ATPA 2001 Report to Congress

ILAB Office of International Economic Affairs

2001 Report to Congress on the Trade and Employment Effects of the Andean Trade Preference Act

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TRADE AND EMPLOYMENT EFFECTS OF THE

ANDEAN TRADE PREFERENCE ACT

Seventh Annual Report to the Congress
Pursuant to Section 207 of the
Andean Trade Preference Act

Submitted by
The U.S. Department of Labor
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Executive Summary

During 1999, $1.7 billion in U.S. imports from the four Andean Trade Preference Act (ATPA) beneficiary countries entered the United States duty-free under provisions in the ATPA; however, a significant portion of these duty-free entries (47 percent or $811 million) probably would have qualified for duty-free entry under other existing U.S. trade preference programs such as the Generalized System of Preferences. Thus, approximately 53 percent ($915 million) of these duty-free entries represent the unique benefits of the ATPA to the ATPA-beneficiary nations. These unique ATPA benefits represented 9.3 percent of total U.S. imports from the ATPA beneficiary nations and 0.09 percent of total U.S. imports from all nations in 1999. Over 99 percent of the items eligible for ATPA duty-free treatment, actually entered duty-free.

The main finding of this report is: Preferential tariff treatment under the ATPA does not appear to have had an adverse impact on, or have constituted a significant threat to, U.S. employment. While declines in production and possibly employment in some sectors of the cut flower industry (standard carnations, standard and pompon chrysanthemums, and roses) may have been affected to some extent by the tariff preferences granted under the ATPA program, other factors may also have contributed to these production and employment declines.

Introduction

The Andean Trade Preference Act (ATPA), which was enacted on December 4, 1991 (Public Law 102-182, title II), contains the trade component of the President's Andean Initiative that was launched in 1991 to expand private sector opportunities and investment in nontraditional sectors of the Andean countries as an alternative to production of illegal drugs and to help them to diversify their economies and expand their exports. The ATPA authorized the President to proclaim duty-free treatment for eligible articles from Bolivia, Colombia, Ecuador, and Peru. The President proclaimed duty-free treatment of certain eligible articles for Bolivia and Colombia on July 2, 1992, for Ecuador on April 13, 1993, and for Peru on August 11, 1993. ATPA preferential duty treatment is scheduled to terminate on December 4, 2001.

Section 207 of the ATPA requires the Secretary of Labor, in consultation with other appropriate federal agencies, to undertake a continuing review and analysis of the impact of the implementation of the ATPA on U.S. labor. The legislation also directs the Secretary to submit an annual report to the Congress presenting a summary of the results of the review and analysis. This report is the seventh in a series of annual reports to the Congress pursuant to Section 207 of the ATPA. It presents a summary of the analysis of the impact of duty-free treatment of certain U.S. imports from beneficiary Andean nations under the ATPA on U.S. trade and employment during calendar 1999.

First, this report reviews trends in U.S. trade with the four ATPA beneficiary nations and identifies the leading items in U.S. trade (imports and exports) with those nations. Next, U.S. imports from the ATPA beneficiary nations are examined with regard to the various U.S. trade preference programs (e.g., the ATPA; the Generalized System of Preferences (GSP), a U.S. program initiated in 1975 that provides for duty-free treatment of approximately 4,650 tariff items from over 140 designated beneficiary developing countries and territories; and a U.S. harmonized tariff schedule provision for the duty-free entry of U.S. components and materials incorporated in offshore assembly of items imported into the United States--HTS 9802.0080). The report then attempts to identify U.S. trade preferences which are uniquely available to the beneficiary countries under the ATPA. Finally, domestic employment trends are reviewed for those domestic industries that produce goods like or similar to those of U.S. imports from the ATPA beneficiaries which have experienced significant growth and established significant U.S. market share as the result of ATPA benefits. The report closes with some general conclusions on the impact of the ATPA on U.S. employment.

U.S. import (customs value of imports for consumption) and export (f.a.s. value of domestic exports) data used in this report are based upon compilations of official statistics from the U.S. Department of Commerce, Bureau of the Census; U.S. nonfarm employment data (annual averages of monthly establishment employment) are tabulated from establishment payroll employment survey data from the U.S. Department of Labor, Bureau of Labor Statistics. More detailed tabulations of U.S. trade with the ATPA beneficiary nations are available in more comprehensive annual reports (for this year as well as for prior years) which are prepared by the U.S. Department of Labor and are available from the Department's Bureau of International Labor Affairs, Office of International Economic Affairs, 200 Constitution Avenue, N.W., Room S-5325, Washington, DC 20210 (telephone: 202-219-7610), or the Bureau's web site (www.dol.gov/dol/ilab), or the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161 (telephone: 703-487-4690).

U.S. Trade with the ATPA Beneficiary Countries

U.S. imports from the four ATPA beneficiary nations in 1999 accounted for 1.0 percent of total U.S. merchandise imports from all countries and amounted to $9.8 billion, a 17.6 percent increase over their level in 1998. U.S. exports to the ATPA beneficiaries in 1999 accounted for 1.0 percent of all U.S. merchandise exports to the world and amounted to $6.3 billion, a 27.8 percent decrease over their level in 1998.

On a bilateral basis, U.S. trade with the ATPA beneficiary nations moved from a merchandise trade surplus of $309 million in 1998 to a deficit of $3.6 billion in 1999. The increase in U.S. imports from the ATPA beneficiaries during 1999 more than covered the decrease experienced during 1998; the decrease in U.S. exports followed a smaller decrease in 1998. In nominal (current dollar) terms, U.S. exports to the ATPA beneficiaries in 1999 were 64.9 percent above their 1991 level, while U.S. imports from the ATPA beneficiaries in 1999 were 97.8 percent above their 1991 level.

By broad industrial division, 23 percent of U.S. imports from the ATPA beneficiaries in 1999 were agricultural and fishery products, 38 percent were crude and refined petroleum and minerals, 33 percent were manufactures, and 6 percent were miscellaneous items. During 1999, U.S. imports of crude and refined petroleum products from the ATPA beneficiary countries increased by 50.7 percent, while U.S. imports of non-petroleum products from the ATPA beneficiary nations increased from their 1998 level of $6.0 billion to $6.3 billion in 1999, a 4.5 percent increase.

