

**TRADE LAW UPDATE**

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

**Investigations:**

- On September 1, 2017, Commerce initiated a less-than-fair-value and countervailing duty investigation on certain uncoated groundwood paper from Canada.
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On September 5, 2017, Commerce issued its preliminary affirmative countervailing duty determination and preliminary affirmative critical circumstances determination on carbon and alloy steel wire rod from the Republic of Turkey.
  - Link to [Federal Register](#)
- On September 5, 2017, Commerce issued its preliminary affirmative countervailing duty determination on carbon and alloy steel wire rod from Italy.
  - Link to [Federal Register](#)
- On September 11, 2017, Commerce initiated less than fair value and countervailing duty investigations for stainless steel flanges from India and the People’s Republic of China.
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On September 12, 2017, Commerce postponed the preliminary determinations in the less-than-fair-value investigations for certain cold-drawn mechanical tubing of carbon and alloy steel from the Federal Republic of Germany, India, Italy, the Republic of China, and Switzerland.
  - Link to [Federal Register](#)
- On September 12, 2017, Commerce issued affirmative preliminary determinations of sales at less than fair value, and affirmative preliminary determinations of critical circumstances for imports of certain carbon and alloy steel wire rod from the Russian Federation, the United Arab Emirates, and Belarus.
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)

- On September 12, 2017, Commerce issued antidumping duty orders for emulsion styrene-butadiene rubber from Brazil, the Republic of Korea, Mexico, and Poland.
  - Link to [Federal Register](#)
- On September 15, 2017, Commerce issued its preliminary affirmative countervailing duty determination for certain tool chests and cabinets from the People’s Republic of China.
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On September 18, 2017, Commerce issued notice of alignment of final countervailing duty determinations with final antidumping duty determinations for carbon and alloy steel wire rod from Italy and Turkey.
  - Link to [Federal Register](#)
- On September 20, 2017, Commerce issued initiation of countervailing duty and less-than-fair-value investigations for titanium sponge from Japan and Kazakhstan.
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On September 25, 2017, Commerce issued its preliminary affirmative countervailing duty determination for certain cold-drawn mechanical tubing of carbon and alloy steel from the People’s Republic of China and India.
  - Link to [Federal Register](#)
  - Link to [Federal Register](#)
  - Link to [Factsheet](#)
- On September 26, 2017, Commerce issued its preliminary affirmative countervailing duty determination on imports of 100- to 150-Seat Large Civil Aircraft from Canada
  - Link to [Factsheet](#)

**Administrative Reviews:**

- On September 1, 2017, Commerce issued an opportunity to request administrative review of antidumping or countervailing duty order finding or suspended investigation for:
  - Steel concrete reinforcing bars from Belarus, Indonesia, Latvia, Moldova, Poland, the People’s Republic of China, Ukraine

- Cold-rolled steel flat products from Brazil, India, Republic of Korea, United Kingdom, Brazil
- Lined paper products from India, the People's Republic of China
- Oil country tubular goods from India, Republic of Korea, Socialist Republic of Vietnam, Turkey
- Stainless steel wire rod from Japan, Republic of Korea, Taiwan
- Heavy walled rectangular welded carbon steel pipes and tubes from Mexico, Republic of Korea, Turkey
- Magnesia carbon bricks from Mexico, the People's Republic of China
- Narrow woven ribbons with woven selvedge from Taiwan, the People's Republic of China
- Raw flexible Magnets from Taiwan, the People's Republic of China
- Freshwater crawfish tail meat from the People's Republic of China
- Foundry coke from the People's Republic of China
- Kitchen Appliance shelving and racks from the People's Republic of China
- New pneumatic off-the-road tires from the People's Republic of China
- Solid agricultural grade ammonium nitrate from Ukraine
  - Link to [Federal Register](#)
- On September 6, 2017, Commerce issued final results of antidumping duty administrative review for certain cut-to-length carbon-quality steel plate products from the Republic of Korea.
  - Link to [Federal Register](#)
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- On September 12, 2017, Commerce issued final results of antidumping duty administrative review for large residential washers from the Republic of Korea.
  - Link to [Federal Register](#)
- On September 12, 2017, Commerce issued final results of countervailing duty administrative review, and partial rescission of countervailing duty administrative for certain crystalline silicon photovoltaic products from the People's Republic of China.
  - Link to [Federal Register](#)
- On September 13, 2017, Commerce issued final results of antidumping duty administrative review for certain stilbenic optical brightening agents from Taiwan.
  - Link to [Federal Register](#)
- On September 13, 2017, Commerce initiated antidumping and countervailing duty administrative reviews for:
  - Corrosion-resistant steel products from India, Republic of Korea, Taiwan, India
  - Polyethylene terephthalate film from India, Taiwan, India
  - Certain Pasta from Italy, Turkey
  - Certain steel nails from Malaysia, Republic of Korea, Socialist Republic of Vietnam, Taiwan
  - Certain steel nails from Oman
  - Welded stainless pressure pipe from Socialist Republic of Vietnam
  - Tapered roller bearings from the People's Republic of China
  - Xanthan gum from the People's Republic of China
  - Circular welded carbon quality steel pipe from the People's Republic of China
    - Link to [Federal Register](#)
- On September 14, 2017, Commerce issued final results of antidumping duty administrative review for certain steel nails from the United Arab Emirates.
  - Link to [Federal Register](#)
- On September 14, 2017, Commerce issued a correction to the final results of the antidumping duty administrative review for multilayered wood flooring from the People's Republic of China.
  - Link to [Federal Register](#)
- On September 15, 2017, Commerce issued partial rescission of antidumping duty administrative review for drawn stainless steel sinks from the People's Republic of China.
  - Link to [Federal Register](#)
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- On September 18, 2017, Commerce issued final results of antidumping duty administrative review for certain frozen warmwater shrimp from India.
  - Link to [Federal Register](#)
- On September 19, 2017, Commerce issued notice of correction to final results of antidumping duty administrative review for certain frozen warmwater shrimp from India.
  - Link to [Federal Register](#)
- On September 21, 2017, Commerce issued final results of antidumping duty administrative review of polyethylene retail carrier bags from Thailand.
  - Link to [Federal Register](#)

