US Multilateral Trade Policy Developments

Japan External Trade Organization

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Contents

Free Trade Agreements

USTR and US Labor Unions Initiate First Proceedings Targeting Mexican Facilities Under USMCA's "Rapid Response" Mechanism

On May 12, the Office of the US Trade Representative (USTR) announced that it has requested a review of labor practices at an automotive manufacturing facility in Mexico under the new "Facility-Specific Rapid Response Labor Mechanism" in the US-Mexico-Canada Agreement (USMCA). In its request, USTR has asked the Government of Mexico to review whether workers at a General Motors (GM) facility in Silao, State of Guanajuato are being denied the right of free association and collective bargaining. This is the first time that a USMCA Party has initiated proceedings under the Rapid Response Mechanism, which authorizes the imposition of trade penalties against specific facilities that are found by an independent panel to have denied certain labor rights to their workers.

Separately, on May 10, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the Service Employees International Union (SEIU), Public Citizen's Global Trade Watch, and Mexico's National Independent Union of Industry and Service Workers (SNITIS) filed a petition with the United States' Interagency Labor Committee alleging that certain facilities producing automotive parts in Matamoros, Tamaulipas, Mexico are denying collective bargaining rights to their workers ("Petition"). The Petition requests that the US government initiate proceedings under the Rapid Response Mechanism with respect to the targeted facilities. This is the first time that a US party has petitioned the US government to take action under the Rapid Response Mechanism using the domestic petition process established by the Interagency Labor Committee.

Though previous US trade agreements have included enforceable labor obligations, the USMCA's Rapid Response Mechanism is novel in several respects, and has been portrayed by its proponents as a major breakthrough that will facilitate more effective and expeditious enforcement of labor obligations. The new proceedings initiated this week will serve as a first test of the Mechanism and the United States' domestic process for considering "rapid response" petitions from private parties. We provide an overview of the new enforcement actions and their implications below.

Background

After the initial signing of the USMCA in November 2018, the United States and Mexico negotiated certain amendments to the Agreement in order to secure support for its ratification among key US stakeholders, particularly congressional Democrats and labor unions. The amendments included the addition of a Facility-Specific Rapid Response Labor Mechanism, set forth in Annex 31-A, that applies between the United States and Mexico. The stated goal of the Mechanism is to ensure that workers in the two countries are not denied the right of free association and collective bargaining.

The Mechanism establishes a process by which the governments of the United States or Mexico may bring a complaint that workers at a specific facility in the other Party's territory are being denied their right of free association and collective bargaining under applicable domestic laws.[1] This process consists of (1) an initial review period, during which the two governments may attempt to resolve the issue bilaterally; and (2) a formal dispute settlement process, in which an independent panel will determine whether the alleged "Denial of Rights" exists. If a Panel determines that a Denial of Rights exists, the complaining Party will be authorized to impose remedies (*i.e.*, import restrictions) targeting goods or services from the facility at issue. The suspension of preferential tariff treatment under the USMCA is one available remedy, but the Mechanism contemplates additional, undefined "penalties" that go beyond the suspension of preferential tariff treatment, if such additional penalties are "proportional to the severity of the Denial of Rights[.]"[2]

[1] With respect to Mexico, a claim can be brought with respect to an alleged Denial of Rights "under legislation that complies with Annex 23-A" of the USMCA, which concerns worker representation in collective bargaining in Mexico. *See* USMCA Art. 31-A.2 at Fn. 2.

[2] Art. 31-A.10.

The USMCA is not the first US trade agreement to include enforceable labor obligations, but the Rapid Response Mechanism is novel in that: (1) it aims to remedy isolated instances where labor rights are denied by a specific company (unlike traditional "state-to-state" dispute settlement, which concerns whether governments have acted inconsistently with the trade agreement); and (2) the Mechanism permits a complaining Party to target offending facilities with trade penalties that go beyond the suspension of preferential tariff treatment (whereas state-to-state dispute settlement traditionally involves only the suspension of trade agreement benefits and does not permit the targeting of specific facilities.) Additionally, the time required to obtain panel decisions under the Rapid Response Mechanism is shorter than under state-to-state dispute settlement, with decisions due within 30 days after a panel is constituted or, if the panel conducts a "verification" of the facility at issue, within 30 days after the verification.[3]

USTR's "Request for Review" of Silao GM Facility

Request

USTR has requested that the Government of Mexico review whether workers at a General Motors facility in Silao, State of Guanajuato are being denied the right of free association and collective bargaining. USTR's request expresses "significant concerns" regarding "events preceding, during, and surrounding an April 2021 vote for approval ('legitimación' or 'legitimization') of a collective bargaining agreement between General Motors de México…and the 'Miguel Trujillo López' union[.]" According to USTR, "[i]t appears that events in question involved violations of Mexican laws, including Article 390 Ter of Mexico's Federal Labor Law and the Eleventh Transitory Article in the Presidential Decree of April 30, 2019." USTR has requested that the review encompass "all actions and statements, by or on behalf of the Union or the Company, with respect to the legitimization process, including any action or statement contributing to the denial to any worker of the right to a personal, free, and secret vote on the legitimization of the collective bargaining agreement."