Leading industrial categories of U.S. imports from the ATPA beneficiary nations in 1999 included: crude petroleum ($2,031 million); agricultural products ($1,737 million); refined petroleum products ($1,530 million); primary metal products ($1,014 million); apparel ($711 million); fishery products ($532 million); chemicals ($454 million); food products ($356 million); miscellaneous commodities ($310 million); and miscellaneous manufactures ($257 million). These top-ten categories, based on the 2-digit Standard Industrial Classification system, accounted for 90.9 percent of all U.S. imports from the ATPA beneficiaries in 1999.

Leading industrial categories of U.S. exports to the ATPA beneficiary nations in 1999 included: nonelectrical machinery ($1,635 million); chemicals ($1,088 million); electrical machinery ($590 million); agricultural products ($517 million); transportation equipment ($382 million); food products ($325 million); paper products ($272 million); scientific and professional instruments ($219 million); miscellaneous manufactures, not specifically provided for ($217 million); and primary metals ($177 million). These top-ten categories, based on the 2-digit Standard Industrial Classification system, accounted for 86.6 percent of all U.S. exports to the ATPA beneficiaries in 1999.

Several of the leading categories of U.S. exports to the Andean region are also among the leading import categories, indicating a moderate two-way flow of trade. In part, this results from the trade under provision 9802.00.80 in the harmonized tariff schedule (HTS)--formerly item 807.00 in the Tariff Schedules of the United States--that assesses U.S. import duties only on the foreign value-added in offshore assembly or further processing of U.S.-made components which are then imported into the United States. In 1999, 4.6 percent of the total value of all U.S. imports subject to duty from the ATPA beneficiary nations entered the United States under this provision.

U.S. Imports under the ATPA and Other Special Tariff Rate Provisions and Trade Preference Programs

Products specifically excluded from ATPA duty-free treatment include most textile and apparel items; certain footwear; canned tuna; petroleum and petroleum products; certain sugar, syrup, and molasses products; rum and tafia; and certain watches and watch parts. Beginning in 1992, reduced rates of duty were applied to handbags, luggage, flat goods, work gloves, and leather wearing apparel from the ATPA beneficiaries; duties on these items were reduced by a maximum of 20 percent over the following five-year period. U.S. imports of ATPA-beneficiary non-petroleum products subject to duty and excluded from ATPA (primarily wearing apparel) have increased at an average annual rate of 11.7 percent over the 1991-99 period.

To be eligible for duty-free treatment under the ATPA, all products unless specifically excluded must meet one of these conditions: (1) be wholly grown, produced, or manufactured in a ATPA-beneficiary country; or (2) have at least 35 percent of the direct processing costs and materials produced in any one or more of the ATPA beneficiaries, any of the 24 Caribbean Basin Economic Recovery Act (CBERA) beneficiaries,[(1)] Puerto Rico, or the U.S. Virgin Islands--inputs from the United States (up to 15 percent of the value) are allowed to account for a portion of the 35 percent content rule. In addition, the articles must be exported directly to the customs territory of the United States.

All of the ATPA beneficiaries are also eligible for the tariff preferences provided by the GSP. The ATPA differs from the GSP program in three significant ways: 1) the number of items eligible for the duty-free entry is greater under the ATPA, 2) the percentage of value-added that must be produced in the exporting country is lower under the ATPA, and 3) there are no dollar limits in the amount of an item that can enter duty-free from a beneficiary country under the ATPA program while there are limits (referred to as competitive need limits) under the GSP program.

In 1999, over $4.3 billion (or 44 percent) of the $9.8 billion in total U.S. imports from the ATPA beneficiary countries was imported normal trade relations (NTR) duty-free.[(2)] Of the remaining $5.5 billion which was not NTR duty-free (henceforth, referred to as imports subject to duty), U.S. import duties were assessed on over $3.4 billion, while almost $2.1 billion entered duty-free under one of several special U.S. tariff preference programs.

Of the almost $2.1 billion in U.S. imports subject to duty from the ATPA beneficiaries that entered duty-free under one of the special U.S. tariff preference programs (i.e., not NTR duty-free) in 1999, $1,726 million entered duty-free under the ATPA provision, $125 million entered duty-free under the GSP provision, $147 million (U.S.-content value) entered duty-free under the 9802.00.80 provision, and $66 million entered duty-free under other special rate provisions (mostly temporary Chapter 99 rate provisions).

Nearly all products eligible for GSP duty-free entry are also eligible for duty-free entry under the ATPA. For products that were already eligible for GSP treatment when the ATPA came into effect in 1992, the ATPA beneficiaries have increased their utilization of available U.S. tariff preferences (i.e., the percentage of eligible products that actually entered duty-free under either GSP or ATPA has risen moderately). In 1991, 75 percent of the value of items eligible for both GSP and ATPA (had the latter been in effect) entered duty-free under GSP; in 1992, 83 percent of the value of items eligible for both GSP and ATPA entered duty-free (9 percent under ATPA and 74 percent under GSP); and by 1999, 99 percent of the value of these items entered duty-free (91 percent under ATPA and 8 percent under GSP). For products eligible for ATPA, but not GSP, utilization has increased even more substantially from 29 percent in 1992 to 99 percent in 1999. Thus most items that are eligible for duty-free treatment under either the ATPA or the GSP, are actually imported duty-free.

The share of U.S. imports subject to duty from the ATPA beneficiaries that is eligible for duty-free treatment under the ATPA has increased from 28 percent in 1992 to 34 percent in 1999; most of the items eligible for ATPA duty-free treatment were already eligible for GSP duty-free treatment (items eligible for the ATPA but not the GSP accounted for only 3 percent of imports subject to duty in 1992). U.S. imports from the ATPA beneficiaries of items eligible for duty-free treatment only under the ATPA have increased at an average annual rate of 17.0 percent since 1991.

Leading industrial categories of ATPA duty-free U.S. imports (some of which would have been eligible for GSP duty-free entry) in 1999 included: horticultural specialties ($437 million); primary nonferrous metal products ($327 million); jewelry and silverware ($173 million); paints and varnishes ($161 million); miscellaneous food products ($87 million); industrial inorganic chemicals ($62 million); recovered nonferrous metals ($60 million); vegetables and melons ($55 million); prepared fruits and vegetables ($52 million); and nonferrous rolled and drawn products ($47 million). These top-ten categories, based on the 3-digit Standard Industrial Classification system, accounted for 84.6 percent of total ATPA duty-free U.S. imports in 1999.

