

# Wiley Rein Argues Rare Section 201 Case Before ITC

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## ITC INVESTIGATES WHETHER U.S. SOLAR MANUFACTURING HAS BEEN SERIOUSLY INJURED

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*Washington, DC*—Yesterday, the U.S. International Trade Commission (ITC) held its first public hearing in the investigation of a Section 201 trade petition by co-petitioners SolarWorld and Suniva, exploring whether foreign imports have caused serious injury to the domestic solar manufacturing industry. The petition calls for trade restrictions on imports of solar cells and modules (CSVP products), which are assembled into panels for use in solar energy systems.

Timothy C. Brightbill, partner in Wiley Rein's International Trade Practice and counsel to SolarWorld, told the ITC "there has to be something in place to preserve domestic [solar] manufacturing while we figure out how to solve the broader overcapacity problem."

In the first U.S. safeguards case to be heard in 16 years, the petitioners argued that current antidumping and countervailing duty laws are not sufficient to protect against the significant increase of imported CSVP products, and that the safeguards law is the best tool to address foreign manufacturers' evasion of solar duties. Section 201 of the Trade Act of 1974 (Global Safeguard Investigations) – known as the safeguards law – allows domestic industries seriously injured or threatened with serious injury by increased imports to petition the ITC for import relief.

## Related Professionals

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## Practice Areas

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Antidumping and Countervailing Duties/  
Trade Remedy Cases

International Trade

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The petitioners told the court that the deluge of imports from Malaysia, Korea, Mexico, Canada, Vietnam, and other sources have put nearly 30 U.S. manufacturers out of business. SolarWorld won solar panel trade remedy cases against both China and Taiwan several years ago, but because Chinese products can be routed through any of several Asian countries, the petitioners argue that Section 201 is the best option to comprehensively level the playing field for domestic solar manufacturers.

The Commission's injury decision is due September 22. If the Commission makes an affirmative determination, it will recommend a remedy to the President, who will make a final decision by January 2018.

The case has been covered in media outlets including *The Wall Street Journal*, *The Washington Post*, and *Inside U.S. Trade*.