

International Trade Commission Makes Affirmative Preliminary Determination in Trade Cases on Aluminum Extrusions from China, Wiley Rein LLP Reports

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Washington, DC – In a victory for U.S. aluminum extruders, the U.S. International Trade Commission (USITC) today found there is a reasonable indication that the American aluminum extrusions industry is materially injured or threatened with injury due to imports from China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, the United Arab Emirates, and Vietnam.

The Commission's affirmative vote comes in response to petitions filed October 4, 2023 by the U.S. Aluminum Extruders Coalition, a coalition of 14 leading aluminum extruders in the United States, and the United Steelworkers (USW) union. The cases allege that unfairly dumped and subsidized imports of aluminum extrusions are injuring the domestic industry.

"U.S. aluminum extruders and their workers, including thousands of USW workers, are suffering as a result of unfairly traded imports from these countries," said Robert E. DeFrancesco, counsel to the petitioners and a partner in the International Trade Practice at Wiley. "Today's vote by the Commission takes the domestic industry one step closer to restoring a level playing field to the U.S. aluminum extrusions market."

On October 25, 2023, the U.S. Department of Commerce announced the initiation of antidumping (AD) and countervailing duty (CVD) investigations into imports of aluminum extrusions from the subject

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countries. The dumping margins for imports are alleged to be as high as 376.85%.

The Commission's affirmative preliminary injury determination paves the way for the Commerce Department to move forward with its investigations. Commerce is expected to issue its preliminary CVD determination in December 2023 and its preliminary AD determination in March 2024.

If Commerce also reaches affirmative preliminary determinations in these cases, suspension of liquidation of import entries will begin, and U.S. Customs and Border Protection will start to collect provisional AD and CVD duties from importers at that time, based on the preliminary margins calculated.

If both the USITC and Commerce ultimately reach affirmative final determinations, AD and CVD orders on aluminum extrusions will be issued, imposing duties on the unfairly traded imports for a minimum of five years. Evasion, absorption, and circumvention of such duties are strictly illegal.

The Wiley team representing the petitioners also includes International Trade Practice co-chair Alan H. Price, partner Laura El-Sabaawi, associates Elizabeth S. Lee and Kimberly A. Reynolds, and international trade analyst Amy E. Sherman.