Assembly of U.S.-made parts or materials by the ATPA beneficiaries (primarily into products ineligible for ATPA duty-free entry or into ATPA-eligible products that did not meet ATPA or GSP rules-of-origin requirements) decreased in 1999 (as in 1998) and was below the level in 1995. The value of U.S. imports from the ATPA-beneficiary nations of assembled items entered under HTS item 9802.00.80 rose from $175 million in 1991 to $280 million in 1995, but fell to $252 million (or 4.6 percent of all U.S. imports subject to duty from the ATPA beneficiaries) in 1999. U.S. components comprised 58.4 percent of the value of these items in 1999. The U.S. tariff provision covering the assembly of articles made from U.S.-made parts and materials is available generally for U.S. imports from any country.

Assembled apparel items ($224 million with 56 percent U.S.-content value) accounted for almost 89 percent of the value of U.S. imports from ATPA beneficiaries under HTS item 9802.00.80 in 1999; the other industrial group with appreciable amounts were textile mill products ($28 million with 77 percent U.S.-content value).

In addition to receiving ATPA benefits, the ATPA beneficiary countries are eligible for reduced duties on certain leather products (including handbags, luggage, work gloves, and leather wearing apparel, but not footwear). In 1999, the United States imported $25.5 million of these eligible leather products from the ATPA beneficiaries, $23.7 million of which was assessed the lower duties, $354 thousand was U.S. content entered under 9802, and the balance ($1.5 million) was subject to full duty. The value of leather products imports from the ATPA beneficiaries eligible for reduced duties in 1999 was approximately the same as it was in 1991, the year before the reduced duties program began.

The ATPA beneficiary countries have been eligible for the Special Access Program (SAP) for textile and apparel products since August 24, 1995. The SAP is a quota preference program similar to that under the Caribbean Basin Economic Recovery Act of 1982 in which CBERA countries are provided additional access to the U.S. market in the form of guaranteed access levels (GALs) for products assembled from U.S. formed and cut fabric. Presently (and during 1999), no ATPA beneficiary country exports enter the United States under this program.

U.S. Trade Preferences Uniquely Provided by the ATPA

The ATPA provided the beneficiary nations unique duty-free treatment of their exports to the

United States in 1999 in the following cases: products eligible for ATPA duty-free entry, but not eligible for duty-free entry under GSP ($349 million, of which $344 million entered ATPA duty-free) and products eligible for both ATPA and GSP duty-free entry which were imported from ATPA beneficiary countries that had lost their GSP product eligibility due to exceeding that program's competitive-need limitations ($576 million, of which $571 million entered ATPA duty-free).

The total unique ATPA benefits of $915 million in 1999 represented the amount of ATPA duty-free imports that would not have received duty-free treatment under the GSP program and would have been subject to duty in the absence of the ATPA program. These benefits were $28 million, or 3.2 percent above their level in 1998 (which followed increases of 47.9 percent in 1998, 30.9 percent in 1997 and 28.7 percent in 1996) and represented 9.3 percent of total U.S. imports from the ATPA-beneficiary nations (but only 0.1 percent of total U.S. imports from all sources) in 1999.

The top-ten tariff schedule categories of items receiving duty-free treatment unique to the ATPA in 1999 included: cathodes ($323.8 million); fresh cut roses ($182.9 million), fresh cut chrysanthemums, standard carnations, anthuriums, and orchids ($133.4 million), tuna and skipjack not in airtight containers ($83.1 million), gold compounds ($56.6 million), fresh or chilled asparagus entered from November 15 to September 15 ($26.6 million), zinc plates ($23.5 million), fresh or chilled asparagus entered from September 15 to November 15 ($13.0 million), gold rope necklaces and neck chains ($12.4 million), and glazed ceramic flags and tiles ($7.0 million). These ten items accounted for 94.2 percent ($862.3 million) of the duty-free entries unique to the ATPA in 1999. Six of the top-ten items are items normally eligible for GSP but at least one of the ATPA beneficiaries had lost its GSP eligibility for the item by exceeding that program's competitive need limitation. These six items were: cathodes from Peru; fresh cut chrysanthemums, standard carnations, anthuriums, and orchids from Colombia; gold compounds from Colombia; and zinc plates from Peru; fresh asparagus entered 9/15 to 11/15 from Peru; and gold necklaces from Peru. The remaining four top-ten items were items that ATPA beneficiaries benefitted from due to these items being eligible for duty-free entry under the ATPA but not under the GSP program.

In 1999, Peru accounted for 45 percent ($414 million) of total ATPA duty-free imports unique to the ATPA, Colombia for 39 percent ($354 million), Ecuador for 16 percent ($147 million), and Bolivia for less than one-hundredth of one percent ($33 thousand). The $915 million in ATPA unique duty-free treatment represented 16.6 percent of U.S. imports subject to duty from the ATPA beneficiaries in 1999. Unique ATPA duty-free benefits relative to imports subject to duty were highest for Peru (36 percent), followed by Ecuador (16 percent), Colombia (11 percent), and Bolivia (0.3 percent).

U.S. Employment and Trade with the Andean Nations

Any adverse U.S. employment effects due to the tariff preferences of the ATPA would result from increased imports of items due to these tariff preferences. Given the availability of several U.S. trade preference programs with different requirements, it is often not clear how to isolate the effects of the ATPA. The analysis in this report used two measures of duty-free entries under the ATPA to assess the impact of the ATPA on U.S. employment: 1) the total amount that entered ATPA duty-free, and 2) the amount that entered ATPA duty-free uniquely to the ATPA (i.e., items entered ATPA duty-free that were not eligible for duty-free entry under the GSP program). Using these two measures, attention is focused on the import groups which showed significant growth and represented a significant share of total U.S. imports in 1999.