USTR's request states that the legitimization process and vote at issue were "suspended by the Secretaría de Trabajo y Previsión Social due to its concerns about irregularities, including the destruction of ballots." USTR's accompanying press release commends the government of Mexico "for stepping in to suspend the vote when it became aware of voting irregularities," and it portrays USTR's request under the Rapid Response Mechanism as "complement[ing] Mexico's efforts to ensure that these workers can fully exercise their collective bargaining rights."

USTR's request for review can be found here. USTR's accompanying statement can be viewed here.

Next Steps

USTR submitted its request for review pursuant to Article 31-A.4.2 of the USMCA, which provides that "[i]f a complainant Party has a good faith basis to believe that a Denial of Rights is occurring at a Covered Facility, it shall first request that the respondent Party conduct its own review of whether a Denial of Rights exists and, if the respondent Party determines that there is a Denial of Rights, the latter shall attempt to remediate within 45 days of the request." Mexico already has indicated that it will conduct the requested review. It will be required to report in writing the results of the review and any remediation at the end of the 45-day period.[4] (Had Mexico declined to conduct the review, the United States would have been authorized to request the formation of a panel to determine whether a Denial of Rights exists.)[5]

The Mechanism provides multiple avenues for the dispute to be resolved after the initial review period without the formation of a Panel or the imposition of remedies (*e.g.*, if Mexico determines that there is no Denial of Rights and the United States accepts this finding, or if Mexico determines that there is a Denial of Rights and agrees with the United States on a course of remediation).[6] Alternatively, the United States may request the formation of a panel to conduct

[3] Art. 31-A.8.1.

[4] Art. 31-A.4.4.

[5] Art. 31-A.4.2.

[6] Art. 31-A.4.5-7.

a separate "verification" and determination if (1) Mexico determines in its review that there is no Denial of Rights, but the United States disagrees; or (2) the Parties cannot agree on a course of remediation for a Denial of Rights.[7]

If a Panel is composed, it will issue a request for "verification" to the Government of Mexico (which Mexico may accept or refuse).[8] If Mexico agrees to the verification, the Panel must conduct the verification within 30 days after Mexico's receipt of the request, and observers from both Parties may accompany the Panel in any on-site verification if both Parties so request.[9] The Panel must make a determination as to whether there has been a Denial of Rights within 30 days after conducting a verification, or within 30 days after it is constituted if there has not been a verification.[10] If a Panel were to find that there is a Denial of Rights, the United States would be permitted to impose remedies "that are the most appropriate to remedy the Denial of Rights," which may include (1) suspension of preferential tariff treatment for goods manufactured at the covered facility; or (2) other "penalties" (which are not defined in the USMCA) on goods manufactured at the covered facility.[11]

In connection with the US request for review, USTR has directed the Secretary of the Treasury to suspend the final settlement of customs accounts related to entries of goods from GM's Silao facility. USTR has indicated that liquidation will resume "upon an agreement by the Parties that there is no Denial of Rights or a finding by a panel that there is no Denial of Rights," as provided for in USMCA Article 31-A.4.3.

AFL-CIO Petition Concerning Certain Automotive Parts Facilities

Petition

The Petition filed by the AFL-CIO, the SEIU, Public Citizen, and SNITIS alleges a "systematic and continuing Denial of Rights" at certain automotive parts manufacturing facilities operated by Tridonex S de RL de CV in Matamoros, Tamaulipas, Mexico. The Petition was filed with the United States' Interagency Labor Committee for Monitoring and Enforcement, which is co-Chaired by the USTR and the Secretary of Labor and includes representatives of other government agencies.

The public portion of the Petition provides a brief summary of the matter alleged to constitute a Denial of Rights. The Petition alleges that:

- Tridonex "has denied its workers the opportunity to read or obtain copies of the collective bargaining agreement with [the Industrial Union of Workers at Maquiladora and Assembly Plants (SITPME)]" and "has failed to deposit its CBAs with the Federal Conciliation and Arbitration Board, as required by the Mexican Constitution."
- "Tridonex and the SITPME union, acting as an agent of Tridonex, have jointly denied the Tridonex workers the opportunity to ratify their CBA, in violation of Art. 400 Bis of the Federal Labor Law."
- "Tridonex and SITPME, acting as an agent of Tridonex, have jointly denied members of SITPME at Tridonex the right to elect their union leaders by personal, free, direct and secret vote, in violation of Art. 358.II of the Federal Labor Law."
- "SITPME, acting as an agent of Tridonex, has failed to provide its members with legally-required financial information reports under Art. 373 and Art. 358.IV of the Federal Labor Law."
- "Tridonex retaliated against workers who signed petitions to the Local CAB by firing more than 600 workers and compelling them to sign 'voluntary' resignations in order to receive severance pay, in

[7] Art. 31-A.4.5 and Art. 31-A.4.9.

