
New Trade Case on Imports of Certain Fabricated Structural Steel From Canada, China, and Mexico

By Lara A. Austrins, Mark R. Ludwikowski, R. Kevin Williams / Feb 06, 2019

New U.S. antidumping (“AD”) and countervailing duty (“CVD”) investigations were filed on February 1, 2019 by the American Institute of Steel Construction, LLC (“Petitioner”) against imports of certain fabricated structural steel (“FSS”) from Canada, China, and Mexico.

The merchandise covered by the petition includes certain carbon and alloy (including stainless) steel products that have been fabricated for assembly or installation into a structure (fabricated structural steel). FSS is generally used in constructing a variety of structures, including buildings (commercial, office, institutional, and multi-family residential), industrial and utility projects, parking decks, arenas and convention centers, medical facilities, and ports, transportation and infrastructure facilities. The full scope of the merchandise covered is set forth below.

The petition includes AD (less than fair value) allegations against Canada, China and Mexico and CVD (unfair subsidy) allegations against Canada, China, and Mexico. The Department of Commerce (“Commerce”) and the International Trade Commission (“ITC”) will next determine whether to launch AD and/or CVD duty and injury investigations, respectively, on these products. Commerce will be responsible for calculating the ultimate AD/CVD margins on the imports, while the ITC will conduct a concurrent investigation to determine if the imports are injuring the U.S. industry. If Commerce finds dumping or unfair subsidization in its preliminary determinations, currently scheduled for April 27, 2019 (CVD) and July 11, 2019 (AD), importers will be charged the calculated duties upon the products’ entry in the U.S. market.

There are strict statutory deadlines associated with these proceedings and affected companies are advised to prepare as soon as possible. If this product is of interest to you, please let us know so that we can provide you with additional information as it becomes available.

The following are key facts about this trade case:

Petitioner: American Institute of Steel Construction, LLC

Foreign Producers/Exporters and US Importers: Please contact us for a listing of individual companies named in the petition.

Alleged AD and CVD margins: Petitioner has alleged the following AD margins:

- Canada – 31.46 percent
- China – 218.85 percent
- Mexico – 41.39 percent

Petitioner has alleged CVD margins for Canada, China, and Mexico above *de minimis*.

Merchandise covered by the scope of the case:

The merchandise covered by this investigation includes carbon and alloy (including stainless) steel products such as angles, columns, beams, girders, plates, flange shapes (including manufactured structural shapes utilizing welded plates as a substitute for rolled wide flange sections), channels, hollow structural section (“HSS”) shapes, base plates, plate-work components, and other steel products that have been fabricated for assembly or installation into a structure (fabricated structural steel). Fabrication includes, but is not limited to, cutting, drilling, welding, joining, bolting, bending, punching, pressure fitting, molding, adhesion, and other processes.

FSS products included in the scope of this investigation are products in which iron predominates, by weight, over each of the other contained elements and the carbon content is two percent or less by weight.

FSS is covered by the scope of the investigation regardless of whether it is painted, varnished, or coated with plastics or other metallic or non-metallic substances. FSS may be either assembled; disassembled, but containing characteristics or items, such as holes, fasteners, nuts, bolts, rivets, screws, tongue and grooves, hinges, or joints, so that the product(s) may be joined, attached, or assembled to one or more additional units, or sub-assemblies of FSS.

Products under investigation include carbon and alloy steel products that have been fabricated for erection or assembly into structures, including but not limited to, buildings (commercial, office, institutional, and multi-family residential); industrial and utility projects; parking decks; arenas and convention centers; medical facilities; and ports, transportation and infrastructure facilities.

Subject merchandise includes FSS that has been assembled or further processed in the subject country or a third country, including but not limited to painting, varnishing, trimming, cutting, drilling, welding, joining, bolting, punching, bending, beveling, riveting, galvanizing, coating, and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the Investigation if performed in the country of manufacture of the FSS.

FSS may be attached, joined, or assembled with non-steel components at the time of importation. The inclusion, attachment, joining, or assembly of non-steel components with FSS does not remove the FSS from the scope.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded. Specifically excluded from the scope of this investigation is certain fabricated steel concrete reinforcing bar ("rebar"). Fabricated rebar is excluded from the scope only if it is a unitary piece of fabricated rebar, not joined, welded, or otherwise connected with any other steel product or part; or it is joined, welded, or otherwise connected only to other rebar.

Also excluded from this scope is FSS used for bridges and bridge sections. For the purpose of this scope, FSS used for bridges and bridge sections is defined as fabricated structural steel that is used in bridges and bridge sections and that conforms to American Association of State and Highway and Transportation Officials ("AASHTO") bridge construction requirements or any state or local derivatives of the AASHTO bridge construction requirements.

Also excluded from this scope are pre-engineered metal building systems. For the purposes of this scope, pre-engineered metal building systems are defined as complete metal buildings that integrate steel framing, roofing and walls to form one, pre-engineered building system and are designed and manufactured to Metal Building Manufacturers Association guide specifications. Pre-engineered metal building systems are typically limited in height to no more than 60 feet or two stories.

Also excluded from this scope are steel roof and floor decking systems designed and manufactured to Steel Deck Institute standards.

Also excluded from the scope are open web steel bar joists and joist girders that are designed and manufactured to Steel Joist Institute specifications.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings: 7308.90.9590, 7308.90.3000, and 7308.90.6000.

The products subject to the investigation may also enter under the following HTSUS subheadings: 7216.91.0010, 7216.91.0090, 7216.99.0010, 7216.99.0090, 7228.70.6000, 7301.10.0000, 7301.20.1000, 7301.20.5000, 7308.40.0000, 7308.90.9530, and 9406.90.0030.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise is dispositive.

If you have any questions regarding the content of this alert, please contact Mark Ludwikowski (mludwikowski@clarkhill.com; 202-640-6680), Kevin Williams (kwilliams@clarkhill.com; 312-985-5907) Lara Austrins (laustrins@clarkhill.com; 312.985.5571), or another member of Clark Hill's International Trade Business Unit.