

U.S. Fastener Producers Score Important Victory at the U.S. Court of International Trade

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Today the U.S. Court of International Trade (CIT) released its public decision remanding the negative preliminary determination of the International Trade Commission (ITC) in the antidumping investigation of Certain Standard Steel Fasteners from the People's Republic of China and Taiwan. The case stemmed from a 2009 petition brought by the Fastener Division of Nucor Corporation alleging that U.S. producers face material injury from dumped imports of Chinese and Taiwanese fasteners. In remanding the case, the CIT handed domestic fastener producers an important victory in their efforts to combat dumped imports.

"Reversals of ITC preliminary determinations are very rare, and the reversal in the fasteners case demonstrates that the original determination was deeply flawed," said Alan Price of Wiley Rein LLP in Washington, DC, counsel to Nucor Fastener Division, a domestic producer of fasteners. "There is no doubt that U.S. fastener companies and their workers are being injured by dumped imports from China and Taiwan."

The court remanded the case back to the ITC for a new determination. The ITC is scheduled to issue that determination by December 7, 2011. The original investigation was initiated with estimated dumping margins of 145 percent for Chinese imports and 74 percent for imports from Taiwan. Nucor Fastener is one of the last remaining producers of standard fasteners in the United States, and many of those still in existence have been forced to dramatically slash production, resulting in significantly decreased operating income, profits, production workers and wages.

Related Professionals

Alan H. Price
Partner
202.719.3375
aprice@wiley.law

Practice Areas

International Trade
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"If we're going to have jobs in the United States, then we need to make fasteners and other products here," said Mr. Price. "Requiring goods to be sold at non-dumped and subsidized prices will bring jobs back to the United States."