[8] Art. 31-A.7.

[9] Art. 31-A.7.7

[10] Art. 31-A.8.1.

[11] Art. 31-A.10.

violation of Article 47 of the Federal Labor Law, and by denying other workers benefits agreed on through the CBA, in violation of Article 396 of the Federal Labor Law."

- By "refusing to act on the demand for control of the CBA filed by SNITIS, the Government of Tamaulipas, acting as an agent of Tridonex, denied Tridonex workers the right to a personal, free, and secret vote to choose their union representative, as guaranteed by Art. 389 of the Federal Labor Law."
- The Government of Tamaulipas, "acting as an agent of Tridonex, has subjected SNITIS leader and attorney Susana Prieto Terrazas to criminal charges, arrest, detention, and punitive conditional release terms in retaliation for her advocacy of the rights of workers at Tridonex and other companies in the State of Tamaulipas."

The public version of the Petition notes that Petitioners have submitted additional information for which they have requested confidential treatment, as it contains "personal identifying information and information related to the litigation strategies of individuals and organizations identified therein, including Petitioners."

Next steps

The US government will consider the Petition in accordance with the requirements of the USMCA Implementation Act and the Interagency Labor Committee's Interim Procedural Guidelines for USMCA labor petitions.

The Act and Interim Guidelines provide that, within 30 days after receiving a facility-specific petition, the Interagency Labor Committee must determine whether there is "sufficient, credible evidence of a Denial of Rights" to enable the "good-faith invocation" of the Rapid Response Mechanism.[12] If this determination is affirmative, USTR "shall submit" a request under Article 31-A.4.2 for Mexico to conduct an initial review of that facility.[13] The USMCA Implementation Act requires USTR to determine whether it will request a panel within 60 days after the Interagency Labor Committee's determination to request the initial review (i.e., within 15 days after the initial 45-day review period concludes).[14]

Outlook

The adoption of the Rapid Response Mechanism was instrumental in securing support for the USMCA's ratification in the United States, particularly among labor unions and congressional Democrats that traditionally have opposed US free trade agreements. These stakeholders argued that state-to-state dispute settlement historically has not been effective at promoting compliance with FTA labor commitments, and that a separate system allowing for facility-specific investigations and penalties was essential to ensure adequate enforcement. They have asserted that the Mechanism represents a new, improved model for enforcement of labor rules, and have urged the Biden administration to use the Mechanism aggressively.

The Biden administration, for its part, has "committed to self-initiating and advancing petitions under the new Rapid Response Mechanism…to ensure workers receive relief through efficient, facility-level enforcement," and USTR Katherine Tai has expressed confidence that the Mechanism "will allow us to address long-standing labor issues in Mexico." It is therefore unsurprising that the Biden administration and US labor unions have now initiated proceedings under the Mechanism, with vocal support from the Democratic leadership of the House Ways and Means and Senate Finance Committees. House Ways and Means Committee Chairman Richard Neal (D-MA) and Trade Subcommittee Chairman Earl Blumenauer (D-OR) have stated that they expect "many" additional complaints to be filed under the Mechanism.

[12] *Interagency Labor Committee for Monitoring and Enforcement Procedural Guidelines for Petitions Pursuant to the* USMCA, Office of the United States Trade Representative, June 30, 2020 (85 FR 39257).

[13] 19 U.S.C. 4646(b)(3).

[14] 19 U.S.C. 4646(b)(4).

At this stage, it remains to be seen how the Mechanism will operate in practice. There is little precedent under previous trade agreements for the types of proceedings and determinations contemplated by the Mechanism, such as the assessment of specific facilities' compliance with domestic labor laws, bilateral consultations on ways to remediate a facility's denial of labor rights, and the calibration of trade penalties to be "proportional" in severity to a denial of labor rights. The new proceedings initiated this week therefore will be an important first test of the Rapid Response Mechanism. Nevertheless, it is clear that the new Mechanism, and the US government's intent to utilize it aggressively, have the potential to generate trade frictions between the United States and Mexico.

US Trade Actions

Section 232

United States and European Union Agree to Discussions on Steel and Aluminum Overcapacity, Averting Expansion of EU Retaliatory Tariffs on June 1

On May 17, the Office of the US Trade Representative (USTR) and the European Commission announced in a Joint Statement that they will begin a bilateral dialogue "to address global steel and aluminum excess capacity," with the goal of reaching consensus on potential solutions by the end of this year. The United States' Section 232 tariffs on steel and aluminum imports from the EU will remain in effect while the discussions take place. However, the European Commission has confirmed that, in order to provide "space to find joint solutions to [the Section 232 dispute] and tackle global excess capacity," the EU will postpone the second tranche of retaliatory tariffs it had planned to impose on US goods on June 1, 2021, in response to the Section 232 tariffs.