Five import groups based on the 3-digit Standard Industrial Classification (SIC) system were identified in which ATPA duty-free imports increased by over $5 million during 1999 and accounted for at least two percent of total U.S. imports of that SIC group: vegetables and melons, miscellaneous food products, paints and varnishes, primary nonferrous metals, and secondary nonferrous metals. There were five import groups which had an increase in duty-free imports unique to the ATPA of over $1 million and accounted for at least one percent of total U.S. imports of that SIC group: vegetables and melons, miscellaneous food products, industrial inorganic chemicals, structural clay products, and primary nonferrous metals. Three groups (vegetables and melons, miscellaneous food products, and primary nonferrous metals) satisfied both criteria.

U.S. import trends in these product groups and employment trends in each of the U.S. industries producing products like those in these import groups are examined below. Significant increases in U.S. imports of these products from the ATPA beneficiaries may, in part, reflect the availability of duty-free treatment under the ATPA. To place the analysis of domestic employment trends in perspective, the overall U.S. employment situation in 1999 is discussed first.

The U.S. Employment Situation in 1999

During 1999, the overall employment situation in the United States remained strong. The U.S. economy added 2.9 million jobs during 1999; employment has increased by 20.5 million since 1991. Total nonfarm employment in 1999 (128.8 million) was 19.4 million (or 17.7 percent) above the previous cyclical high recorded in 1990. The job gains during 1999 occurred in both the service-producing and goods-producing sectors. Employment in the goods-producing sector in 1999 (25.5 million) was 577,000 above its level in 1990. Within the goods-producing sector, there were job gains in construction, but decreases in mining and manufacturing.The manufacturing sector lost 262,000 jobs in 1999; this sector has 533,000 jobs fewer than in 1990. The U.S. manufacturing sector, with employment of 18.5 million in 1999, has lost 2.5 million jobs since its peak in employment in 1979, although real manufacturing GDP has increased substantially since then. Most economists agree that many of these employment losses reflect, in part, the growth in productivity and changes in technology over this period, but there is disagreement about the relative importance of increased imports or trade deficits as a cause of these losses.

U.S. Import and Domestic Employment Trends in Selected Industrial Sectors Receiving Significant Benefits Provided under the ATPA in 1999

Vegetables and melons (SIC 016): U.S. imports of vegetables and melons from the ATPA beneficiaries increased from $39.2 million in 1998 to $56.0 million in 1999 (a 43 percent increase). Most of these imports entered ATPA duty-free ($54.6 million) and most of the remainder entered GSP duty-free ($1.3 million). Over $40.2 million of the ATPA duty-free imports were not eligible for GSP duty-free treatment. ATPA duty-free imports of vegetables and melons accounted for 2.6 percent of total U.S. imports of these items during 1999. The primary item entered ATPA duty-free, which was also eligible for GSP duty-free treatment, was onions and shallots. The primary items entered ATPA duty-free that were not eligible for GSP duty-free treatment were fresh asparagus entered between 11/15 and 9/15, and fresh asparagus entered between 9/15 and 11/15 from Peru (which has lost GSP eligibility due to competitive need considerations).

Duty-free imports of asparagus unique to the ATPA have increased by 350 percent since 1994; during 1999 they increased 32.8 percent to $39.6 million. ATPA duty-free imports of fresh asparagus accounted for 36.4 percent of total U.S. asparagus imports in 1999. Adequate U.S. employment data for asparagus farming or the vegetables and melons industry are not available; however the U.S. Department of Agriculture (USDA) makes estimates of annual domestic production of asparagus. According to USDA, domestic production of fresh and prepared asparagus decreased from 109,850 tons in 1994 to 98,950 tons in 1998, and increased to 109,570 tons in 1999, while the dollar value of U.S. production declined from $178 million in 1994 to $156 million in 1996, and then increased to $199 million in 1998 and to $234 million in 1999 due to increases in production of fresh and processed asparagus and an increase in the price of fresh asparagus. U.S. production of asparagus occurs primarily between February and June and most of the imports from the ATPA nations enter between August and January. In 1999, fresh asparagus accounted for 81 percent and processed for 19 percent by value (15 percent canned and 3 percent frozen). U.S. production tonnage of fresh asparagus increased by 1 percent between 1997 and 1998 and by 15 percent between 1998 and 1999, while U.S. production of processed asparagus decreased by 8 percent in 1998 and increased by 3 percent in 1999. According to the United States International Trade Commission, imports of ATPA duty-free asparagus were equal to 22 percent of U.S. apparent consumption during 1999. It is possible that the increasing amounts of ATPA duty-free fresh asparagus during the winter months have reduced the demand for U.S. processed asparagus; however, the U.S. production of fresh asparagus remains healthy. Given the relatively stable domestic output of asparagus, it does not appear that the duty-free benefits provided by the ATPA have produced any adjustment problem for workers producing asparagus.

Miscellaneous food products (SIC 209) U.S. imports of ATPA miscellaneous food products increased by 31.1 percent to $132.8 million in 1999; these imports accounted for 3.8 percent of total U.S. imports in this SIC category during 1999. The amount which entered ATPA duty-free increased by $37.7 million to $87.4 million and $84.3 million of this (2.4 percent of total U.S. imports of this item) were items not eligible for the GSP. ATPA duty-free imports which were also eligible for the GSP were primarily sardines, while ATPA duty-free imports not eligible for the GSP were primarily uncanned skipjack tunas.

U.S. employment in the miscellaneous food products industry decreased by 4,200 to 173,300 in 1999. With the decrease in 1999, employment in this industry is now slightly below its level in 1990 (181,800) and 1991 (180,900). The domestic miscellaneous food products industry, however, covers a broad mix of food preparation establishments, including those engaged in canning and cooking fish and seafood, in preparing fresh or frozen fish and seafood, in roasting coffee and manufacturing coffee concentrates, in manufacturing potato and corn chips and other snacks, in manufacturing ice for sale, in manufacturing dry macaroni, spaghetti, vermicelli, and noodles, and in manufacturing a wide variety of other prepared foods and miscellaneous food specialties. Given the diversity of activities engaged in by establishments in this industry, industry employment trends at this level of aggregation may not be particularly meaningful or useful for analysis at a detailed product level.

