,¹ deveined or not deveined, cooked or raw, or otherwise processed in frozen form.

The frozen warmwater shrimp and prawn products included in the *Orders*, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products which are processed from warmwater shrimp and prawns through freezing and which are sold in any count size.

The products described above may be processed from any species of warmwater shrimp and prawns. Warmwater shrimp and prawns are generally classified in, but are not limited to, the Penaeidae family. Some examples of the farmed and wild-caught warmwater species include, but are not limited to, whiteleg shrimp (*Penaeus vannamei*), banana prawn (*Penaeus merguensis*), fleshy prawn (*Penaeus chinensis*), giant river prawn (*Macrobrachium rosenbergii*), giant tiger prawn (*Penaeus monodon*), redspotted shrimp (*Penaeus brasiliensis*), southern brown shrimp (*Penaeus subtilis*), southern pink shrimp (*Penaeus notialis*), southern rough shrimp (*Trachypenaeus curvirostris*), southern white shrimp (*Penaeus schmitti*), blue shrimp (*Penaeus stylirostris*), western white shrimp (*Penaeus occidentalis*), and Indian white prawn (*Penaeus indicus*).

Frozen shrimp and prawns that are packed with marinade, spices or sauce are included in the scope of the *Orders*. In addition, food preparations, which are not "prepared meals," that contain more than 20 percent by weight of shrimp or prawn are also included in the scope of the *Orders*.

Excluded from the *Orders* are: (1) breaded shrimp and prawns (HTSUS subheading 1605.20.10.20); (2) shrimp and prawns generally classified in the *Pandalidae* family and commonly referred to as coldwater shrimp, in any state of processing; (3) fresh shrimp and prawns whether shell-on or peeled (HTSUS subheadings 0306.23.00.20 and 0306.23.00.40); (4) shrimp and prawns in prepared meals (HTSUS subheading 1605.20.05.10); (5) dried shrimp and prawns; (6) Lee Kum Kee's shrimp sauce;² (7) canned warmwater shrimp and prawns (HTSUS subheading 1605.20.10.40); and (8) certain battered shrimp. Battered shrimp is a shrimp-based product: (1) that is produced from fresh (or thawed-from-frozen) and peeled shrimp; (2) to which a "dusting" layer of rice or wheat flour of at least 95 percent purity has been applied; (3) with the entire surface of the shrimp flesh thoroughly and evenly coated with the flour; (4) with the non-shrimp content of the end product constituting between four and ten percent of the product's total weight after being dusted, but prior to being frozen; and (5) that is subjected to IQF

¹ "Tails" in this context means the tail fan, which includes the telson and the uropods.

² The specific exclusion for Lee Kum Kee's shrimp sauce applies only to the scope of the *China Order*.

freezing immediately after application of the dusting layer. When dusted in accordance with the definition of dusting above, the battered shrimp product is also coated with a wet viscous layer containing egg and/or milk, and par-fried.

Frozen warmwater shrimp are currently imported under any of the statistical reporting numbers that fall under subheading 0306.17.00, or under statistical reporting numbers 1605.21.1030 or 1605.29.1010 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS provisions are for convenience and customs purposes; the written description of the scope is dispositive.

Reporting of information.--If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates. If your firm is completing more than one questionnaire in connection with this proceeding (i.e., a producer, importer, and/or purchaser questionnaire), you need not respond to duplicated questions in the questionnaires.

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 of your 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.

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) 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 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-2a. **Establishments/Boats covered.**--Provide the city, state, zip code, and brief description of each establishment/boat covered by this questionnaire. **Firms operating more than one establishment/boat should combine the data for all establishments/boats into a single report.**

"Establishment"--Each facility/boat of a firm involved in the production of frozen warmwater shrimp, including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

Establishments Covered¹	City, State	Zip (5 digit)	Description
1			
2			
3			
4			
5			
6			
¹ Additional discussion on establishments consolidated in this questionnaire: _____			

- I-2b. **Stock symbol information.**-- If your firm or parent firm is publicly traded, please specify the stock exchange and trading symbol: _____.

- I-2c. **External counsel.**-- If your firm or parent firm is represented by external counsel in relation to this proceeding, please specify the name of the law firm and the lead attorney(s).

Law firm:	
Lead attorney(s):	

- I-3. **Position regarding continuation of orders.**--Does your firm support or oppose continuation of the following antidumping duty orders currently in place for frozen warmwater shrimp?

Country	Support	Oppose	Take no position
China	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
India	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thailand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vietnam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

☐ No ☐ Yes--List the following information, relating to the ultimate parent/owner.

