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**comercio internacional**

**E**xploring the patterns and  
determinants of U.S. antidumping  
actions against Latin American  
imports, 1980-2004

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## Abstract

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This paper presents data on trends in U.S. antidumping filings against Latin America and Caribbean nations since 1980, investigates the economic determinants of these cases, and explores the effects for economies of the region. Of 2438 antidumping cases filed from 1995 to 2003, the U.S. filed 329 cases, 36 of these against Latin America. By way of comparison, 513 cases were filed by Latin American and Caribbean nations, with 113 of these targeting other Latin American countries and 57 cases directed at the U.S. Over the longer period from 1980-2004, the countries of the region were targeted by 150 U.S. antidumping cases, 83 percent of these filed against just four countries: Brazil, Mexico, Venezuela, and Argentina.

From the perspective of the economic significance of U.S. filings against Latin America, on average a very small share of trade has been subject to successful cases; however, this probably understates the impact of U.S. antidumping policy on Latin American exporters since even unsuccessful cases may have adversely affected them during the period of investigation (and may have disrupted distribution channels even after the conclusion of the case). Of course, particular countries have occasionally had a significant share of their exports affected by an antidumping case. A statistical examination of the economic determinants of U.S. antidumping filings against Latin America found macroeconomic determinants to play a role in promoting antidumping actions. This suggests that global recessions are likely to lead to a ratcheting up of protectionism to the disadvantage of all countries, but particularly to those in the developing world.



## I. Introduction

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While Irwin (2005) documents the long history of the use of antidumping laws as a mode of protection by U.S. industry, especially from the middle of the 20<sup>th</sup> century, clearly the effectiveness of this as a means of protection has increased since 1980. Furthermore, since the formation of the WTO in 1995 the use of antidumping has soared world-wide. What has not been well-studied is the impact U.S. antidumping activity has had on Latin American economies.<sup>1</sup> This paper will present data on trends in U.S. antidumping filings against Latin America and Caribbean nations since 1980, investigate the economic determinants of these cases, and explore the effects for economies of the region.

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<sup>1</sup> However, see Tavaras de Araujo, Jr. et al (2001) and Lima-Campos and Vito (2004).





## II. Recent Literature

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Irwin (2005) documents the long history of antidumping in the United States. While there was an Antidumping Act of 1916 it is closer in nature to antitrust laws with a focus on predatory pricing and criminal penalties rather than dumping duties as remedies. The origin of antidumping in a form closer to what we see today was the Antidumping Act of 1921, providing for extra import duties to be placed on imported goods sold for prices below some measure of their “fair value” (usually taken to be the exporter’s home market value), if these imports are likely a cause of injury to a domestic industry.

Irwin notes that extensive use of antidumping occurred as far back as the late 1930s, and there was a steady flow of cases from the mid-1950s on. However, few of these cases produced affirmative injury determinations resulting in antidumping duties.<sup>2</sup> The volume of cases and rates of success by petitioners increased in the 1970s and, after the Trade Agreements Act of 1979, both increased again. The key changes in the 1979 law were to transfer authority for determining dumping from the U.S. Treasury Department to the U.S. Commerce Department (perceived as more friendly to domestic business interests),<sup>3</sup> and to shorten time limits for investigations and allow the use of “best information available” (often information provided by domestic petitioners) when foreign firms did not provide requested data. A further major change occurred in 1984 requiring the U.S. International Trade Commission to cumulate the imports of all

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<sup>2</sup> For example, between 1947 and 1969 there were 429 antidumping filings in the U.S., but only 24 affirmative injury determinations—a 5.5% success rate.

<sup>3</sup> The 1979 law also changed the name of the agency responsible for determining injury in antidumping cases from the U.S. Tariff Commission to the U.S. International Trade Commission.

countries under investigation in judging injury, increasing the incentive to file simultaneously cases against multiple exporting countries.