The decision to initiate a trans-Atlantic dialogue on excess capacity averts a substantial escalation of the Section 232 dispute between the United States and the EU and sets the stage for the potential removal of each side's current tariffs. However, this outcome is far from guaranteed and falls short of the prompt removal of the tariffs that the EU had sought following the election of President Biden. We provide an overview of the Joint Statement and its implications below.

Background

Following the United States' decision to impose Section 232 tariffs on steel and aluminum from the EU in June 2018, the EU determined to impose retaliatory tariffs on US goods in two tranches. The first tranche, which took effect in June 2018, imposed duties of 10 to 25 percent on a list of 182 US products, having an annual trade effect of approximately EUR 2.8 billion. The second tranche, which was scheduled to take effect automatically on June 1, 2021, would have applied duties ranging from 10 to 50 percent on a list of 158 US products, having an annual trade effect of approximately EUR 3.6 billion.

In recent months, the Biden administration has faced considerable pressure from Congress and affected US industries to reach an agreement with the EU to avert the second tranche of retaliatory tariffs. These stakeholders warned that the second tranche would severely limit US exports to the EU of products such as bourbon whiskey, motorcycles, and motor boats, which would have faced retaliatory tariffs of 50 percent beginning on June 1. At the same time, certain US labor unions and domestic steel producers urged the Biden administration to avoid any weakening of the Section 232 measures until "major steel producing countries eliminate their overcapacity and the subsidies and other trade-distorting policies that have fueled the steel crisis[.]"

In recent discussions with the EU, the Biden administration reportedly indicated that it was willing to lift the Section 232 duties on EU goods eventually, but was unwilling to do so by June 1. The EU, for its part, proposed that each side suspend its existing tariffs for six months in order to pursue a negotiated solution, similar to their recent four-month suspension of their retaliatory tariffs imposed in connection with the Boeing-Airbus WTO disputes.

May 17 Joint Statement on "Addressing Global Steel and Aluminum Excess Capacity"

In their Joint Statement, US Trade Representative Katherine Tai, US Secretary of Commerce Gina Raimondo, and European Commission Executive Vice President Valdis Dombrovskis announced the start of discussions to "address global steel and aluminum excess capacity" and "chart a path that ends the WTO disputes following the U.S. application of tariffs on imports from the EU under section 232." They expressed concern about the impact that global excess capacity "driven largely by third parties" has had on the "market-oriented" steel and aluminum industries of the US and the EU, and they agreed that the two governments should partner "to promote high standards, address shared concerns, and hold countries like China that support trade-distorting policies to account."

To achieve these objectives, the two sides will enter into discussions "on the mutual resolution of concerns in this area that addresses steel and aluminum excess capacity and the deployment of effective solutions, including appropriate trade measures[.]" They have committed to engaging in these discussions "expeditiously to find solutions before the end of the year[.]"

The Joint Statement does not include specific commitments to remove the Section 232 tariffs or the existing EU retaliatory tariffs within any particular timeframe, nor does it specifically reference the second tranche of EU retaliatory tariffs. Rather, it contains only a general commitment "to avoid changes on these issues that negatively affect bilateral trade," in order to ensure "the most constructive environment for these joint efforts[.]" However, Commissioner Dombrovskis separately has confirmed that the EU will postpone its second tranche of retaliatory tariffs on US goods. The European Commission stated that the EU "can grant a suspension for a maximum period of six months," and that the Commission "will discuss now with the member states to adopt the decision, and it will be entering into force through an implementing regulation[.]"

Outlook

Following the election of President Biden, the European Commission and some US stakeholders expressed hope that the Section 232 tariffs on EU steel and aluminum could be removed quickly. However, this has proven difficult. The Biden administration thus far has refused to weaken the Section 232 tariffs (which it has defended as "effective") and other trade restrictions imposed by President Trump, and has generally preferred to focus attention on its domestic policy agenda rather than trade issues. The administration's insistence on maintaining the Section 232 measures on EU goods until the two sides agree on "effective solutions" to excess capacity is another sign that it is unlikely to remove the measures in the near-term.

The Biden administration has not said what concessions will be necessary for it to lift the Section 232 tariffs on goods from the EU. The new dialogue is likely to cover proposed reforms to existing WTO rules on industrial subsidies that the United States has been developing jointly with the EU and Japan since 2018, but which have not yet been introduced formally in the WTO. The EU has suggested that these proposals should be developed further among the trilateral group and then introduced at the WTO's Ministerial Conference later this year as a Joint Statement Initiative, where they could be discussed and potentially endorsed on a plurilateral basis by like-minded WTO Members. The EU has contended that concerted pressure from like-minded Members can eventually draw China into a negotiation for new disciplines on industrial subsidies. However, it is not clear whether the Biden administration supports this approach, or whether agreement with the EU on proposed WTO reforms would be sufficient to secure its exemption from the Section 232 measures – particularly given that progress at the WTO is unlikely to come quickly, if at all.

