

International Trade Alert

Akin Gump
STRAUSS HAUER & FELD LLP

New Antidumping and Countervailing Duty Petitions on Certain Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey and the United Kingdom

January 20, 2023

Introduction

On January 18, 2022, domestic producers filed petitions with the U.S. Department of Commerce (DOC) and the U.S. International Trade Commission (ITC), seeking antidumping (AD) duties on imports of certain tin mill products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom, and countervailing (CVD) duties on such imports from China. There is currently an **AD order** on the same products imported from Japan, which has been effect for over 20 years.

Imports of the covered merchandise into the United States from the identified countries amounted to approximately \$1.4 billion in calendar year 2021, a value that grew to \$1.9 billion during the period January through September 2022. As such, the value of trade covered by these petitions could make this one of the largest combined AD/CVD investigations initiated in the last several years.

The petitioners include Cleveland-Cliffs Inc. and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW). According to the petitions, Cleveland-Cliffs is a West Virginia-based domestic producer of tin mill products, and USW represents workers at all major facilities where tin mill products are made. The petitions identify two other domestic producers of tin mill products—U.S. Steel Corporation and Ohio Coatings Company—neither of which have expressed a public position on the petition.

Under U.S. law, a domestic industry (including workers in said industry) can petition the government to initiate an AD investigation into the pricing of an imported product to determine whether it is sold in the United States at less than fair value (i.e., “dumped”). A domestic industry can also petition for the initiation of an investigation of alleged countervailable subsidies provided by a foreign government to producers of the covered merchandise. DOC will impose AD or CVD duties on a product if it determines that imported goods are dumped and/or subsidized, *and* if the ITC also

Contact Information

If you have any questions concerning this alert, please contact:

Bernd G. Janzen

Partner

bjanzen@akingump.com

Washington, D.C.

+1 202.887.4309

Matthew R. Nicely

Partner

mnicely@akingump.com

Washington, D.C.

+1 202.887.4046

Yujin Kim McNamara

Partner

ymcnamara@akingump.com

Washington, D.C.

+1 202.887.4347

Devin S. Sikes

Counsel

dsikes@akingump.com

Houston

+1 202.887.4336

Sarah Sprinkle

Counsel

ssprinkle@akingump.com

Washington, D.C.

+1 202.887.4087

Daniel M. Witkowski

Counsel

dwitkowski@akingump.com

Washington, D.C.

+1 202.887.4048

Julia K. Eppard

Counsel

jeppard@akingump.com

Washington, D.C.

+1 202.887.4359

determines that the domestic industry is materially injured or threatened with such injury by reason of imports of that product.

If the ITC and DOC make preliminary affirmative determinations, U.S. importers will be required to post cash deposits in the amount of the AD and/or CVD duties for all entries of subject merchandise entered on or after the date of publication of DOC's preliminary determination. The preliminary AD/CVD rates can change in the final DOC determination, following further factual investigation, verification, and briefing.

Scope

Petitioners have requested the following scope of the investigations, which mirrors the scope language for the current order on *Certain Tin Mill Products from Japan*:

The products within the scope of these investigations are tin mill flat-rolled products that are coated or plated with tin, chromium, or chromium oxides. Flat-rolled steel products coated with tin are known as tinplate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such as scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single- or double-reduced), and whether or not coated with a plastic material.

All products that meet the written physical description are within the scope of the investigations unless specifically excluded

The merchandise subject to these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.50.0020, 7212.50.0090, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel. Although the subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

The scope also includes detailed descriptions of a number of products that either fall outside of or are expressly excluded from the scope of the investigations.

Foreign Producers and Exporters of Subject Merchandise

A list of foreign producers and exporters of tin mill products, as identified in the petitions, is provided in [Attachment 1](#).

U.S. Importers of Subject Merchandise

A list of U.S. importers of tin mill products, as identified in the petitions, is provided in [Attachment 2](#).

Alleged Margins of Dumping/Subsidization

Petitioners alleged the following dumping margins for products from the identified countries:

- Canada: 78.29%

Yuzhe PengLing

Counsel

ypengling@akingump.com

Washington, D.C.

+1 202.887.4012

Sydney Stringer

Associate

sstringer@akingump.com

Washington, D.C.

+1 202.887.4060

- China: 130.88%
- Germany: 43.64%
- Netherlands: 124.17% – 294.27% (range)
- South Korea: 13.46% – 110.84% (range)
- Taiwan: 47.22% – 60.12% (range)
- Turkey: 96.51% – 106.43% (range)
- United Kingdom: 110.81%

DOC generally assigns duties at these alleged dumping rates to exporters that fail to cooperate with the investigation.

No specific subsidy rates for China are included in the petition.

Potential Trade Impact

According to official U.S. import statistics, a total of 1.3 million short tons of subject merchandise were imported into the United States in 2021, with Germany and the Netherlands representing the two largest shares of subject merchandise by quantity. Imports from all of the identified countries made up nearly 90 percent of all tin mill steel products imported into the United States in 2021.

In 2021, the value of the subject merchandise imported from the seven countries was approximately \$1.4 billion. As noted above, this value increased to nearly \$1.9 billion in the partial year period of January through September 2022.

Given these significant quantities and values, the petitions have a larger potential trade impact than many AD/CVD petitions filed in recent years.

Estimated Schedule of Investigations

1/18/2023	Petition Filed
3/4/2023	ITC preliminary injury determination.
6/17/2023	DOC preliminary CVD determination, if fully postponed.
8/16/202	DOC preliminary AD determinations, if fully postponed.
1/5/2024	DOC final AD and CVD determinations, if both preliminary and final determinations are fully postponed.
2/26/2024	ITC final injury determination, if DOC's determinations are fully postponed.
3/4/2024	AD/CVD orders published.

akingump.com