

# US TRADE REMEDY UPDATE

## AUGUST 2017

### **U.S. DEPARTMENT OF COMMERCE DECISIONS**

#### **Investigations:**

- On August 8, 2017, Commerce initiated a less-than-fair value investigation for cast iron soil pipe fittings from the People's Republic of China.
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On August 8, 2017, Commerce initiated a countervailing duty investigation for cast iron soil pipe fittings from the People's Republic of China.
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On August 14, 2017, Commerce published its preliminary affirmative countervailing duty determination for silicon metal from the Republic of Kazakhstan, Brazil and Australia.
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On August 14, 2017, Commerce published its preliminary affirmative countervailing duty determination for certain aluminum foil from the People's Republic of China.
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On August 18, 2017, Commerce issued an antidumping duty order on dioctyl terephthalate from the Republic of Korea.
  - Link to [Federal Register](#)
- On August 24, 2017, Commerce issued a countervailing duty order for finished carbon steel flanges from India.
  - Link to [Federal Register](#)
- On August 24, 2017, Commerce issued antidumping duty orders for finished carbon steel flanges from India and Italy.
  - Link to [Federal Register](#)
- On August 28, 2017, Commerce issued preliminary affirmative countervailing duty determination for biodiesel from the Republic of Indonesia.
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)

- On August 28, 2017, Commerce issued preliminary affirmative countervailing duty determination and preliminary affirmative critical circumstances determination in part for biodiesel from Argentina.

- Link to [Federal Register](#)
- Link to [Factsheet](#)

#### **Administrative Reviews:**

- On August 1, 2017, Commerce initiated an antidumping and countervailing duty administrative reviews for the following:
  - Chlorinated Isocyanurates from Spain
  - Polyester Staple Fiber from Taiwan
  - Chlorinated Isocyanurates; high pressure steel; polyester staple fiber; tapered roller bearings; high pressure steel cylinders from the People's Republic of China
  - Certain steel nails from the United Arab Emirates
  - Link to [Federal Register](#)
- On August 1, 2017, Commerce issued an opportunity to request administrative review of antidumping or countervailing duty order finding or suspended investigation for:
  - Seamless line and pressure pipe from Germany
  - Brass sheet and strip from Japan
  - Polyethylene retail carrier bags from Malaysia
  - Light-walled rectangular pipe from Mexico
  - Large power transformers and light-walled rectangular pipe and tube from Republic of Korea
  - Certain small diameter carbon and alloy seamless standard line and pressure pipe from Romania
  - Silicomanganese from Socialist Republic of Vietnam
  - Polyethylene retail carrier bags from Thailand
  - Floor-standing metal top ironing tables and parts; hydrofluorocarbon blends and components; laminated woven sacks; light-walled rectangular pipe and tube; passenger vehicle and light truck tires; petroleum wax candles;

- polyethylene retail carrier bags; sodium nitrate; steel nails; sulfanilic acid; tetrahydrofurfuryl alcohol; tow-behind law groomers and parts from the People’s Republic of China
  - Silicomanganese from Ukraine
  - Stainless steel sheet and strip in coils from the Republic of Korea
  - Laminated woven sacks; light-walled rectangular pipe and tube; passenger vehicle and light truck tires; sodium nitrite from the People’s Republic of China
    - Link to [Federal Register](#)
- On August 9, 2017, Commerce issued final results of antidumping duty administrative review for silicomanganese from Ukraine.
  - Link to [Federal Register](#)
- On August 18, 2017, Commerce issued final results of countervailing duty administrative review and rescission of countervailing duty administrative review, in part of certain cut-to-length carbon-quality steel plate from the Republic of Korea.
  - Link to [Federal Register](#)

**Changed Circumstances Reviews:**

- On August 11, 2017, Commerce issued preliminary results of changed circumstances review for glycine from the People’s Republic of China.
  - Link to [Federal Register](#)

**Sunset Reviews:**

- On August 1, 2017, Commerce issued advance notification of sunset reviews for antidumping or countervailing duty order, finding, or suspended investigation for polyester staple fiber from China, and pure magnesium in granular form from China.
  - Link to [Federal Register](#)
- On August 1, 2017, Commerce initiated a five-year sunset review for seamless line and pressure pipe for Germany.
  - Link to [Federal Register](#)
- On August 7, 2017, Commerce issued final results of the expedited first sunset review of the antidumping duty order for certain steel nails from the United Arab Emirates.
  - Link to [Federal Register](#)
- On August 7, 2017, Commerce issued final results of the expedited first sunset review of the antidumping duty orders for certain stilbenic optical brightening agents from the People’s Republic of China and Taiwan.