Groups representing US steel workers and producers have reacted cautiously to the announcement of the new dialogue with the EU. The United Steelworkers' Union (USW) stated that "we are supportive of efforts to resolve the threats to our producers and our members. However, we cannot support any approaches that do not provide measurable positive results. The EU is an important ally, but in the past, it has been part of the problem, not part of the solution." The USW cited "more than 40 unfair trade relief measures in place against EU steel and aluminum products that resulted from their dumping and subsidies targeted at our market," and argued that the EU "did little" to advance negotiations at the OECD on global overcapacity. Accordingly, the USW is "hopeful about reaching a solution," but is "equally determined to avoid any approaches that undermine the strength of our industry[.]"

The American Iron and Steel Institute (AISI) similarly emphasized that "while China is the single largest source of global steel oversupply, subsidies and other market distorting policies in many countries are contributing to the overcapacity crisis [and] injurious surges in imports have come from every region of the world." The AISI stated that reaching an effective agreement "will take time and will not be easy," and urged the Biden administration to work toward "substantive solutions…while maintaining the necessary trade measures to prevent surges in steel imports[.]" As these statements suggest, the Biden administration is likely to face pressure to maintain the Section 232 tariffs on the EU absent major advances in the global effort to address excess industrial capacity, which has long been a challenge for policymakers.

President Biden will travel to Brussels for a US-EU summit on June 15, 2021. According to the White House, the leaders will discuss “a common agenda to…enhance digital and trade cooperation,” among other topics. Published reports indicate that the two sides plan to issue a statement following the bilateral summit, and that a draft version of the statement, which is still under negotiation, includes objectives to remove the Section 232 tariffs by the end of 2021 and introduce a joint WTO proposal to address industrial subsidies.

The US-EU Joint Statement can be viewed here.

Petitions and Investigations

US Department of Commerce Issues Affirmative Final Determinations in Antidumping and Countervailing Duty Investigations of Passenger Vehicle and Light Truck Tires from South Korea, Taiwan, Thailand, and Vietnam

On May 24, 2021, the US Department of Commerce (DOC) announced its affirmative final determinations in the antidumping duty (AD) investigations of Passenger Vehicle and Light Truck Tires (PVLT) from South Korea, Taiwan, Thailand, and Vietnam, and its affirmative final determination in the countervailing duty (CVD) investigation of PVLT from Vietnam. In its investigations, DOC determined that imports of the subject merchandise were sold in the United States at the following dumping margins and subsidy rates:

Country	Dumping Margin	Subsidy Rate
South Korea	14.72-27.05 percent	NA
Taiwan	20.04-101.84 percent	NA
Thailand	14.62-21.09 percent	NA
Vietnam	0-22.27 percent	6.23-7.89 percent

In its announcement, DOC noted that its final CVD determination for Vietnam included its first affirmative findings regarding a currency-related subsidy involving the conversion of US dollars into Vietnamese dong at an allegedly undervalued exchange rate. DOC explained that this is "the second CVD investigation and first affirmative final determination" involving DOC's Currency Rule, issued in February 2020. The Currency Rule revised DOC's regulations to set forth "the approach that Commerce takes when investigating an allegation that an undervalued foreign currency provides a countervailable subsidy to foreign producers and exporters in a CVD proceeding."

The scope of these investigations is passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by these investigations may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

The products covered by these investigations are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10, 4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.90.10.10, 4011.90.10.50, 4011.90.20.10, 4011.90.20.50, 4011.90.80.10, 4011.90.80.50, 8708.70.45.30, 8708.70.45.46, 8708.70.45.48, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60.

The US International Trade Commission (ITC) is scheduled to issue its final determinations in these investigations by July 5, 2021. If the ITC determines that imports of the subject merchandise materially injure or threaten material injury to a US industry, DOC will issue AD and CVD orders, as appropriate.