The creation of the World Trade Organization led to a surge in antidumping globally, as virtually all countries created their own laws and institutions for filing antidumping petitions. Antidumping duties are allowed under WTO rules when there is material injury or threatened injury to a competing domestic industry from sales by an exporter made at unfairly low prices (usually prices alleged to be below those charged in the home market, but often below costs). Each country establishes its own antidumping enforcement mechanism, and case filings are brought by domestic companies (as well as labor unions and trade associations) to their respective government enforcement agencies. In recent years the lines between this form of “administrative protection” and other forms of trade restrictions have been blurred—at least in the views of many observers. Therefore, in studying motivations for filing antidumping petitions researchers have turned to considering not just case-specific factors, but also more general determinants of the demand and supply for protection against imports.<sup>4</sup>

Miranda et al. (1998) and CBO (1998) were the first to document the dramatic growth in the number of countries joining the “antidumping club.” Miranda et al. suggest that if the emergence of increased antidumping enforcement by developing countries was a *quid pro quo* for general trade liberalization, there may be welfare gains from this proliferation of antidumping filings, at least in a second-best sense. The CBO paper acknowledges this possibility as well, though their focus is more on whether U.S. exporters have been harmed by and/or singled out for retaliation by new users of antidumping; on these latter issues they suggest minimal impact to that point, noting however that with continued growth in antidumping by developing countries U.S. exporters may begin to be more affected in the future.

To illustrate that antidumping is no longer a developed country tool, note that the leading user of antidumping since 1995 has been India, with Argentina and South Africa joining the U.S. and EU among the top five. From another perspective, the number of countries getting involved in bringing such cases has roughly tripled between the late 1980s and today, with all of this growth brought about by new enforcement agencies in developing economies.

Prusa and Skeath (2004) address some of the issues considered in this paper. Their stated focus is to explore whether the increase in global use of antidumping was solely due to increased “unfair trading”—and they reject this hypothesis. This is consistent with the recent work of Feinberg and Hirsch (1989), Feinberg (1989; 2005), Leidy (1977), Knetter and Prusa (2003), and Irwin (2005), and—specifically for Latin American filings—Francois and Neils (2004) and Sanguinetti and Bianchi (2005). Using somewhat different samples and econometric specifications, these have all found macroeconomic and industry-specific—not purely case-specific—factors to be important in explaining antidumping filing behavior.

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<sup>4</sup> This is discussed in more detail later in this paper.

### **III. Trends in antidumping activity affecting Latin America**

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As noted earlier, through the early 1990s antidumping cases were almost entirely filed by a small group of developed economies—the U.S., EU, Canada, Australia, and New Zealand. This changed dramatically in the run-up to WTO creation and after, as developing economies world-wide rushed to create institutions and file cases—this was the case for Latin America as well.

Based on the WTO antidumping database, of 2438 antidumping cases filed from 1995 to 2003, 513 were filed by Latin American and Caribbean nations (21.0 percent). By way of comparison, the U.S. during this time period filed just 329 cases (13.5 percent of the total), 36 against Latin America. More than 20 percent of Latin American cases were targeting other Latin American countries (113 of the 513 cases), while only a little over 10 percent (57 cases) were directed at the U.S. The major Latin American users of antidumping (during 1995-2003) were Argentina (180 cases), Brazil (110), and Mexico (73), these three together providing more than 70 percent of all cases filed by the region. The Latin American countries were relatively lightly impacted by antidumping, being the target of only 185 cases over this period (and 113 of these—as noted above—from their neighbors).

Over the longer period from 1980-2004, the countries of the region were targeted by 150 U.S. antidumping cases.<sup>5</sup> This represented 13.4 percent of all antidumping cases filed by U.S. industry. Table 1 presents these cases by year, showing the numbers of cases against Latin America (and the Caribbean) as well as against other major targets of U.S. antidumping —Canada, the European Union, China, South Korea, and Taiwan. While the percentage of cases targeting the region varies over time it is clear that Latin America has never been the primary focus of efforts by U.S. manufacturers to protect themselves from imports. In contrast, in the early part of the period the EU was a more significant target of antidumping cases, though their share has declined substantially in recent years. The opposite trend has occurred with respect to U.S. cases against China, which have increased to roughly one-quarter of all antidumping cases in the past few years.

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<sup>5</sup> These data were obtained from Chad Bown's Global Antidumping Database. There is always a certain arbitrariness involved in counting cases. We count multiple cases filed against separate countries for the same product or separate products against the same country as distinct cases (they are given distinct case numbers by the U.S. government agencies involved). However, several cases filed but either withdrawn within a month or two and then refilled or dismissed almost immediately by the U.S. Department of Commerce for procedural reasons have not been included in the count of cases.