- Link to [Federal Register](#)
- On August 7, 2017, Commerce issued final results of the fourth expedited sunset review of the antidumping duty order for fresh garlic from the People’s Republic of China.
  - Link to [Federal Register](#)
- On August 9, 2017, Commerce issued a continuation of antidumping duty order for furfuryl alcohol from the People’s Republic of China.
  - Link to [Federal Register](#)
- On August 9, 2017, Commerce issued a continuation of antidumping duty order for light-walled welded rectangular carbon steel tubing from Taiwan.
  - Link to [Federal Register](#)

**Anticircumvention:**

- On August 25, 2017, Commerce initiated an anti-circumvention inquiry on the antidumping duty order for carbon steel butt-weld pipe fittings from the People’s Republic of China.
  - Link to [Federal Register](#)

**Scope Rulings & Anticircumvention Determinations:**

- Commerce found that the refrigerator shelves imported by Whirlpool are “finished merchandise” and thus exempt from antidumping and countervailing duties on aluminum extrusions from China.
  - Link to [Scope Ruling](#)
- Commerce found that empty cylinders marked “DOT-39” that are imported for filling with refrigerants are not subject to antidumping and countervailing duties on high-pressure steel cylinders from China in its scope ruling issued in late July.
  - Link to [Scope Ruling](#)
- Unprinted magnetic label holders imported by Tatco are subject to antidumping and countervailing duties on raw flexible magnets from China (A-570-922/C-570-923), the Commerce Department said in a scope ruling issued Aug. 23. The non-magnetic components of the magnet holders are not exempt from the AD/CV duty orders. On the other hand, magnetic label holders printed with a zebra pattern are exempt from AD/CV duties, even though magnets with printed with “stripes” are covered.
  - Link to [Scope Ruling](#)
- Commerce found that infant organizers imported by C&T International are subject to antidumping

duties on wooden bedroom furniture from China in a scope ruling issued Aug. 21.

- Link to [Scope Ruling](#)

## U.S. INTERNATIONAL TRADE COMMISSION

### Section 701/731 Proceedings

#### Investigations

- On August 3, 2017, ITC determined that a U.S. industry is materially injured by reason of imports of emulsion styrene-butadiene rubber from Brazil, Korea, Mexico, and Poland.
  - Link to [Announcement](#)
- On August 4, 2017, the ITC determined that there is a reasonable indication that a U.S. industry is materially injured by reason of imports of ripe olives from Spain.
  - Link to [Announcement](#)
- On August 10, 2017, the ITC determined that there is a reasonable indication that a U.S. industry is materially injured by reason of imports of low melt polyester staple fiber from Korea and Taiwan.
  - Link to [Announcement](#)
- On August 11, 2017, the ITC determined that there is a reasonable indication that a U.S. industry is materially injured by reason of imports of tapered roller bearings from Korea.
  - Link to [Announcement](#)
- On August 25, 2017, the ITC determined that there is a reasonable indication that a U.S. industry is materially injured by reason of imports of cast iron soil pipe fittings from China.
  - Link to [Announcement](#)
- On August 30, 2017, the ITC determined that a U.S. industry is materially injured by reason of imports of steel concrete reinforcing bar from Taiwan.
  - Link to [Announcement](#)

#### Sunset Review Decisions

- On August 4, 2017, the ITC voted to conduct a full five-year sunset review concerning the antidumping order on tin and chromium-coated steel sheet from Japan.
  - Link to [Announcement](#)
- On August 4, 2017, the ITC voted to conduct a full five-year review concerning the antidumping order on foundry coke from China.
  - Link to [Announcement](#)

- On August 4, 2017, the ITC voted to expedite its five-year sunset reviews concerning the antidumping and countervailing duty orders on high pressure steel cylinders from China.
  - Link to [Announcement](#)
- On August 8, 2017, the OTC determined that revoking existing antidumping duty order on imports of this product from China will remain in place.
  - Link to [Announcement](#)
- On August 30, 2017, the ITC determined that revoking the existing antidumping duty orders on imports of stainless steel and strip from Japan, Korea, and Taiwan would likely lead to continuation or recurrence of material injury.
  - Link to [Announcement](#)