- On September 22, 2017, Commerce issued a notice of correction to rescission, in part, of antidumping duty administrative review for certain uncoated paper from Indonesia.
  - Link to [Federal Register](#)
- On September 29, 2017, Commerce issued final results of antidumping duty administrative review for certain steel nails from the socialist republic of Vietnam.
  - Link to [Federal Register](#)

#### **Changed Circumstances Reviews:**

- Commerce did not issue any final decisions with respect to changed circumstances reviews in September.

#### **Sunset Reviews:**

- On September 1, 2017, Commerce issued final results of the expedited first sunset review of the antidumping duty order for high pressure steel cylinders from the People’s Republic of China.
  - Link to [Federal Register](#)
- On September 1, 2017, Commerce issued final results of the expedited third sunset review of the antidumping duty order for foundry coke products from the People’s Republic of China.
  - Link to [Federal Register](#)
- On September 1, 2017, Commerce issued a notice for the continuation of antidumping duty order for certain cased pencils from the People’s republic of China.
  - Link to [Federal Register](#)
- On September 5, 2017, Commerce issued final results of expedited sunset review of the countervailing duty order for high pressure steel cylinders from the People’s Republic of China.
  - Link to [Federal Register](#)
- On September 5, 2017, Commerce issued final results of expedited third sunset review of the antidumping duty order.
  - Link to [Federal Register](#)
- On September 6, 2017, Commerce initiated five-year (Sunset) reviews for polyester staple fiber and pure magnesium in granular form from the People’s Republic of China.
  - Link to [Federal Register](#)
- On September 6, 2017, Commerce issued advance notification of sunset reviews, order, finding, or suspended investigation for silicomanganese from China and the Ukraine.
  - Link to [Federal Register](#)

#### **Scope Rulings & Anticircumvention Determinations:**

- On September 1, 2017, Commerce issued affirmative final determination of circumvention of the antidumping and countervailing duty orders for certain uncoated paper from Australia, Brazil, the People’s Republic of China, Indonesia, and Portugal.
  - Link to [Federal Register](#)
- On September 5, 2017, Commerce issued its finding that packaging paperboard with a thickness of greater than 310um<sup>2</sup> and with a density of less than 0.70 g/cm<sup>3</sup> is not covered by the scope of the antidumping and countervailing duty orders on Certain Coated Paper Suitable for High-Quality Print Graphics Using Sheet-Fed Presses from China
  - Link to [Scope Ruling](#)
- On September 18, 2017, Commerce issued a scope ruling finding that the EEGR automotive engine component is outside the scope of the AD order on non-malleable cast iron pipe fittings form China
  - Link to [Scope Ruling](#)

## **U.S. INTERNATIONAL TRADE COMMISSION**

### **Section 701/731 Proceedings**

#### **Investigations**

- On September 22, 2017, the ITC determined that there is a reasonable indication that a U.S. industry is materially injured by reason of imports of certain uncoated groundwood paper from Canada and continued the antidumping and countervailing duty investigations.
  - Link to [Announcement](#)
- On September 22, 2017, the ITC determined that increased imports of crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly in competition with the imported article.
  - Link to [Announcement](#)

#### **Sunset Review Decisions**

- On September 5, 2017, the ITC voted to expedite its five-year (“sunset”) reviews concerning the antidumping duty orders on stainless steel butt-welded pipe fittings from Italy, Malaysia, and the Philippines.
  - Link to [Announcement](#)