**Table 1**  
**U.S. ANTIDUMPING FILINGS (NUMBER AND PERCENTAGE) VS. LATIN AMERICA AND OTHER COUNTRIES/REGIONS**  
*(by year, 1980-2004)*

Year	All U.S. cases #	Latin America		Canada		EU-15		China		South Korea		Taiwan	
		#	%	#	%	#	%	#	%	#	%	#	%
1980	23	0	0.0	2	8.7	14	60.9	1	4.3	0	0.0	0	0.0
1981	16	0	0.0	1	6.3	5	31.3	0	0.0	1	6.3	2	12.5
1982	69	6	8.7	2	2.9	48	69.6	3	4.3	2	2.9	2	2.9
1983	48	7	14.6	2	4.2	15	31.3	4	8.3	6	12.5	3	6.3
1984	50	9	18.0	3	6.0	16	32.0	0	0.0	3	6.0	3	6.0
1985	88	16	18.2	4	4.5	19	21.6	6	6.8	5	5.7	5	5.7
1986	69	16	23.2	3	4.3	23	33.3	1	1.4	5	7.2	4	5.8
1987	16	1	6.3	2	12.5	4	25.0	0	0.0	0	0.0	2	12.5
1988	64	3	4.7	4	6.3	27	42.2	1	1.6	0	0.0	4	6.3
1989	26	4	15.4	1	3.8	6	23.1	1	3.8	4	15.4	3	11.5
1990	39	6	15.4	0	0.0	6	15.4	11	28.2	1	2.6	3	7.7
1991	67	7	10.4	4	6.0	14	20.9	6	9.0	3	4.5	4	6.0
1992	92	15	16.3	6	6.5	35	38.0	5	5.4	9	9.8	4	4.3
1993	41	11	26.8	1	2.4	6	14.6	7	17.1	2	4.9	2	4.9
1994	51	9	17.6	0	0.0	11	21.6	12	23.5	2	3.9	1	2.0
1995	14	1	7.1	0	0.0	3	21.4	2	14.3	1	7.1	1	7.1
1996	20	1	5.0	0	0.0	1	5.0	6	30.0	1	5.0	2	10.0
1997	16	3	18.8	2	12.5	5	31.3	0	0.0	2	12.5	2	12.5
1998	37	6	16.2	4	10.8	8	21.6	1	2.7	4	10.8	4	10.8
1999	49	4	8.2	0	0.0	4	8.2	7	14.3	6	12.2	2	4.1
2000	49	3	6.1	1	2.0	10	20.4	7	14.3	3	6.1	1	2.0
2001	75	12	16.0	4	5.3	18	24.0	8	10.7	2	2.7	4	5.3
2002	35	3	8.6	2	5.7	5	14.3	9	25.7	1	2.9	0	0.0
2003	40	3	7.5	1	2.5	5	12.5	9	22.5	2	5.0	0	0.0
2004	27	4	14.8	1	3.7	4	14.8	6	22.2	1	3.7	2	7.4

Source: prepared by the author.

Table 2 presents the breakdown of U.S. cases against Latin America by target country in the 1980 to 2004 period, along with the number of affirmative injury decisions leading to dumping duties being imposed.<sup>6</sup> Notice that 125 of the 150 cases were filed against just four countries, Brazil, Mexico, Venezuela, and Argentina. In figure 1 the time trends of cases against these “Big 4” targets are presented; as can be seen there, while Brazil dominated cases through the mid-1990s, cases have been more equally distributed across these target countries since then (and —other than a spike in U.S. cases both to Latin America and to the world in the recession year of 2001—the annual level of cases has fallen).