### Section 337 Proceedings

- On August 1, 2017, the ITC voted to institute an investigation of certain shielded electrical ribbon cables and products containing the same.
  - Link to [Announcement](#)
- On August 8, 2017, the ITC voted to institute an investigation of certain mobile electronic devices and radio frequency and processing components thereof.
  - Link to [Announcement](#)
- On August 8, 2017, the ITC voted to institute an investigation of certain recombinant Factor IX products.
  - Link to [Announcement](#)
- On August 22, 2017, the ITC voted to institute an investigation of certain road milling machines and components thereof.
  - Link to [Announcement](#)
- On August 31, 2017, the ITC voted to institute an investigation of certain microfluidic devices commonly referred to as chips or cartridges.
  - Link to [Announcement](#)

## U.S. BUREAU OF CUSTOMS AND BORDER PROTECTION

- On August 14, 2017 - CBP found Eastern Trading NY “engaged in evasion” of antidumping duties on steel wire garment hangers from China, the agency said its Aug. 14. The decision marks the first publicly released final determination resulting from an investigation under CBP’s Enforce and Protect Act (EAPA) evasion enforcement processes. CBP announced late last year that it was investigating Eastern Trading NY following

allegations submitted by M&B Metal  
and

imposed cash deposit requirements after finding a “reasonable suspicion” of evasion.

- Link to [Announcement](#)

➤ On August 17, 2017, U.S. Customs and Border Protection (CBP) issued ten (10) decisions in Enforce and Protect Act (EAPA) investigations, concerning the evasion of the antidumping duty orders for wire hangers and wooden bedroom furniture.

- Link to [Announcement](#)

## COURT OF INTERNATIONAL TRADE SUMMARY OF OPINIONS

### ➤ [Slip Op 17-93:](#)

The CIT sustained the ITC final affirmative determination in the original investigation on certain passenger vehicle and light truck tires from China.

### ➤ [Slip Op 17-95:](#)

The CIT affirmed Commerce final results of review of the order on narrow woven ribbons from Taiwan.

### ➤ [Slip Op 17-100:](#)

The Court sustained the final results of redetermination upon remand of the 8<sup>th</sup> administrative review of the AD order on frozen warmwater shrimp from Vietnam. The key issues involved the selection of certain surrogate values in the Department’s underlying analysis.

### ➤ [Slip Op 17-102:](#)

The CIT reaffirmed the right of importers to use “tariff engineering” to import goods at lower duty rates. The importer had added stripped-down seats to a Ford cargo van and removed the seats immediately after importation to obtain a lower duty rate applicable to passenger vehicles which is a legitimate use of tariff engineering according to the CIT decision.

### ➤ [Slip Op 17-109:](#)

The court sustained Commerce’s remand in the 2011-2011 administrative review of the antidumping duty order on ball bearings and parts thereof from the U.K. The primary issue in the case was whether Commerce had the authority to reinstate reviews that were halted upon the revocation of the original order and the determination based upon adverse facts available were supported by record evidence.

### ➤ [Slip Op 17-116:](#)

The CIT upheld Commerce’s scope ruling that “hybrid” solar panels are subject to antidumping and countervailing duties on solar cells from China. The court agreed with the agency’s ruling that the addition of “thin film” to a panel’s crystalline silicon substrate does not exempt the importers solar cells from AD and CVD duties. However, an important note was the court directed Commerce to re-issue its liquidation instructions as the court found that Commerce had improperly ordered CBP to suspend liquidation prior to start date of the scope inquiry.

## COURT OF APPEALS FOR THE FEDERAL CIRCUIT SUMMARY OF OPINIONS

### ➤ [2016-1253:](#)

The Court of Appeals for the Federal Circuit upheld the CIT’s decision upholding Commerce’s decision to apply the PRC-wide rate of 82.12% on imports of diamond sawblades from China. The primary issue was whether or not the plaintiff had sufficiently demonstrated its independence from state control in order to be entitled to a separate rate.

## OTHER TRADE MATTERS

- Commercial Customs Operations Advisory Committee (COAC) Govrnment Issue Paper: Trade Facilitation and Trade Enforcement Act.
  - Link to [Announcement](#)
- USTR’s top priority is ensuring that Commerce can continue to apply antidumping and countervailing duties as rigorously as possible in its report to Congress. (Inside US Trade August 4, 2017)
- Speciality crop growers are excited by the prospect of having a special provision under a renegotiated NAFTA agreement that will seek to create a special category of domestic industry for perishable and seasonal products in AD and CVD proceedings (Inside US Trade August 4, 2017)
- EU Trade Commissioner Cecilia Malmstrom stated that it is closely watching the new antidumping and countervailing duty investigations into ripe olives from Spain on the grounds that an examination of certain permissible subsidies that could set a precedent. (Inside US Trade August 25, 2017).