

21 December 2012

Ms Andrea Stone  
Customs and Border Protection Service  
5 Constitution Ave  
CANBERRA ACT 2601

Dear Andrea

**Continuation Investigation – 2,4-D – Response to importer submissions**

I refer to the most recent submission made by Agronomiq during the course of this investigation.

To date there have been 10 submissions, including the initial submission that contained a series of scurrilous, false and offensive remarks which Agronomiq withdrew. Many of the submissions have been contradictory, confusing and contained information about Nufarm that is simply wrong; the latest again includes scurrilous, false and offensive remarks claiming a breach of ASX continuous disclosure obligation by Nufarm in relation to a Customs record of a meeting with Nufarm on 5 December 2012 that was placed on the public file. In addition, Agronomiq claims that a statement in that record of meeting – namely, “Nufarm suggested that current trade data shows that the favourable profit environment is under threat due to an observed decline in import prices” – contradicts statements made by Nufarm’s Managing Director at the company’s Annual General Meeting on 6 December 2012.

The statement in the record of interview does not contain price sensitive information. It is a remark concerning the rapid decline in the export price of dumped Chinese imports of 2,4-D acid and the imminent threat of injury those imports pose in the context of an anti-dumping investigation aimed at preventing injury from unfair trading practices.

The remarks attributed to Nufarm’s Managing Director relate to the overall performance of the Nufarm group and not the Australian 2,4-D market. Agronomiq professes to know a lot about Nufarm; it should know that the Nufarm group operates in over 100 countries and has annual sales of over \$A2 billion; it should also know that the Managing Director’s remarks related to the Nufarm group.

Agronomiq’s latest submission does, however, contain information that is important in the context of this investigation. Agronomiq indicates that it is “now being quoted US\$2.85/ kg for high quality 2,4-D compared with US\$3.30 in August 2012”. It also offers to provide evidence of these offers to Customs. Agronomiq’s admission highlights that Chinese export prices have declined rapidly to levels that are well below the normal values determined by Customs. These admissions clearly confirm the need for a continuation of measures on Chinese 2,4-D products as removal of the measures is likely result in a reoccurrence of the injury that measures are intended to prevent.

I would also take is opportunity to correct Agronomiq’s misconception that Nufarm does not produce 2,4-D at the Laverton North plant for the domestic Australian market; the Laverton North plant does produce 2,4-D for domestic consumption.



If you have any question in relation to this letter, please call me on 03 9282 1444.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Bernard Lee', with a long horizontal line extending to the right.

Bernard Lee  
Manager Industry and Government Affairs