**Table 2**  
**U.S. ANTIDUMPING CASES VS. LATIN AMERICA, BY COUNTRY**  
(1980-2004)

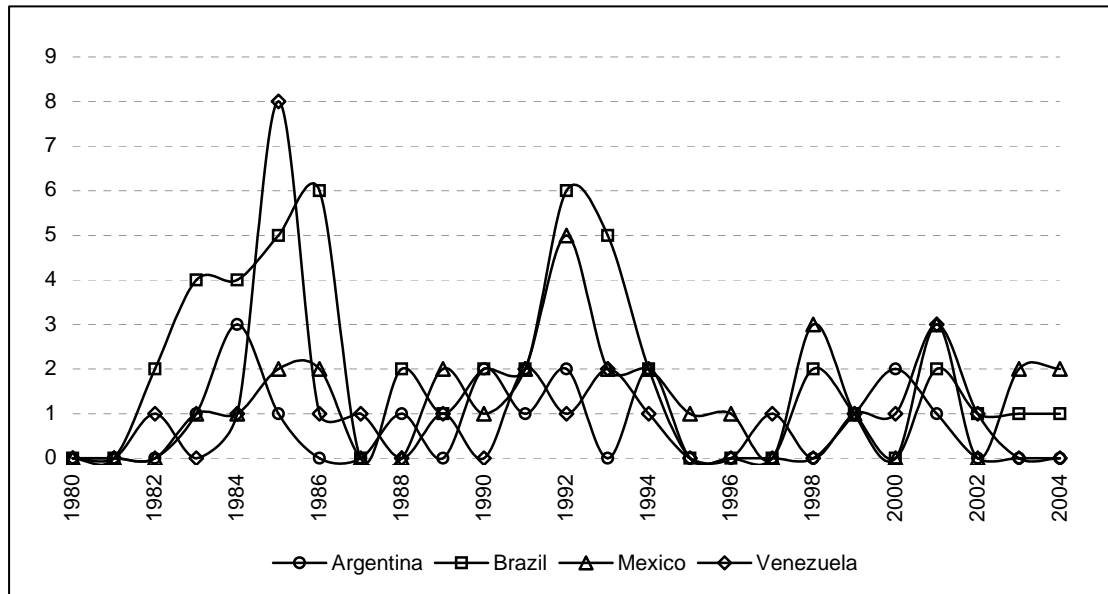
	Cases Filed	Affirmative Determinations
Argentina	17	8
Brazil	49	24
Chile	8	6
Colombia	5	1
Costa Rica	3	1
Ecuador	3	2
El Salvador	1	0
Mexico	33	13
Peru	1	0
Trinidad and Tobago	4	2
Venezuela	26	5
<b>Total</b>	<b>150</b>	<b>62</b>

**Source:** prepared by the author.

Beyond a simple counting of cases, one may ask how Latin American exporters (and which manufacturers) were affected. Almost half of the U.S. cases filed involved the primary iron and steel sector, almost 70 percent targeting a broader category of basic and finished metal products. The volume of imports affected is also relevant to consider. While simply filing an antidumping petition likely has an adverse impact (at least short-term) against a foreign exporter, an affirmative determination by the U.S. International Trade Commission leads to an actual duty imposed—and the magnitude of the duty is often prohibitive. For this reason, I focus on the magnitude of Latin American imports impacted by affirmative determinations.

<sup>6</sup> As Prusa (2001) and Lima-Campos and Vito (2004) have noted, a domestic industry does not need to get an affirmative determination in order to gain from an antidumping petition. Market disruption during the period of investigation can involve a significant benefit to the domestic industry, and cases are often withdrawn or settled at terms favorable to the petitioners without a formal affirmative outcome.

Figure 1  
TIME TRENDS OF U.S. ANTIDUMPING CASES VS. MAJOR LATIN AMERICAN TARGETS



Source: prepared by the author.

Over the 1980 to 2004 period, 62 of the 150 U.S. antidumping cases filed against Latin American targets (41%) led to affirmative decisions and the imposition of antidumping duties (as small as 0.54%, but as large as 259.17%), in 38 of these cases duties of 20% or larger. Table 3 reports by year the number of cases which went to an affirmative decision, the value of Latin American exports involved (in the year prior to filing)<sup>7</sup> and the share of total Latin American exports to the U.S. involved. This latter figure is generally quite small (obviously zero in those years where no affirmative decision was reached), only greater than 0.2% in 4 years —with a maximum value in 1986 of 0.93%. Even recognizing that many of the 88 cases that did not lead to antidumping duties could have caused at least short-run disruption to Latin American exporters, these figures seem to be relatively small.

Of course, for the particular Latin American countries affected, the impact is clearly much greater; the last column of table 3 reports the share of Latin American exports to the U.S. by *targeted countries* involved in antidumping filings leading to duties. While reaching a high of 6.1 percent in 1997 (reflecting a single large case against Chile), this figure exceeds one percent of the targeted countries U.S. exports in only 5 years.<sup>8</sup>

<sup>7</sup> Data on the dollar value of “subject imports” involved were obtained from Bruce Blonigen’s Antidumping Database (through 1995) and, for more recent cases, from USITC and U.S. Department of Commerce publications.

<sup>8</sup> Even disaggregating to the individual country level, there are few instances of significant percentages of U.S. exports impacted – a high of 10 percent of Colombia’s US exports affected in 1986, but only 3 occasions of a 5 percent impact or greater.

