

# American Producers of Aluminum Extrusions File Trade Petitions to Combat Illegal and Unfair Dumping and Subsidies from 15 Countries, Wiley Rein LLP Reports

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*Washington, DC* – The U.S. Aluminum Extruders Coalition and the United Steelworkers (USW) union today filed petitions charging that unfairly traded imports of aluminum extrusions from China, Colombia, the Dominican Republic, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates, and Vietnam are materially injuring the American aluminum extrusions industry.

The petitions demonstrate that aluminum extrusions producers in these countries are selling extrusions in the United States at less than fair value – dumped at rates up to 256% and distorting the U.S. market. The petitions also show that foreign producers in China, Indonesia, Mexico, and Turkey unfairly benefit from numerous countervailable subsidies provided by the foreign governments, such as tax breaks and discounted land and raw materials, which provide unfair and artificial advantages to the Chinese, Indonesian, Mexican, and Turkish aluminum extrusions industries.

“For years, American extruders and workers have lost huge amounts of sales to unfairly traded, dumped and subsidized imports of aluminum extrusions,” said Jeff Henderson, President of the Aluminum Extruders Council. “It’s time to take a stand for American manufacturing and take on these illegally traded products.”

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The petitions were filed concurrently with the U.S. Department of Commerce and the U.S. International Trade Commission (USITC). The filing is in response to large and increasing volumes of unfairly priced imports of aluminum extrusions since 2019 that have injured American producers and workers, including thousands of USW workers in the industry. By using highly dumped and subsidized prices, producers in the subject countries have gained a significant and increasing share of the U.S. market at the direct expense of the U.S. industry. As a result of the increasing volumes of dumped and subsidized imports, U.S. extruders have been unable to grow their production and sales despite growing demand and have suffered significant declines in profitability.

“The action today seeks to put an end to foreign producers’ attempts to take market share using dumped and subsidized prices at the expense of the U.S. aluminum extrusion industry and their workers,” said Robert DeFrancesco, partner in Wiley’s International Trade Practice and counsel to the petitioners. “We urge Commerce and the USITC to thoroughly investigate these unfair trade practices and effectively apply the trade laws to dumped and subsidized aluminum extrusions from the 15 countries subject to the petitions.”

The Wiley team representing the petitioners also includes International Trade Practice co-chair Alan H. Price; partner Laura El-Sabaawi; of counsel Jeffrey O. Frank; special counsel Jake Frischknecht; associates Patrick Griffo, Elizabeth S. Lee, and Kimberly A. Reynolds; and international trade analysts Richard F. DiDonna and Amy E. Sherman.

## **FACT SHEET**

**Antidumping and Countervailing Duties:** Antidumping duties are intended to offset the amount by which a product is sold at less than fair value, or “dumped,” in the United States. The margin of dumping is calculated by the Commerce Department. Countervailing duties are intended to offset unfair subsidies that are provided by foreign governments and benefit the production of a particular good. After affirmative preliminary determinations by Commerce, estimated duties in the amount of the dumping and subsidies will be collected from importers at the time of importation. The USITC, an independent

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## **Practice Areas**

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Antidumping and Countervailing Duties/  
Trade Remedy Cases  
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agency, will determine whether the domestic industry is materially injured or threatened with material injury by reason of unfairly traded imports.

**Dumping Margins:** The rates of dumping alleged in the petitions are:

- China: 256.58%
- Colombia: 181.76%
- Dominican Republic: 28.29%
- Ecuador: 64.57%
- India: 35.67%
- Indonesia: 112.21%
- Italy: 37.52%
- Malaysia: 54.87%
- Mexico: 111.38%
- South Korea: 66.45%
- Taiwan: 99.80%
- Thailand: 84.71%
- Turkey: 33.79%
- United Arab Emirates: 39.80%
- Vietnam: 53.75%

**Next Steps:** The Commerce Department will determine whether to initiate the investigations within 20 days of today's filing, and the USITC will reach a preliminary determination of material injury or threat of material injury within 45 days. The entire investigative process will take approximately one year, with final determinations of dumping, subsidization, and injury likely occurring in mid-2024. However, duties can attach to imports of the subject aluminum extrusions as of the time of the preliminary determinations in the case, or even earlier, if critical circumstances are alleged.

**Product Description:** The products subject to the petitions are aluminum extrusions, regardless of form, finishing, or fabrication, whether assembled with other parts or unassembled, whether coated, painted, anodized, or thermally improved. Aluminum extrusions are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by the Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. The scope also covers aluminum extrusions imported with non-extruded aluminum components beyond fasteners, whether assembled at time of entry or unassembled, that are designed to be attached and/or used with other parts or components, whether interchangeable or not, such as window parts or subassemblies;

door unit parts or subassemblies; shower and bath system parts or subassemblies; solar panel mounting system parts or subassemblies; curtain wall and window wall units; and appliance parts or subassemblies.

While many aluminum extrusions from China are already subject to antidumping and countervailing duties under an earlier trade case, this case will cover additional extruded aluminum products that Commerce or the USITC found to be excluded from the first case (such as certain extruded aluminum heat sinks, solar panel mounting racks, shower door kits, and telescoping poles).

**Petitioners:** The petitioners in the case include the 14-member U.S. Aluminum Extruders Coalition and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (“United Steelworkers”). The petitioners are represented by Wiley Rein LLP.