

PRESS RELEASE

U.S. Manufacturers of Utility Scale Wind Towers File Dumping and Subsidy Petitions Against Canada, Indonesia, Korea, and Vietnam

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Washington, DC—Today, the Wind Tower Trade Coalition (W TTC), a coalition of producers of utility scale wind towers in the United States, filed petitions asking the U.S. Department of Commerce and the International Trade Commission (ITC) to conduct antidumping (AD) investigations into Canadian, Indonesian, Korean, and Vietnamese imports of utility scale wind towers, and a countervailing duty (CVD) investigation into Canadian, Indonesian, and Vietnamese imports of utility scale wind towers. The W TTC is represented by Wiley Rein LLP.

As a result of dumping and improper subsidies, the U.S. industry is suffering severe harm as seen in employment levels, pricing, production, and profits. Imports of wind towers have escalated significantly, costing U.S. manufacturers sales and injuring American workers.

“The Canadian, Korean, Indonesian, and Vietnamese industries are using unfair pricing practices to capture critical sales from the U.S. industry. As a result, the industry and its workers have been injured by these unfairly priced imports,” said Alan H. Price, chair of the International Trade Practice at Wiley Rein.

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Practice Areas

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The Department of Commerce and the ITC should initiate AD and CVD investigations within three weeks of the date of filing of these petitions. The ITC's preliminary injury determination is expected in August 2019, and Commerce is expected to make its preliminary AD and CVD determinations within six months of initiation. A final determination is due in nine to 13 months.

"Antidumping and countervailing duty investigations are powerful tools for U.S. producers that have been injured by unfairly priced imports. A successful outcome in this case will not only benefit U.S. manufacturers, but it will save numerous American jobs," said Daniel B. Pickard, a partner in Wiley Rein's International Trade Practice.

Background

What do these petitions cover?

The petitions request that Commerce impose significant remedial duties on Canadian, Indonesian, Korean, and Vietnamese imports of utility scale wind towers. These petitions cover only utility scale wind towers used for utility scale wind turbines, which are wind turbines with a generating capacity of more than 100 kilowatts. The towers subject to these petitions form the base upon which the components of these utility scale wind turbines, i.e., the nacelle and rotor blades, are mounted. The cases cover utility scale wind towers whether imported partially or fully assembled, and do not cover imported wind turbines, nacelles, or blades.

What is 'dumping'?

For purposes of an antidumping investigation, dumping occurs when a foreign company sells a product in the United States at less than fair value.

What are 'countervailable duties'?

For purposes of a countervailing duty investigation, countervailable subsidies are financial assistance from foreign governments, provided to foreign manufacturers, that unfairly benefit the production, manufacture, or exportation of goods in that country.

What are the next steps?

We expect the Department of Commerce and the ITC to initiate AD and CVD investigations within the next three weeks. The ITC's preliminary injury determination is expected in August 2019. The Department of Commerce should make its preliminary AD and CVD determinations within approximately six months. At that point, importers of covered merchandise will be required to make cash deposits in the amount of the preliminary AD and CVD duties.