**Table 3**  
**VALUE AND SHARE OF LATIN AMERICAN EXPORTS INVOLVED IN AFFIRMATIVE**  
**U.S. ANTIDUMPING DETERMINATIONS**  
*(1981-2004)*

Year	Cases filed leading to Dumping Duty	Latin American Exports to U.S. of Subject Products (one year before filing) (US\$ millions)	Subject Exports as % of Latin American exports to U.S.	Subject Exports as % of subject country exports to U.S.
1981	0	0	0	0
1982	4	64	0.21	0.9
1983	4	137	0.43	2.7
1984	1	1	0.00	0.2
1985	3	6	0.01	0.02
1986	9	392	0.93	1.5
1987	1	58	0.16	1.3
1988	1	6	0.02	0.6
1989	3	140	0.36	0.5
1990	2	33	0.08	0.4
1991	3	69	0.14	0.2
1992	5	66	0.15	0.2
1993	3	40	0.06	0.6
1994	5	54	0.07	0.1
1995	0	0	0	0
1996	0	0	0	0
1997	1	135	0.11	6.1
1998	3	220	0.16	0.2
1999	1	45	0.03	0.04
2000	2	81	0.05	3.1
2001	6	177	0.09	0.1
2002	0	0	0	0
2003	2	19	0.01	0.01
2004	3	297	0.15	0.2

**Source:** prepared by the author.



## IV. Explaining U.S. Antidumping filings against Latin America

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In seeking to explain the pattern of antidumping filings, empirical studies have gone beyond the case-specific requirements for finding dumping (determined in the U.S. by Commerce) and “material injury” (determined by the ITC) to consider macroeconomic and—in some studies— industry-specific factors. Consider first how macroeconomic factors can influence the dumping determination.<sup>9</sup>

Let the home market price (in foreign currency) be  $P_F$  and the exporter’s price (after adjustments for transportation and distribution) in the U.S. (in dollars) be  $P_{US}$ . In the absence of dumping,  $P_{US} = P_F/e$ , where  $e$  is the foreign currency (or external) value of the dollar. Dumping would require  $P_{US} < P_F/e$ . If the U.S. experiences an expansion, one would expect an increased demand for most products. An exporter would likely raise  $P_{US}$ , *cet. par.*, therefore *reducing* the likelihood of dumping. In a recession, in contrast, exporters would likely reduce price in the U.S. market to retain market share, *increasing* the likelihood of dumping.

Similarly, an appreciation of the dollar ( $e$  increasing) would *reduce* the likelihood of dumping if foreign exporters refrain from passing on the full reduction in price dictated by the exchange rate change, taking higher profit margins on sales in the U.S.

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<sup>9</sup> While the following discussion is based on the “price comparison” analysis of dumping, similar results would obtain from an analysis of the “cost comparison” approach.

Market instead.<sup>10</sup> A depreciation would increase the likelihood of dumping as exporters will likely reduce profit margins on U.S. sales to avoid having to raise U.S.-dollar prices to uncompetitive levels.

But potential domestic petitioners know they also must show injury caused by dumping. It is reasonable for domestic petitioners to anticipate that their chances of convincing the ITC that they have been harmed by dumping are greater the weaker is the industry's general condition. The probability of any given industry experiencing a decline will clearly be larger the weaker is the overall U.S. economy. This implies that an economic expansion would *reduce* the likelihood of generating a finding of injury by reason of dumping, and a dollar appreciation (which inevitably will lead to lower import prices and increased import competition) will *increase* the likelihood of receiving a positive injury determination.

Considering both required elements —the need to convince the U.S. Department of Commerce that dumping has occurred, and the need to convincing the U.S. International Trade Commission that “material injury” has been experienced— we see that the business cycle effects on the antidumping filing decision are unambiguous. An expansion, *cet. par.*, should lead to reduced petitions. But, the exchange rate effect is somewhat unclear; an appreciation of the dollar may make a showing that dumping exists less likely, but make injury easier to show.

Until recently there had been little previous empirical evidence. Feinberg (1989) found evidence of a negative relationship between U.S. antidumping and countervailing duty petitions (lumped together) against the 4 leading target countries and country-specific real exchange rates. While this tends to support what has been called a “technical” view of antidumping filing (i.e., occurring more frequently when the rules indicate more likelihood of dumping actually occurring), it should be noted that the time period chosen (1982-87) was in the period shortly after major changes in the U.S. trade laws (among other things giving, the U.S. Department of Commerce, instead of the U.S. Department of Treasury, the responsibility for determining dumping).<sup>11</sup>

It is quite likely that in those early years petitioner attorneys did not realize the extent to which general macroeconomic trends might be relevant to the outcome of a case or that getting over the Commerce hurdle (i.e., a finding of “dumping”) would be no problem —Knetter and Prusa (2003) note that over a 20 year period only 3 percent of petitions have been rejected by Commerce on these grounds. If petitioners anticipate that a finding of dumping is a virtual certainty, and the focus turns to persuading the ITC of injury to the domestic industry, the expected role of exchange rates on the filing decision is more likely to turn to a positive effect of a dollar appreciation.