- On September 5, 2017, the ITC voted to expedite its five-year (“sunset”) reviews concerning the antidumping duty orders on certain circular welded pipe and tube from Brazil, India, Korea, Mexico, Taiwan, Thailand, and Turkey.
  - Link to [Announcement](#)
- September 7, 2017, the ITC determined that terminating the suspended antidumping duty investigation on uranium from Russia would be likely to lead to continuation or recurrence of material injury.
  - Link to [Announcement](#)
- On September 14, 2017, the ITC determined that revoking the existing antidumping duty order on imports of steel nails from the United Arab Emirates would be likely to lead to continuation or recurrence of material injury.
  - Link to [Announcement](#)
- On September 19, 2017, the ITC determined that revoking the existing antidumping duty orders on imports of carbon and alloy seamless standard, line, and pressure pipe from Japan and Romania would be likely to lead to continuation or recurrence of material injury.
  - Link to [Announcement](#)
- On September 28, 2017, the ITC determined that revoking the existing antidumping duty orders on imports of brass sheet and strip from France, Germany, Italy, and Japan would likely lead to continuation of recurrence of material injury within a reasonably foreseeable time.
  - Link to [Announcement](#)

### **Section 337 Proceedings**

- On September 11, 2017, the ITC voted to institute an investigation of certain pool and spa enclosures.
  - Link to [Announcement](#)
- On September 11, 2017, the ITC voted to institute an investigation of certain periodontal laser devices and components thereof.
  - Link to [Announcement](#)
- On September 11, 2017, the ITC voted to institute an investigation of certain wireless audio systems and components thereof.
  - Link to [Announcement](#)
- On September 27, 2017, the ITC voted to institute an investigation of certain wi-fi enabled electronic devices and components thereof.
  - Link to [Announcement](#)

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

- U.S. Customs and Border Protection (CBP) has instituted an operational approach to combating trade violations, safeguarding economic security and detecting, deterring, and disrupting illicit trade practices. In line with this strategy, CBP has incorporated non-procurement suspension and debarment (S&D) procedures into the trade enforcement process as an added defense measure.
  - Link to [Announcement](#)

## **COURT OF INTERNATIONAL TRADE SUMMARY OF OPINIONS**

- [Slip Op. 17-119](#)  
The CIT remanded for further explanation Commerce’s 2016 scope determination that mass filter radiators were subject to AD and CVD duties under the aluminum extrusions orders. The court stated that Commerce did not “adequately discuss the record evidence” and specifically how these mass filter radiators differed from exempted heat sinks.
- [Slip Op. 17-122](#)  
The CIT sustained Commerce’s remand results in the CVD investigation on certain crystalline silicon photovoltaic products from China. The case hinged on Commerce’s examination of certain programs provided by the Government of China and upon remand Commerce supported its determination to find these programs countervailable under the statute and regulations.
- [Slip Op. 17-128](#)  
The CIT found that locking pliers imported by Irwin Industrial Tool are classifiable as pliers, not vises or clamps. The CIT already determined in April that CBP’s liquidation of the imported locking pliers as wrenches was premature, the CIT found that the locking pliers are not classifiable as vises either, because they pivot on a central fulcrum and close by gripping the handles, rather than by turning a screw or lever.
- [Slip Op. 17-129](#)  
The CIT found that door hardware with knobs that incorporate locks are classifiable as locks in the HTSUS. The importer of the hardware, Home Depot, had argued it was classifiable as mountings and fittings for doors, and dutiable at a lower rate though the hardware includes doorknobs that would be classified as mountings and fittings if imported alone,

## OTHER TRADE MATTERS

- Argentina's foreign ministry is claiming that the U.S.'s recent decision instituting countervailing duties on imports of biodiesel from Argentina is contrary to WTO rules. Argentina is threatening the challenge the decision and take the U.S. to the WTO once the case is final. (Inside US Trade September 1, 2017)
- On September 7, 2017, the American Line Pipe Producers Association asked the administration to act quickly on the pending Section 232 investigation. The letter focusses on the increase in imports from China and the global steel overcapacity. See [Letter](#).
- On September 14, 2017 -- A Chinese aluminum company and its owner were alleged to have evaded more than \$1.5 billion in antidumping and countervailing duties by importing aluminum extrusions masked as pallets, according to allegations in a complaint filed by the government on Sept. 14 in Central California U.S. District Court. The complaint seeks the forfeiture of 549 containers of extruded aluminum pallets imported by Perfectus Aluminum and detained by CBP at the Port of Los Angeles-Long Beach in 2016.
- On September 22, 2017, the ITC determined that increased imports of crystalline silicon photovoltaic cells (whether or not partially or fully assembled into other products) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing an article like or directly in competition with the imported article.
  - Link to [Announcement](#)