ATPA duty-free imports of miscellaneous food products 1999 were concentrated in two tariff schedule items composed of tuna and skipjack not in airtight containers: HTS 1604.14.40 (in bulk, not in oil) and HTS 1604.14.50 (other); the former item is not eligible for duty-free entry under the GSP while the latter is but Colombia has lost GSP for this item due to competitive need limits. Duty-free imports due exclusively to ATPA provisions increased from $46.1 million in 1998 to $84.2 million in 1999. The U.S. imports from the ATPA beneficiaries of these two items have increased by 25-fold since 1992. Over 89 percent of these imports (90 percent of the duty-free imports) from the ATPA beneficiaries came from Ecuador with the remainder from Colombia. U.S. imports from the ATPA nations represented 68 percent of total U.S. imports from all sources of these two tariff items in 1999; most of these entered ATPA duty-free. ATPA duty-free entries under these items accounted for 9.2 percent of all duty-free entries that were unique to the ATPA in 1999.

According to the U.S. International Trade Commission, this product category (HTS 1604.14.40 and 1604.14.50) comprises the cooked and cleaned meat of tuna, which in the trade is referred to as loins. Loins represent an intermediate stage that occurs during the production of canned tuna. According to the Commission, there is no U.S. production of tuna loins as a primary product, since most U.S. tuna fishermen are either employed directly by the canneries or they sell their tuna unprocessed. Tuna loins generally are produced in foreign tuna processing plants (which are labor-intensive) and exported to U.S. tuna canneries where they are further processed into canned tuna (which is capital-intensive). Imports of canned tuna are not eligible for duty-free treatment under the ATPA. A reason cited by the Commission for the recent growth in U.S. imports of tuna loins is the increased use of tuna loins by U.S. canneries in Puerto Rico to compensate for traditional supplies from the Eastern Tropical Pacific that have been restricted due to environmental concerns (a combination of private-sector "dolphin-safe" initiatives and U.S. government embargoes under the Marine Mammal Protection Act).

According to the U.S. International Trade Commission, the U.S. tuna industry is relatively small; in 1991, there were 9,500 workers in U.S. canneries and 740 commercial U.S. tuna fishermen (excluding albacore tuna which are caught on multi-species boats). The commercial fishing segment of the industry went through a significant restructuring during 1991-92, due to the enactment of "dolphin-safe" environmental legislation. As a result, the smaller boats that had fished the eastern Pacific virtually vanished, while the larger boats moved to the western Pacific. The majority of workers on U.S. tuna boats in the western Pacific are non-U.S. citizens. Employment in the canning segment which uses the loins as an input was relatively stable during the 1992-1996 period. The total domestic catch of tuna fell from 85.0 million pounds in 1998 to 58.1 million pounds in 1999; in dollar terms, the domestic catch fell from $94.5 million in 1998 to $86.3 million in 1999, which in percentage terms was a much smaller decrease than the decrease in pounds due to a 34 percent increase in the price of tuna. The average yearly tuna catch was 75.8 million pounds during the 1994-1998 period. It would appear that the significant increase in imports of tuna from the ATPA nations during 1999 corresponded to the significant reduction in the domestic tuna catch. The degree to which the ATPA imports caused a reduction in the domestic catch is less clear. Given the significant price increase for tuna during 1999, it would not appear that the ATPA imports had subjected the domestic fishing segment to significantly new competitive pressures. Therefore it is difficult to determine the effect of the ATPA duty-free imports on the U.S. commercial fishing fleet (and any employment connected with it); however, employment in the canning segment of the U.S. tuna industry likely benefitted from the increased tuna imports.

Industrial inorganic chemicals (SIC 281): U.S. imports of industrial inorganic chemicals from the ATPA beneficiaries increased by 31.7 percent to $86.6 million during 1999. Of this amount, $61.5 million entered duty-free under the ATPA program, and $56.7 million of these duty-free imports were not eligible for GSP duty-free treatment. These unique ATPA duty-free imports represented less than one percent of total U.S. imports of industrial inorganic chemicals during 1999. Gold compounds (HTS 2843.30.00) from Colombia which have lost GSP eligibility due to competitive need limitations accounted for almost all of the duty-free imports whose duty-free status was exclusively due to the ATPA.

U.S. employment in the industrial inorganic chemicals industry has been falling significantly in recent years, with a 10.9 percent drop (12,100 jobs) in 1999; there has been a 38.8 percent decrease since 1979 and a 28.1 percent decrease since 1990. According to the U.S. International Trade Commission, U.S. imports from Colombia account for 6.7 percent of U.S. apparent consumption of gold compounds; they also estimate that the duty preferences provided by the ATPA may have displaced up to 1.3 percent of the domestic production of this industry. The ATPA allows Colombia to avoid the NTR tariff of 5 percent. Given that unique ATPA duty-free imports of industrial inorganic chemicals account for less than one percent of total U.S. imports in this category and account for a very small percentage of U.S. apparent consumption, it does not appear that the duty-free provisions of the ATPA can account for a significant proportion of the employment declines experienced in the industrial inorganic chemicals industry. Nevertheless, at the margin, given that employment in this industry has been declining consistently, the increased imports due to the ATPA may have resulted in a very small percentage of the employment declines.

Paints and varnishes (SIC 285): U.S. imports from the ATPA countries of paints and varnishes increased by 307 percent to $161.0 million in 1999; this follows a 1,237 percent increase in 1998. Almost all of this amount entered ATPA duty-free from Colombia. Over 99 percent of these ATPA duty-free imports were entered under one ten-digit HTS item (pigments-HTS 3212.90.00.50); this item is also eligible for duty-free treatment under the GSP (although Colombia lost GSP eligibility for this product beginning July1, 2000). ATPA duty-free imports of this ten-digit item accounted for 87.0 percent of total U.S. imports of this item and 22.6 percent of total U.S. imports of paints and varnishes.

U.S. employment in the paints and varnishes industry increased by 200 to 52,300 in 1999; employment in this industry has fallen from levels during the U.S. economy's previous cyclical peaks of 68,600 in 1979 and 61,100 in 1990. However, since ATPA duty-free imports were concentrated in a small segment of this industry, overall employment conditions in the industry are of only secondary importance in appraising any adjustment problem. Since 1998 was the first year in which there were significant ATPA duty-free imports and since employment in the industry increased during 1998 and 1999, it is unlikely that imports from the ATPA beneficiaries have created any adjustment problem for this industry. In addition, since these imports were also eligible for duty-free treatment under the GSP, it can be concluded that the provisions of the ATPA have not created an adjustment problem for this industry.