Knetter and Prusa do find convincing evidence —after examining a broader and longer data set— that the effect of exchange rate movements on antidumping is in fact now positive.<sup>12</sup> They look at annual target-specific filings in 4 areas (Australia, Canada, the EU, and the U.S.) and find both a strong positive impact of currency appreciation and a strong negative impact of growth in GDP. They experiment with limiting their analysis to the sample of target countries and time period

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<sup>10</sup> Such incomplete passthrough is certainly thought to be the norm —see Goldberg and Knetter (1997) for an excellent survey of the passthrough literature. See Kim (2000) for a discussion of the treatment of exchange rate movements in dumping margin calculations, both in the U.S. and more generally under WTO rules.

<sup>11</sup> It also should be noted that as the first surge of U.S. dumping cases occurred only in 1982, petitioner attorneys (and those within domestic companies who hired them) had little previous experience at that point in how the two administering agencies would deal with these cases. While there have been subsequent changes in the antidumping procedures (and of course the creation of the WTO) since the 1979 Trade Act, it seems clear that the trend of making an affirmative decision easier to obtain began at that point.

<sup>12</sup> Earlier, Leidy (1997) had found that declines in real GDP led to increases in combined antidumping and countervailing duty petitions in the U.S. over the 1980-95 period (and significant in some specifications was a positive effect of real dollar appreciation). However, the analysis was based on just 16 annual observations on aggregate filing data (and combining the two types of cases is problematic given that —while the ITC's injury analysis is the same— the Commerce determination is quite different and may respond to different determinants in the two types).

used in Feinberg (1989) and find there a *negative* (but not significant) impact, concluding that those earlier results were specific to the sample and time period chosen.

Feinberg (2005) then replicates the Knetter and Prusa results —only for the U.S.— using quarterly data, and explains that learning by petitioners about the enforcement process has changed the patterns of response to macroeconomic phenomena over time. Sanguinetti and Bianchi (2005) apply a similar methodology to explain the intertemporal pattern of antidumping initiations in Argentina, Brazil, and Mexico; while the determinants vary a bit among the three countries, generally macroeconomic indicators are found to play similar roles for these major Latin American users of antidumping as in the U.S.

In what follows, I employ a simple econometric specification, assuming that the number of antidumping cases filed by U.S. firms against a particular Latin American country in a particular year (during 1982-2004 —there were no cases filed in 1980 or 1981) is determined by the state of the U.S. economy— measured by growth in real GDP, the unemployment rate, and import share —and by the one-year-lagged bilateral real exchange rate, REXCH, (weighted by relative CPI movements) vs. that country.<sup>13</sup> As clearly the motivation for filing cases is to protect an industry from import competition, also included is the dollar value of the particular country’s exports to the U.S. (one-year lagged and expressed in natural logs).<sup>14</sup>

In addition, there were several events which occurred during the sample period that also may have had implications for petitioner filing practices. The Trade and Tariff Act of 1984 allowed what is called “cumulation” —in determining whether there is injury to a domestic industry, the USITC could combine import shares (some quite small) from all countries named in antidumping petitions for the same product at the same time; this is widely regarded as having led to the practice of filing multiple antidumping petitions against numerous countries in order to obtain a significant cumulative import market share. While this may have caused an upward shift in the overall likelihood of filing cases starting in 1985 in response,<sup>15</sup> it is less clear what impact the event would have on the number of cases filed per year against a particular target country; a dummy variable is included to investigate this potential effect.

The GATT agreement leading to formation of the WTO in 1995 is generally thought to have had only modest impacts on U.S. antidumping enforcement;<sup>16</sup> no evidence of a significant impact on target-specific antidumping filings was found in preliminary analysis and so no variable measuring this impact across all Latin American economies is included in the results reported below. However, the NAFTA agreement which went into effect the same year may have affected the number of cases against Mexico, and a dummy variable is included equal to one only for that country and the years 1995 and after.<sup>17</sup>

Given the difficulty of explaining the occurrence of a single event over a 23-year period, only those countries with more than one case filed against them during the sample period were included in the analysis; this meant excluding Peru and El Salvador, for a sample of 9 countries

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<sup>13</sup> The bilateral real exchange rate data were obtained from the U.S. Department of Agriculture’s ERS Agricultural Trade Database.