According to DOC, imports of PVLT tires from the investigated countries in 2020 were approximately valued as follows:

- South Korea: $972 million
- Taiwan: $438 million
- Thailand: $2 billion
- Vietnam: $542 million

US Department of Commerce Issues Affirmative Final Determinations in Antidumping and Countervailing Duty Investigations of Certain Walk-Behind Lawn Mowers and Parts Thereof from China and Vietnam

On May 17, 2021, the US Department of Commerce (DOC) announced its affirmative final determinations in the antidumping duty (AD) investigations of certain walk-behind lawn mowers and parts thereof (lawn mowers) from China and Vietnam, and affirmative final determination in the countervailing duty (CVD) investigation of lawn mowers from China. In its investigations, DOC determined that imports of the subject merchandise were sold in the United States at the following dumping margins and subsidy rates:

Country	Dumping Margin	Subsidy Rate
China	88.14-263.75 percent	14.17-20.98 percent
Vietnam	148.35-176.37 percent	NA

The merchandise covered by these investigations consists of certain rotary walk-behind lawn mowers, which are grass-cutting machines that are powered by internal combustion engines. The scope of these investigations covers certain walk-behind lawn mowers, whether self-propelled or non-self-propelled, whether finished or unfinished, whether assembled or unassembled, and whether containing any additional features that provide for functions in addition to mowing. The lawn mowers subject to these investigations are typically classified at Harmonized Tariff Schedule of the United States (HTSUS) subheading 8433.11.0050. Lawn mowers subject to these investigations may also enter under subheadings 8407.90.1010 and 8433.90.1090.

The US International Trade Commission (ITC) is scheduled to issue its final determinations in these investigations by June 28, 2021. If the ITC determines that imports of the subject merchandise materially injure or threaten material injury to a US industry, DOC will issue AD and CVD orders, as appropriate.

According to DOC, imports of certain walk-behind lawn mowers and parts thereof were valued approximately as follows in 2020: $99.5 million (for China) and $18 million (for Vietnam).

US Department of Commerce Issues Affirmative Final Determination in Antidumping Investigation of Certain Chassis and Subassemblies Thereof from China

On May 12, 2021, the US Department of Commerce (DOC) announced its affirmative final determination in the antidumping duty (AD) investigation of certain chassis and subassemblies thereof from China. In its investigation, DOC determined that imports of the subject merchandise from China were sold in the United States at a dumping margin of 188.05 percent. In March 2021, DOC found countervailable subsidization of certain chassis and subassemblies thereof from China with a subsidy rate of 39.14 percent.

The merchandise covered by this investigation is chassis and subassemblies thereof, whether finished or unfinished, whether assembled or unassembled, whether coated or uncoated, regardless of the number of axles, for carriage of containers, or other payloads (including self-supporting payloads) for road, marine roll-on/roll-off (RORO) and/or rail transport. Chassis are typically, but are not limited to, rectangular framed trailers with a suspension and axle system, wheels and tires, brakes, a lighting and electrical system, a coupling for towing behind a truck tractor, and a locking system or systems to secure the shipping container or containers to the chassis using twistlocks, slide pins or similar attachment devices to engage the corner fittings on the container or other payload. The finished and unfinished chassis subject to this investigation are typically classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 8716.39.0090 and 8716.90.5060. Imports of finished and unfinished chassis may also enter under HTSUS subheading 8716.90.5010.

The US International Trade Commission (ITC) is scheduled to issue its final determination in this investigation by June 25, 2021. If the ITC determines that imports of the subject merchandise materially injure or threaten material injury to a US industry, DOC will issue an AD order.

According to DOC, imports from China under HTSUS subheadings 8716.39.0090 and 8716.90.5060 were valued at $361.5 million in 2019.

US Department of Commerce Issues Affirmative Final Determination in the Antidumping Investigation of Methionine from France

On May 11, 2021, the US Department of Commerce (DOC) announced its affirmative final determination in the antidumping duty (AD) investigation of methionine from France. In its investigation, DOC determined that imports of the subject merchandise from France were sold in the United States at dumping margins ranging from 16.17 to 43.82 percent.

The merchandise covered by these investigations is methionine and dl-Hydroxy analogue of dl-methionine, also known as 2-Hydroxy 4-(Methylthio) Butanoic acid (HMTBa), regardless of purity, particle size, grade, or physical form. Methionine has the chemical formula C_5 H_{11} NO_2 S, liquid HMTBa has the chemical formula C_5 H_{10} O_3 S, and dry HMTBa has the chemical formula (C_5 H_9 O_3 S)$_2$ Ca. Methionine is currently classified under subheadings 2930.40.0000 and 2930.90.4600 of the Harmonized Tariff Schedule of the United States (HTSUS). Methionine has the Chemical Abstracts Service (CAS) registry numbers 583-91-5, 4857-44-7, 59-51-8 and 922-50-9.

The US International Trade Commission (ITC) is scheduled to issue its final determination in this investigation by June 24, 2020. If the ITC determines that imports of the subject merchandise materially injure or threaten material injury to the domestic industry, DOC will issue an AD order.

According to DOC, imports from France under HTSUS subheadings 2930.40.0000 and 2930.90.4600 were valued at approximately $10.6 million in 2020.