Structural clay products (SIC 325): The ATPA nations' exports of structural clay products to the United States increased from $7.0 million in 1998 to $10.1 million in 1999. Almost all ($9.9 million) of these items entered ATPA duty-free and a large percentage of these ($7.8 million) were items not eligible under the GSP. These unique ATPA duty-free imports represented only 0.6 percent of total U.S. imports of structural clay products during 1999. Most of the imports in this category were glazed ceramic flags and tiles (HTS 6908.90.00) from Colombia, Peru and Ecuador.

U.S. employment in the structural clay products industry fell by 700 to 32,400 in 1999. Employment in this industry is 3,400 below its 1990 level and 19,700 below its 1979 level. According to the U.S. International Trade Commission, ATPA duty-free imports of glazed ceramic flags and tiles represent less than one percent of total U.S. apparent consumption of this item. Therefore it is very unlikely that the duty-free imports from the ATPA beneficiaries accounted for the employment declines in the structural clay products industry.

Primary nonferrous metals (SIC 333): U.S. imports of primary nonferrous metals from the ATPA nations increased by 25.6 percent to $827.8 million in 1999. ATPA duty-free imports increased from $210.3 million in 1998 to $327.0 million in 1999 and have almost tripled since 1996. For almost all of these ATPA duty-free imports, their duty-free status was unique to the ATPA and represented 2.3 percent of total U.S. imports of primary nonferrous metals. These ATPA duty-free imports consisted of refined copper cathodes (HTS 7403.11.00.00) from Peru which are not eligible for duty-free treatment under the GSP program since Peru has exceeded the competitive need limitations for this item. Unique ATPA duty-free imports under this tariff line item were the largest of any tariff line item, and represented over 35 percent of total unique ATPA duty-free imports. Imports of refined copper cathodes from Peru have increased almost eleven-fold since 1995, and accounted for 27.0 percent of total U.S. imports of this item during 1999.

U.S. employment in the primary nonferrous metals industry fell by 1,700 to 37,300 during 1999. Employment in this industry has declined by 49 percent since 1979 and 18 percent since 1990. Clearly any adjustment problem created by the provisions of the ATPA would be concentrated in a small specific sector of this industry, i.e., the copper cathode segment. Duty-free imports unique to the ATPA of copper cathodes accounted for 7. 4 percent of U.S. apparent consumption of this item (based on 1999 USITC estimates of apparent consumption). Although the sizable increases in imports of this item from the ATPA countries may provide one explanation for the output declines in this industry, the tariff preference provided by the ATPA program cannot reasonably account for these increases in imports. The existing tariff on this item is only one percent and thus the ATPA provides only a small benefit which is unlikely to be responsible for the rapid increases in imports of this item. The USITC has estimated that less than one percent of the production of the equivalent U.S. domestic industry had been displaced by increased imports of copper cathodes due to the duty-free provisions of the ATPA. Thus, it does not appear that the ATPA is responsible for any adjustment problem in this industry.

Secondary nonferrous metals (SIC 334): U.S. imports of secondary nonferrous metals from the ATPA beneficiaries increased by 47.5 percent to $77.8 million in 1999 after doubling in 1998. Over three-quarters ($59.5 million) of these imports entered ATPA duty-free, with most of the remaining items entering duty-free under the GSP. Most of the items which entered ATPA duty-free were also eligible for duty-free treatment under the GSP. These imports consisted of unwrought zinc from Peru.

U.S. employment in the secondary nonferrous metals industry increased by 100 to 16,700 during 1999; employment in this industry has increased slightly each year since 1993 although employment in 1999 was 8,100 below its level in 1979 and 2,400 below its level in 1990. Since these imports could enter duty-free under the GSP program and since employment in this industry has been increasing slightly since 1993, the provisions of the ATPA do not appear to be creating any adjustment problem for this industry.

Update on industries with significant ATPA duty-free imports from previous reports: An industry which has been analyzed frequently in previous reports as being possibly negatively impacted by the ATPA, but did not meet the requirements for further analysis in 1999, is the cut flower industry.

The two segments of the cut flower industry likely to have been impacted by the ATPA are fresh cut chrysanthemums and standard carnations (HTS 0603.10.70) and fresh cut roses (HTS 0603.10.60). Fresh cut roses are eligible for ATPA duty-free treatment but not GSP duty-free treatment, while fresh cut chrysanthemums and standard carnations are eligible under both programs but Colombia has lost GSP eligibility due to competitive need limitations. ATPA duty-free entries ($316.3 million) under these two tariff items accounted for 18.3 percent of all ATPA duty-free entries and 34.6 percent of the duty-free entries that were unique to the ATPA in 1999. There were also $40.5 million of ATPA duty-free imports of miniature (spray) carnations and ornamental cut flowers (except roses, carnations, orchids, and chrysanthemums) which were also eligible for GSP duty-free treatment .

U.S. imports of fresh cut roses (HTS 0603.10.60) from the ATPA beneficiaries decreased by $12.9 million (or 6.6 percent) to $183.0 million in 1999; over 99 percent of these imports entered ATPA duty-free. U.S. imports of fresh cut roses from the Andean beneficiaries had increased consistently over the last several years with increases of 6 percent in 1998, 18 percent in 1997, 22 percent in 1996, and 22 percent in 1995. During 1998, 91.1 percent of total U.S. imports of fresh roses entered ATPA duty-free with most of the remainder from other nations entering duty free under the NAFTA and the CBERA. Colombia accounted for 62 percent, Ecuador 30 percent, and Bolivia accounted for less than one-tenth of one percent of total U.S. imports of fresh roses. This tariff item is not eligible for GSP duty-free entry and had the second largest amount of duty-free imports unique to the ATPA during 1999. The ATPA allowed the beneficiaries to avoid a 7 percent tariff. According to the U.S. International Trade Commission (USITC), U.S. imports of roses from the ATPA beneficiaries accounted for an increased share of apparent domestic consumption (imports plus domestic production, less exports), growing from 34 percent in 1993 to 65 percent in 1998 and to 69 percent in 1999. Thus despite the decrease in rose imports from the ATPA nations, their share of U.S. apparent consumption has continued to increase. According to the U.S. Department of

Agriculture, domestic production of roses (in blooms) declined by almost 50 percent between 1989 and 1998, and declined a further 18.6 percent in 1999. In terms of value, domestic production decreased by 16.7 percent during 1999. The number of producers (with annual sales over $100,000) fell from 232 in 1997 to 201 in 1998, and to 173 in 1999. Thus although U.S. imports of ATPA roses decreased during 1999, U.S. production continues to decrease at a significant rate. Therefore it would appear that the preferences granted under the ATPA program for roses continue to be a factor in the production declines in the domestic rose industry.