<sup>14</sup> This was obtained from the UN Comtrade Database. To some extent this can be viewed as an target country fixed effect (though of course exports vary by year, the pattern of major Latin American exporters to the U.S. is fairly consistent over the period); for this reason no additional target country effects were included in the estimation.

<sup>15</sup> A preliminary empirical examination of the effect of cumulation on aggregate U.S. cases filed by quarter supports a small, though not statistically significant, increase starting in 1985.

<sup>16</sup> The required changes were some added transparency in the enforcement process, and the introduction of a “sunset process” for outstanding orders every 5 years. The latter could be viewed as limiting the value of an antidumping order, hence reducing the likelihood of filing. A U.S. Congressional Budget Office study (1994), while noting modest steps were taken in the agreement towards making global and U.S. antidumping laws less protectionist, remarks that “they leave much of current U.S. law and policy intact.”

<sup>17</sup> An additional dummy variable equal to one just for Mexico and the year 1994 was examined to see if U.S. interests seemed to rush to bring cases before NAFTA went into effect, but showed no impact and is not reported below.

over 23 years —207 observations. In addition to explaining the occurrence of all antidumping petitions, also explained are all metal products cases, and cases involving the basic iron and steel industry.

Following Knetter and Prusa (2003), Irwin (2005), and Sanguinetti and Bianchi (2005), and given the count nature of the data, a Negative Binomial Regression approach is employed. Knetter and Prusa explain that count data (i.e., only non-negative integer values) often exhibit overdispersion (high variance of the individual observations relative to their mean) and are more appropriately assumed to be generated by a negative binomial random variable than by a Poisson distribution (and that either is preferable to Ordinary Least Squares regression estimation). The equation estimated, explaining antidumping filings against country  $i$  in year  $t$ , has the following form:

$$AD_{i,t} = a + b \text{USGROWTH}_t + c \text{USUNEM}_t + d \ln \text{EXPORTSTOUS}_{i,t-1} + e \text{REXCH}_{t-1},$$

plus binary variables for the post-1984 “cumulation” period generally and post-1994 NAFTA period for Mexico.

Results are presented in table 4, explaining all cases filed, metals and metal products cases, and basic iron and steel cases, respectively, in columns (1) to (3). Rather than presenting estimated coefficients, “incidence rate ratios” (IRRs) associated with these coefficients are presented. The IRR is the ratio of the predicted number of filings with the variable of interest one unit above its mean value, holding other variables at their means, to the predicted number with *all* variables are at their means. An IRR above 1.0 indicates a positive impact, one below 1.0 a negative impact of an explanatory variable.

**Table 4**  
**NEGATIVE BINOMIAL ESTIMATION OF DETERMINANTS OF**  
**ANNUAL U.S. PETITIONS VS. MAJOR LATIN AMERICAN TARGETS**  
*(207 observations: 9 countries, 23 years – 1982-2004)*  
*Incidence Rate Ratios (IRRs) reported*

	(1) all cases	(2) metal and metal products cases	(3) basic iron and steel cases
REXCH (-1 year)	1.0013* (1.79)	1.0023*** (2.64)	1.0016* (1.67)
RGDP (1-yr%Growth)	0.8904* (1.81)	0.9121 (1.13)	0.9636 (0.42)
U.S.-unemployment rate	1.5517*** (3.87)	1.4892*** (2.77)	1.3583* (1.89)
lnUS Imports from Target (-1 year)	1.9713*** (6.47)	2.3041*** (5.76)	2.2177*** (4.97)
cumulation dummy	2.1064* (1.70)	1.6198 (0.87)	0.9082 (0.16)
post-NAFTA dummy	0.3701** (1.99)	0.2043** (2.39)	0.2907* (1.75)
Likelihood-ratio Chi-Squared	55.07	45.85	35.33
Significance of Chi-Squared	.0000	.0000	.0000
Pseudo-r-squared	0.115	0.119	0.113

**Source:** prepared by the author.

z-statistics reported, in parentheses, for test of no effect on filings (no effect corresponds to an IRR value of 1.0). \*=significance at 10%, \*\*=significance at 5%, \*\*\*=significance at 1%.