Firm name	Country	Extent of ownership (percent)

“Related firm”—A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

PART II.--TRADE AND RELATED INFORMATION

Further information on this part of the questionnaire can be obtained from Tyler Berard (202-205-3354, tyler.berard@usitc.gov). **Supply all data requested on a calendar-year basis.**

- II-1. **Limitations.**--Please describe any state and federal limitations on shrimp fishing activities, e.g., limitations on areas where it is permissible to fish, limitations on length of season, use of specified gear (TED's and by-catch reduction devices, etc.). Describe expected enforcement time of such limitations.

- II-2. **Relationships.**--Please describe any contracts or other legal relationships your firm has with processors of frozen warmwater shrimp.

- II-3. **Transfers to related firms.**—Do you have any related firms that you transfer shipments to?

- ☐ No ☐ Yes-- Please indicate the nature of the relationship between your firm and the related firms (*e.g.*, joint venture, wholly owned subsidiary), whether the transfers were priced at market value or by a non-market formula, whether your firm retained marketing rights to all transfers, and whether the related firms also processed inputs from sources other than your firm.

- II-4. **Natural disasters and/or diseases (supply).**—Since January 1, 2016, have any natural disasters or diseases affected the supply of warmwater shrimp?

- ☐ No ☐ Yes—Please describe.

- II-5. **Natural disasters and/or diseases (demand).**—Since January 1, 2016, have any natural disasters or diseases affected demand for warmwater shrimp?

- ☐ No ☐ Yes—Please describe.

II-6. **Other factors (supply).**—Since January 1, 2016, have any other factors affected supply for warmwater shrimp?

☐ No ☐ Yes—Please describe.

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II-7. **Other factors (demand).**—Since January 1, 2016, have any other factors affected demand for warmwater shrimp?

☐ No ☐ Yes—Please describe.

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II-8. **COVID-19 pandemic.**—Since January 1, 2020, has the COVID-19 pandemic or have any government actions taken to contain the spread of the COVID-19 virus resulted in changes in your firm's supply chain arrangements, production, employment, and shipments relating to frozen warmwater shrimp? In your response, please discuss the duration and timing of any such changes as they relate to your firm's operations.

No	Yes	If yes, describe these changes including a separate discussion of the (a) supply chain impact, (b) production and shipments impact, and (c) employment impact of the COVID-19 pandemic.
<input type="checkbox"/>	<input type="checkbox"/>	

II-9. **Nature of operations.**—Please indicate whether your firm is a farmer or a fisherman of frozen warmwater shrimp. Check all that apply.

Farmer	Fisherman
<input type="checkbox"/>	<input type="checkbox"/>

PART III.--FINANCIAL INFORMATION

Address questions on this part of the questionnaire to Emily Kim (202-205-1800, emily.kim@usitc.gov).

- III-1. **Operations on warmwater shrimp (fresh or brine frozen).**--Report the revenue and related cost information requested below on the warmwater shrimp and prawn operations of your U.S. establishment(s).¹ Provide data for the identified calendar-year periods. **Quantities reported should be headless, shell on, using the National Marine Fisheries conversion factor of 0.629.**

Quantity (in pounds) and value (in dollars)			
Item	Calendar years		
	2019	2020	2021
Net sales quantities¹			
Net sales values¹			
Operating expenses: Corporation officers' and partners' salaries/bonuses			
All other operating expenses ²			
Operating income or (loss)	0	0	0
All other income (including CDSOA receipts) ³			
All other expenses ⁴			
Net income or (loss) before income taxes	0	0	0
¹ Include sales related to warmwater shrimp and prawn operations only. ² Report total operating expenses related to warmwater shrimp and prawn operations only: labor (i.e., crew share), fuel and oil, groceries and ice, fishing gear, taxes and licenses (other than federal and state income taxes), insurance, vessel repairs and maintenance (include labor costs incurred specifically for maintenance and repairs), interest, depreciation, and all other expenses. Please list in order of importance the largest costs included in this list: ³ Report all other income as <u>positive numbers</u> and list material (significant) income items included in all other income: ⁴ Report all other expenses as <u>positive numbers</u> and list material (significant) expense items included in all other expense:			

- III-2. **Fishing days.**—For fishing operations, provide the number of days fished for each year.

Item	Calendar years		
	2019	2020	2021
Fishing days			

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/701731/2022/frozen_warmwater_shrimp_china_india_thailand_and/third_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:** **SHRIMP**

- **E-mail.**—E-mail the MS Word questionnaire to tyler.berard@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 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, 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 (202-205-1802). 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.