U.S. imports of ATPA duty-free chrysanthemums and standard carnations (HTS 0603.10.70) from Colombia, which had lost eligibility for GSP by exceeding the competitive need limits in previous years, decreased from $143.2 million in 1998 to $133.4 million in 1999 after a very slight decrease of $0.2 million between 1997 and 1998. Chrysanthemums and standard carnations from Colombia received the third largest unique benefits under the ATPA of any eight-digit HTS item. Colombia accounted for 89 percent of all U.S. imports of this tariff item from all sources. Ecuador accounted for 3 percent of total U.S. imports (or $4 million) of this item and almost all of these entered ATPA duty-free although imports from Ecuador are also eligible for GSP duty-free treatment. Approximately 49 percent of U.S. imports from Colombia of this tariff item was composed of carnations (HTS 0603.10.7030) and 51 percent was chrysanthemums (HTS 0603.10.7010 and 0603.10.7020), with the very small amount of orchids. According to the USITC, U.S. imports from Colombia under this tariff item accounted for approximately three-fourths of apparent domestic consumption during 1999. According to the U.S. Department of Agriculture, U.S. domestic production (in blooms) of chrysanthemums declined by 50 percent between 1989 and 1994 and remained relatively stable between 1994 and 1998 with only a decrease of 3 percent. During 1999, domestic production (in bunches) of standard chrysanthemums decreased by 21 percent, and domestic production of pompon chrysanthemums increased by 31 percent. By dollar value, domestic production during 1999 of standard chrysanthemums decreased by 31 percent and pompom chrysanthemums decreased by 10 percent. Domestic production of standard carnation blooms declined by 32 percent from 1989 to 1994 and declined by a further 46 percent between 1994 and 1998. During 1999, domestic production of standard carnations decreased by 33 percent in terms of blooms and by 29 percent in terms of dollar value. Overall, U.S. domestic production (by value) of pompon chrysanthemums, standard chrysanthemums, and standard carnations declined by 20 percent during 1999. With imports increasing and domestic production decreasing for these items over the last several years, U.S. growers' domestic market share for chrysanthemums and standard carnations has fallen significantly. The 1999 decrease in U.S. imports of ATPA-free chrysanthemums and carnations generally reflects the price declines of these flowers and not actual declines in the volume of blooms. Thus the decrease in imports of ATPA-free chrysanthemums and carnations can not be viewed as a lessening of competitive pressure on these domestic markets.

Fresh cut flowers from the major Andean producer nations were subject to several additional restrictions and duties as the result of actions taken under U.S. laws concerning unfair trade practices. U.S. antidumping law provides relief in the form of additional special duties that is intended to offset margins of dumping (imports sold at less than fair market value in the United States), while U.S. countervailing-duty law provides relief (additional special duties) that is intended to offset foreign subsidies on products imported into the United States. During 1999, countervailing duties were 17.53 percent on the value of imports of pompon chrysanthemums from Peru, 0.5 to 5.89 percent on chrysanthemums and standard carnations from Ecuador, and 0.1 to 9.1 percent on chrysanthemums and carnations from Colombia. However, the antidumping duties on fresh cut flowers from Colombia were eliminated beginning January 1, 2000 and the antidumping duty on cut flowers from Ecuador was eliminated effective October 19,1999 and made retroactive to March 1, 1997. The countervailing duty order on pompon chrysanthemums from Peru was eliminated effective January 1, 2000. The above duties were revoked because there were no domestic parties (including the Floral Trade Council) that expressed an interest in maintaining these duties.

The large volume of U.S. imports from the ATPA nations and the continual decrease in domestic production of carnations and cut roses, and to a lesser extent chrysanthemums, over the last several years does suggest that ATPA imports may be negatively affecting U.S. production of these flowers. Besides the effects of the tariff preferences provided by the ATPA, domestic producers of cut flowers may have lost competitiveness with ATPA producers due to other factors; some cut flower producers have cited the increased costs of complying with worker protection standards covering pesticides.[(3)]

Although the value of domestic roses, carnations and chrysanthemums decreased during 1999, the value of all domestic cut flowers increased slightly by 3.5 percent during 1999; the number of cut flower growers dropped by 31 to 659 during 1999. Roses, standard carnations, standard and pompon chrysanthemums account for approximately one-third of total cut flower production and are grown primarily in California as are cut flowers generally.

Domestic employment data for growers of specific types of flowers or cut flowers generally are not available, however, the U.S. Department of Agriculture collects data on the peak number of workers hired by floriculture establishments--i.e., firms that grow a wide variety of flowers for cutting, potted plants, and bedding plants. According to this source, 9,392 floriculture operations hired on average 13.7 workers during 1999 compared with 10,570 operations which hired on average 13.8 workers in 1998. Thus any workers released by the reduced production of these selected cut flowers may experience difficulties in finding employment in another segment of the cut flower industry in their current geographic location. The ability of these workers to find employment in the floriculture industry generally is difficult to determine. It is estimated that approximately 57 percent of crop workers in the United States are domestic U.S. citizens or legal permanent residents with the remainder being illegal, temporary, or of unknown legal status. These domestic and permanent resident farm workers are subject to extensive periods of unemployment and low wages; poverty is pervasive (61 percent live below the poverty line) among farm workers.[(4)] Neither the Department of Labor nor the Agriculture Department collect wage data specifically for cut flower agriculture workers.