Looking first at column (1), explaining all case filings, the estimated IRR of 1.0013 on the one-year lagged real exchange rate implies a 10 percentage point appreciation of the dollar (with 2002 normalized to 100) would increase petitions by 1.3% with all other variables at their mean; similarly the estimated IRR of 0.89 implies a 11% reduction in petitions associated with a one percentage point increase in the 1-year rate of real GDP growth. One percentage point increase in the U.S. unemployment rate is estimated to lead to more than a 50 percent increase in filings. Not surprisingly, countries which are larger sources of U.S. imports are more likely to be hit with antidumping petitions —a tripling of imports implies roughly a doubling of cases. The binary variables are of interest as well, with a large positive effect of the legal change in 1984 encouraging “cumulation” and a similarly large negative impact on Mexican cases post-NAFTA.

The impacts of these binary variables indicate that U.S. market participants reacted as expected to policy changes. Cumulation made cases easier to win by allowing a petitioner to sum relatively small individual target-country market shares in arguing for the required “material injury” by reason of dumped imports; this of course provided more incentive for bringing in cases against multiple exporters at the same time.<sup>18</sup> The estimated impact, roughly doubling the expected number of cases filed, *ceteris paribus*, may be larger than expected; nevertheless, a positive impact is not surprising. The rationale for a negative impact on Mexican cases, post-NAFTA, is not completely clear, but may relate to increasing cross-border investment after that agreement, lessening the motivation by U.S. multinationals for cases against Mexican firms.

The effects for metals cases (broadly defined) and for basic iron and steel cases are quite similar, though exchange rate impacts seem more important and economic growth/unemployment rate impacts somewhat less so. Larger exporters to the U.S. are even more likely to be hit with cases in these product areas than in all cases more generally. While the Mexican post-NAFTA variable continues to predict a lessening of antidumping filings, the policy shift encouraging cumulation seems not to have played a significant role in determining these product-specific cases.

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<sup>18</sup> Irwin (2005), looking at a longer time period but not distinguishing among antidumping target countries, also finds a significantly positive effect of cumulation on the number of cases filed.



## V. Conclusion

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This paper has examined the relationship between the U.S. and Latin American and Caribbean economies over the past 25 years, in the administration of antidumping laws. Eleven countries in the region have been targeted, though four of them —Argentina, Brazil, Mexico, and Venezuela— have accounted for 83 percent of the cases. While clearly Latin America has been a significant target of U.S. industry’s antidumping petitions, one cannot claim this region to be their major focus of attention. Furthermore, at least since the formation of the WTO, the Latin American economies have reciprocated with a greater number of antidumping filings against the U.S. than the number received.

From the perspective of the economic significance of U.S. filings against Latin America, on average a very small share of trade has been subject to successful cases; however, this probably understates the impact of U.S. antidumping policy on Latin American exporters since even unsuccessful cases may have adversely affected them during the period of investigation (and may have disrupted distribution channels even after the conclusion of the case). Of course, particular countries have occasionally had a significant share of their exports affected by an antidumping case. It goes without saying, however, that the impact of any individual case on the particular exporters involved, given that dumping duties are often prohibitive, is likely to have been more severe.<sup>19</sup>

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<sup>19</sup> On the other hand, to the extent that alternative export destinations for these products were readily located the damage to exporters would be mitigated somewhat.

An examination of the economic determinants of U.S. antidumping filings found results similar to those found elsewhere in the literature, with macroeconomic determinants (exchange rates, GDP growth, and unemployment rates) and potential threat posed by the target country (total U.S. imports from that country) significantly affecting petitions against a particular country in a particular year. These effects suggest a blurring of the line between general import protection and the case-specific determinants expected of filings under the antidumping code.

The role of macroeconomic determinants in promoting antidumping actions, while not surprising, does suggest that global recessions are likely to lead to a ratcheting up of protectionism to the disadvantage of all countries, but particularly to those in the developing world. Of course, antidumping is only one part of any country's available instruments for protecting domestic industry, so the question of substitutability between these instruments is important to understand in judging the ultimate likely impact on the volume of trade. In the context of Latin American exporters, an important retrospective study would be to examine how exporters targeted by U.S. antidumping actions responded: did they find alternate export markets? did Latin American antidumping cases vs. the U.S. come about in retaliation?<sup>20</sup>

The increasing global spread of antidumping (and associated spread of both benefits and harm from the practice) suggests that at some point (perhaps not in the Doha round, but the next?) there may be a greater willingness among both developed and developing economies to rein in the practice. However, the more ingrained antidumping becomes in developing economies, the harder it will be to offset vested interests benefiting from the practice.

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<sup>20</sup> See Feinberg and Reynolds (2006).



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