US Department of Commerce Initiates Antidumping Duty Investigations of Raw Honey from Argentina, Brazil, India, Ukraine, and Vietnam

On May 12, 2021, the US Department of Commerce (DOC) announced the initiation of antidumping duty (AD) investigations of raw honey from Argentina, Brazil, India, Ukraine, and Vietnam. DOC initiated these investigations in response to petitions filed by the American Honey Producers Association (Bruce, SD) and Sioux Honey Association (Sioux City, IA).

The merchandise covered by these investigations is raw honey. Raw honey is honey as it exists in the beehive or as obtained by extraction, settling and skimming, or coarse straining. Raw honey has not been filtered to a level that results in the removal of most or all of the pollen, *e.g.,* a level that removes pollen to below 25 microns. The subject products include all grades, floral sources and colors of raw honey and also include organic raw honey.

Excluded from the scope is any honey that is packaged for retail sale (*e.g.,* in bottles or other retail containers of five (5) lbs. or less).

The merchandise subject to these investigations is currently classifiable under statistical subheading 0409.00.0005, 0409.00.0035, 0409.00.0045, 0409.00.0056, and 0409.00.0065 of the Harmonized Tariff Schedule of the United States (HTSUS).

The dumping margins alleged in the petition are as follows:

Country	Alleged Dumping Margin
Argentina	9.75 - 49.44 percent
Brazil	83.72 percent
India	27.02 - 88.48 percent
Ukraine	9.49 - 92.94 percent
Vietnam	47.56 - 138.23 percent

The US International Trade Commission (ITC) is scheduled to issue its preliminary injury determinations by June 7, 2021. If the ITC reaches affirmative preliminary determinations of injury, the investigations will continue and DOC will be scheduled to issue its preliminary AD determinations by September 28, 2021. If the ITC makes negative preliminary determinations of injury, the investigations will be terminated.

US Department of Commerce Issues Affirmative Preliminary Determination in Antidumping Duty Investigations of Thermal Paper from Germany, Japan, South Korea, and Spain

On May 6, 2021, the US Department of Commerce (DOC) announced its affirmative preliminary determinations in the antidumping duty (AD) investigations of thermal paper from Germany, Japan, South Korea, and Spain. In its investigations, DOC preliminarily determined that imports of the subject merchandise were sold in the United States at the following dumping margins:

Country	Preliminary Dumping Margin
Germany	2.78 percent
Japan	35.71 percent
South Korea	6.19 percent
Spain	37.07-41.45 percent

The scope of these investigations covers thermal paper in the form of "jumbo rolls" and certain "converted rolls." The scope covers jumbo rolls and converted rolls of thermal paper with or without a base coat (typically made of clay, latex, and/or plastic pigments, and/or like materials) on one or both sides; with thermal active coating(s) (typically made of sensitizer, dye, and co-reactant, and/or like materials) on one or both sides; with or without a top coat (typically made of pigments, polyvinyl alcohol, and/or like materials), and without an adhesive backing. Jumbo rolls are defined as rolls with an actual width of 4.5 inches or more, an actual weight of 65 pounds or more, and an actual diameter of 20 inches or more (jumbo rolls). All jumbo rolls are included in the scope regardless of the basis weight of the paper. Also included in the scope are "converted rolls" with an actual width of less than 4.5 inches, and with an actual basis weight of 70 grams per square meter (gsm) or less.

The scope of these investigations covers thermal paper that is converted into rolls with an actual width of less than 4.5 inches and with an actual basis weight of 70 gsm or less in third countries from jumbo rolls produced in the subject countries.

The merchandise subject to these investigations may be classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 4811.90.8030 and 4811.90.9030.

DOC is scheduled to issue its final determinations in these investigations by September 23, 2021. If DOC issues affirmative final determinations, and the US International Trade Commission (ITC) determines that imports of the subject merchandise materially injure or threaten material injury to a US industry, DOC will issue AD orders.

US Department of Commerce Issues Preliminary Determinations in Antidumping Duty Investigations of Utility Scale Wind Towers from India and Malaysia

On May 19, 2021, the US Department of Commerce (Commerce) announced its affirmative preliminary determination in the antidumping duty (AD) investigation of Utility Scale Wind Towers from India and its negative preliminary determination in the AD investigation on Utility Scale Wind Towers from Malaysia. In its investigation, DOC preliminarily determined that imports of the subject merchandise from India were sold in the United States at a dumping margin of 50.65 percent, and that imports from Malaysia were not sold in the United States at less than fair value.

The merchandise covered by these investigations consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (*i.e.,* where the top of the tower and nacelle are joined) when fully assembled.

Merchandise covered by these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (*i.e.,* accompanying nacelles and/or rotor blades).

DOC is scheduled to issue its final AD determinations by August 2, 2021 (for India) and October 1, 2021 (for Malaysia). If DOC issues affirmative final determinations, the investigations will continue and the US International Trade Commission (ITC) will be scheduled to issue its final injury determinations by September 16, 2021 (for India) and December 20, 2021 (for Malaysia).