Therefore trends in domestic production in 1999 suggest that imports of fresh roses, standard carnations, and standard and pompon chrysanthemums due to the trade preferences in the ATPA may have displaced some domestic growers or helpers that they might have hired. Although the number of affected workers was likely to have been small, it is difficult to determine the degree of adjustment difficulty faced by these workers. The employment opportunities for these displaced workers were probably limited in the cut flower industry but less so in the floriculture industry; the overall health of the U.S. economy would tend to minimize the adjustment costs for these workers.

Conclusions

Although a definitive evaluation of the domestic employment impact of the ATPA cannot be made since the effects of duty-free provisions of the ATPA on U.S. imports cannot be completely isolated from the effects of other trade preference programs such as the GSP and HTS item 9802.00.80, it is unlikely that the ATPA has had a significant effect on overall U.S. employment. In addition, U.S. trade flows with the ATPA beneficiary countries have been small, representing 1.0 percent of total U.S. imports.

Neither the dollar amount nor the rate of increase in U.S. imports from the ATPA nations has been extraordinary or threatening. The share of total U.S. imports subject to duty from the ATPA beneficiaries that received duty-free treatment has risen from 22 percent in 1991 to 38 percent in 1999. This is largely due to increased utilization of the duty-free benefits under the ATPA--especially for products not eligible for GSP duty-free treatment; nevertheless, the amounts entered duty-free have remained quite modest.

During 1999, 17.6 percent of all U.S. imports from the ATPA beneficiaries entered ATPA duty-free; however, slightly more than half of these (9.3 percent of U.S. imports from the ATPA beneficiaries) entered duty-free due to unique provisions provided by the ATPA program. These unique benefits were $28 million or 3.2 percent more than they were in 1998 (following increases of 47.9 percent in 1998, 30.9 percent in 1997, and 28.7 percent in 1996). Approximately 38 percent of the unique ATPA duty-free imports (or $344 million) were items not eligible for duty-free entry under the GSP program, and the other 62 percent (or $571 million) were items covered by the GSP program but ineligible due to exceeding the competitive need limitations. Over 45 percent of the unique ATPA duty-free imports were from Peru, while 39 percent were from Colombia, 16 percent were from Ecuador, and a negligible amount were from Bolivia. The ATPA provision allowing for reduced duties for certain leather items has not resulted in any increase in U.S. imports of these items from the ATPA beneficiaries. Overall, the ATPA program does not appear to have significantly altered the production or export structure of the ATPA nations.

Seven groups of products received substantial and increasing benefits in 1999 from duty-free treatment under the ATPA: two food groups (vegetables and melons -- asparagus; and miscellaneous food products -- bulk tuna), two non-ferrous metal groups (primary nonferrous metals -- fined copper cathodes; and secondary nonferrous metals --unwrought zinc), two chemical groups (paints and varnishes -- pigments; and industrial inorganic chemicals -- gold compounds) and structural clay products-- ceramic tiles. Almost all of the ATPA duty-free imports of paints and varnishes and secondary nonferrous metals would have been eligible for duty-free treatment under the GSP. ATPA duty-free entries of these seven groups accounted for 44 percent of all ATPA duty-free imports and 56 percent of all duty-free imports in 1999 that were unique to the ATPA. For each of the U.S. industries that produced products similar to the seven import groups, it is difficult to identify major adverse effects on U.S. employment.

Previous reports have concluded that the cut flower industry (in particular, fresh cut chrysanthemums, standard carnations, and roses) may have been impacted by the duty-free provisions of the ATPA. Although ATPA duty-free imports of these items declined during 1999, this decline was due primarily to price decreases. Domestic production of these cut flowers continued to decline in 1999. Therefore, it is possible that the decline in the domestic production of these cut flowers, and any employment declines associated with it, may have been due in part to imports of these cut flowers from the ATPA beneficiaries, but it is also possible that other trade or non-trade factors may also have been in part responsible.

Generally, the current level and composition of ATPA beneficiary exports to the United States do not appear to pose a threat to U.S. employment. As the Andean region develops, it is anticipated that it will attract increasing levels of U.S. exports which will generate additional job opportunities in the United States. On the other hand, the duty-free benefits of the ATPA offer an incentive for diversification of production and development of exports to the U.S. market. Thus, the ATPA could create a more significant impact on U.S. employment in the future.

While the ATPA may offer the beneficiary nations an incentive to diversify their export structure and more readily gain access to the U.S. market, the margin of these benefits has been declining in recent years. For example, the United States has successfully negotiated and implemented several comprehensive free trade agreements (with Israel in 1986; Canada in 1989; and Canada and Mexico in 1994). In 1984, the United States granted unilateral trade preferences (which now have no expiration date) to the Caribbean Basin beneficiaries on many of the same items covered by the ATPA. Also, as the result of the conclusion and implementation of the Uruguay Round of multilateral trade negotiations, U.S. trade barriers in general are being reduced for all (normal-trade-relations) trading partners.

Endnotes

1.The CBERA is a U.S. trade initiative similar to the ATPA that was implemented in 1984 and directed toward countries and dependent territories in Central America and the Caribbean as part of a broader Caribbean Basin Initiative (CBI). The 24 CBERA beneficiaries are: Antigua and Barbuda; Aruba; the Bahamas; Barbados; Belize; the British Virgin Islands; Costa Rica; Dominica; the Dominican Republic; El Salvador; Grenada; Guatemala; Guyana; Haiti; Honduras; Jamaica; Montserrat; the Netherlands Antilles; Nicaragua; Panama; St. Kitts-Nevis; St. Lucia; St. Vincent and the Grenadines; and Trinidad and Tobago. Anguilla, the Cayman Islands, Suriname, and the Turks and Caicos Islands are potentially eligible for CBERA benefits, but they have not been designated so by the United States although Suriname has requested designation.

2. Almost all nations, except several communist nations, are eligible for NTR rates of duty; for some products the duty rate is free and imports of these products enter NTR duty-free (this was formerly known as most-favored-nation (MFN) duty-free).

3.*National Dialogue on the Worker Protection Standard,* Office of Pesticides Programs, U.S. Environmental Protection Agency, March 1997, page 217.

4. *A Profile of U.S. Farmworkers*, Office of the Assistant Secretary for Policy, U.S. Department of Labor,April 1997.

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