

PUBLIC RECORD



Australian Government  
Department of Industry,  
Innovation and Science

Anti-Dumping  
Commission

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*Customs Act 1901 – Part XVB*

**Cooling tower water treatment controllers  
Exported from the United States of America  
Findings in relation to a dumping investigation**

*Public notice under subsections 269TG(1) and (2) of the Customs Act 1901*

*Anti-Dumping Notice (ADN) 2017/93*

The Commissioner of the Anti-Dumping Commission (the Commissioner) has completed the investigation into the alleged dumping of cooling tower water treatment controllers exported to Australia from the United States of America (USA).

**The goods:**

The goods the subject of the investigation (the goods) are:

*Industrial water treatment controllers, programmed to monitor and/or treat water in a cooling tower, with or without accessories including sensors, pumps, solenoids and modem (cooling tower water treatment controllers).*

The goods are classified to tariff subheadings including 9032.89.80, statistical code 90 in Schedule 3 to the *Customs Tariff Act 1995*. Depending on the form the goods are imported in, other tariff subheadings may apply.

The Commissioner reported his findings and recommendations to me in *Anti-Dumping Commission Report No. 377 (REP 377)*. REP 377 outlines the investigation carried out and recommends the publication of a dumping duty notice in respect of the goods. I have considered REP 377 and accepted the Commissioner's recommendations and reasons for the recommendations, including all material findings of fact or law on which the Commissioner's recommendations were based, and particulars of the evidence relied on to support the findings. This report is available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

The method used to compare export prices and normal values to determine whether dumping has occurred and to establish the dumping margins was to compare the weighted average of export prices with the weighted average of corresponding normal values over the investigation period pursuant to subsection 269TACB(2)(a) of the *Customs Act 1901* (the Act). The normal values were established under subsections 269TAC(1) and 269TAC(6) of the Act. The export prices were established under subsections 269TAB(1)(a) and 269TAB(3) of the Act.

Particulars of the dumping margins established and an explanation of the methods used to compare export prices and normal values to establish each dumping margin are set out in the following table:

Exporter	Dumping Margin	Method to establish dumping margin
Advantage Controls LLC	109.5%	Weighted average export prices were compared with weighted average corresponding normal values over the investigation period in accordance with subsection 269TACB(2)(a) of the <i>Customs Act 1901</i> .
Uncooperative and All other exporters	137.5%	

I, CRAIG LAUNDY, Assistant Minister for Industry, Innovation and Science and the Parliamentary Secretary to the Minister for Industry, Innovation and Science,<sup>1</sup> have considered, and accepted, the recommendations of the Commissioner, the reasons for the recommendations, the material findings of fact on which the recommendations are based and the evidence relied on to support those findings in REP 377.

I am satisfied, as to the goods that have been exported to Australia, that the amount of the export price of the goods is less than the normal value of those goods and because of that, material injury to the Australian industry producing like goods would or might have been caused if securities had not been taken. Therefore under subsection 269TG(1) of the Act, I DECLARE that section 8 of the *Customs Tariff (Anti-Dumping) Act 1975* (the Dumping Duty Act) applies to:

- (i) the goods; and
- (ii) in accordance with sections 45 and subsection 269TN(2) of the Act, like goods that were exported to Australia for home consumption on or after 19 April 2017, which is when the Commonwealth took securities following the Commissioner's Preliminary Affirmative Determination published on 18 April 2017 under section 269TD of the Act, but before the publication of this notice.

I am also satisfied that the amount of the export price of like goods that have already been exported to Australia is less than the amount of the normal value of those goods, and the amount of the export price of like goods that may be exported to Australia in the future may be less than the normal value of the goods and because of that, material injury to an Australian industry producing like goods has been caused. Therefore under subsection 269TG(2) of the Act, I DECLARE that section 8 of the Dumping Duty Act applies to like goods that are exported to Australia after the date of publication of this notice.

This declaration applies in relation to all exporters of the goods and like goods from the USA.

The considerations relevant to my determination that dumped goods have materially injured the Australian cooling tower water treatment controller industry are the size of the dumping margins, the effect of dumped imports on prices in the Australian market and the consequent impact on the Australian industry including:

- price suppression;
- price depression; and
- profits foregone.

In making my determination, I have considered whether the Australian industry is being injured by a factor other than the exportation of dumped goods, and I have not attributed injury due to other factors to the exportation of those dumped goods.

<sup>1</sup> On 19 July 2016, the Prime Minister appointed the Parliamentary Secretary to the Minister for Industry, Innovation and Science as the Assistant Minister for Industry, Innovation and Science. For the purposes of this decision the Minister is the Parliamentary Secretary to the Minister for Industry, Innovation and Science.

Interested parties may seek a review of this decision by lodging an application with the Anti-Dumping Review Panel, in accordance with the requirements in Division 9 of Part XVB of the Act, within 30 days of the publication of this notice.

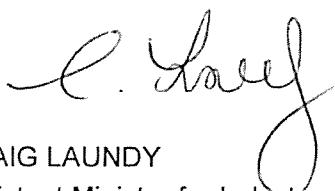
Particulars of the export prices, non-injurious prices and normal values of the goods (as ascertained in the confidential tables to this notice) will not be published in this notice as they may reveal confidential information.

Clarification about how measures and securities are applied to 'goods on the water' is available in ACDN 2012/34, available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

REP 377 and other documents included in the public record may be examined at the Anti-Dumping Commission office by contacting the case manager on the details provided below. Alternatively, the public record is available at [www.adcommission.gov.au](http://www.adcommission.gov.au).

Enquiries about this notice may be directed to the case manager on telephone number +61 2 6243 7446 or email [investigations4@adcommission.gov.au](mailto:investigations4@adcommission.gov.au).

Dated this 26<sup>th</sup> day of JULY 2017



CRAIG LAUNDY

Assistant Minister for Industry, Innovation and Science  
Parliamentary Secretary to the Minister for Industry, Innovation and Science