Portland Cement from Sweden, the Tariff Commission determined that the "competitive market area" consisted of a limited number of cement plants, supplying Rhode Island, Eastern Massachusetts and Eastern Connecticut. This group of producers sold in the designated regional market area only between 6.1 and 27.2 percent of their total domestic production. Hence, this limited group of producers clearly failed to satisfy "exceptional circumstances" necessary for consideration of a regional industry under the Code. They sold considerably less than "all or almost all" of their production in the limited New England market. It is also extremely doubtful that it could have been "demonstrably" shown that the dumped Swedish imports injured "all or almost all" of the producers in the market.

Similarly, in the case of Portland Cement from Belgium, one of the market areas involved the Southeast Florida market, where two new cement plants came on stream in the Miami area in 1958. Both companies involved had cement plants in other markets, totally unrelated to Southeast Florida. They did not "sell all or almost all of their production" in Southeast Florida; under the Code they would, therefore, not have been entitled to relief.

Thus, the Report of the Tariff Commission, and the application above of the Code's regional injury standards to two of the prior cement cases, support fully the proposition that the Cement Industry will be effectively precluded from obtaining any relief under the Antidumping Code. The Cement Industry consists of a series of regional markets. As noted earlier, the effective impact of dumped cement imports is limited because of the high cost of transporting the cement inland from the port of entry. The total area of competitive impact will always remain confined to limited geographic markets. Putting to one side the rigid injury tests of the Code, it is obvious that a cement company or group of companies cannot show material injury if the test is based on the entire national market, as required under the Code.

It is reasonable to assume that once it becomes known that the Cement Industry will be unable to deter dumped cement under the Antidumping Code, foreign producers will resume dumping in this market. The dumping of cement during the period 1958–1965 was consistent and involved at least fifteen countries. The industry's diligent prosecution of these dumping violations and the pendency of legislation to strengthen the Act have no doubt deterred dumping in recent years. The implementation of the Antidumping Code will remove such deterrents, and it is very likely that the dumping of excess cement capacity will be resumed. Under these circumstances, the Cement Industry belives strongly that full deliberation and consideration of the Antidumping Code by Congress is essential.

VIII. There is a serious prospect of administrative chaos in the administration of the International Antidumping Code

If the International Antidumping Code is allowed to become effective in the U.S., it appears inevitable that there will be confusion bordering on chaos in the administration of the Antidumping Act. This is because of the contrary positions of the Treasury Department and the Tariff Commission, which have been outlined above and need only be briefly referred to again.

The new regulations promulgated by the Treasury Department, which become effective on July 1, will implement the Code within those areas encompassed by the Treasury function. Under the Antidumping Act, Treasury is charged only with the responsibility of making the determination of whether dumping has occurred; the Tariff Commision has the sole responsibility of making the determination of whether injury has resulted from the dumping. Under the new regulations, however, the Treasury Department will now consider injury. As previously pointed out, it is not clear what standard of injury will be used—the restrictive standards of the Code or the less strict standard of the Act. In any event, the new Treasury regulations are designed to follow the Code to the letter.

On the other hand, a majority of the Tariff Commission has made abundantly clear that it will not be able to apply the Code unless and until it has been approved by the Congress. Furthermore, the Commission has indicated its disagreement with Treasury as to the functions which are normally administered by Treasury under the Act. With respect to injury, there is a strong possibility that Treasury may be using the Code standard of injury whereas the Commission will apply the Act's standard. It must be emphasized that no dumping case can reach the Tariff Commission unless it is referred there by Treasury. The contrasting positions of Treasury and the Commission concerning the Code suggest the inevitability of different interpretations of many sections of the Act. This situa-