US International Trade Commission Finds That Imports of Prestressed Concrete Steel Wire Strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine Injure US Industry

On May 11, 2021, the US International Trade Commission (ITC) determined that a US industry is materially injured by reason of imports of prestressed concrete steel wire strand from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine that the US Department of Commerce (DOC) has determined are sold in the United States at less than fair value. Chair Jason E. Kearns, Vice Chair Randolph J. Stayin, and Commissioners David S. Johanson, Rhonda K. Schmidtlein, and Amy A. Karpel voted in the affirmative. As a result of the ITC's affirmative determinations, DOC will issue antidumping duty orders on imports of this product from Indonesia, Italy, Malaysia, South Africa, Spain, Tunisia, and Ukraine.

The ITC also made negative critical circumstances findings with regard to certain imports of this product from Indonesia. As a result, these imports will not be subject to retroactive antidumping duties.

The merchandise covered by these investigations is prestressed concrete steel wire strand (PC strand), produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pretensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand. The PC strand subject to these investigations is currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). DOC determined in April 2021 that imports of this product were sold in the United States at the following dumping margins:

Country	Dumping Margin
Indonesia	5.76-72.28%
Italy	3.59-19.26%
Malaysia	3.94-26.95%
South Africa	155.10%
Spain	14.75%
Tunisia	30.58%
Ukraine	19.30%

According to DOC, imports under HTSUS subheadings 7312.10.3010 and 7312.10.3012 in 2020 were valued approximately as follows: $1.3 million (for Indonesia); $10.3 million (for Italy); $11 million (for Malaysia); $5.5 million (for South Africa); $14.2 million (for Spain); $2.3 million (for Tunisia); and $0.5 million (for Ukraine).

The ITC's public report on these investigations will be published by June 14, 2021.

US International Trade Commission Votes to Continue Investigations of Walk-Behind Snow Throwers from China

On May 13, 2021, the US International Trade Commission (ITC) determined that there is a reasonable indication that a US industry is materially injured by reason of imports of walk-behind snow throwers from China that allegedly are subsidized and sold in the United States at less than fair value. Chair Jason E. Kearns, Vice Chair Randolph J. Stayin, and Commissioners David S. Johanson, Rhonda K. Schmidtlein, and Amy A. Karpel voted in the affirmative. As a result of the ITC's affirmative determinations, the US Department of Commerce (DOC) will continue its investigations of imports of walk-behind snow blowers from China. DOC's preliminary countervailing duty determination in this investigation is due on or about June 23, 2021, and its preliminary antidumping duty determination is due on or about September 6, 2021.

The merchandise covered by these investigations consists of gas-powered, walk-behind snow throwers (also known as snow blowers), which are snow moving machines that are powered by internal combustion engines and primarily pedestrian-controlled. The scope of the investigations covers certain snow throwers (also known as snow blowers), whether self-propelled or non-self-propelled, whether finished or unfinished, whether assembled or unassembled, and whether containing any additional features that provide for functions in addition to snow throwing. Subject merchandise also includes finished and unfinished snow throwers that are further processed in a third country or in the United States, including, but not limited to, assembly or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the in-scope snow throwers.

The snow throwers subject to these investigations are typically entered under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8430.20.0060. Certain parts of snow throwers subject to these investigations may also enter under HTSUS 8431.49.9095.

According to DOC, imports from China under HTSUS subheading 8430.20.0060 were valued at approximately $86.5 million in 2020.

US International Trade Commission Votes to Continue Investigations of Organic Soybean Meal from India

On May 14, 2021, the US International Trade Commission (ITC) determined that there is a reasonable indication that a US industry is materially injured by reason of imports of organic soybean meal from India that are allegedly subsidized and sold in the United States at less than fair value. Chair Jason E. Kearns, Vice Chair Randolph J. Stayin, and Commissioners David S. Johanson, Rhonda K. Schmidtlein, and Amy A. Karpel voted in the affirmative. As a result of the ITC's affirmative determinations, the US Department of Commerce (DOC) will continue its investigations of imports of organic soybean meal from India. DOC's preliminary countervailing duty determination will be due on or about June 24, 2021, and its preliminary antidumping duty determination will be due on or about September 7, 2021.

The merchandise subject to the investigation is certified organic soybean meal. Certified organic soybean meal results from the mechanical pressing of certified organic soybeans into ground products known as soybean cake, soybean chips, or soybean flakes, with or without oil residues.

The products covered by these investigations are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings 1208.10.0010 and 2304.00.0000. Certified organic soybean meal may

also enter under HTSUS 2309.90.1005, 2309.90.1015, 2309.90.1010, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, and 2308.00.9890.

According to DOC, imports from India under HTSUS subheadings 1208.10.0010 and 2304.00.0000 were valued at approximately $249 million in 2020.