

ALERT

# New Dumping Case Filed Against Silicomanganese Imports from Australia

February 20, 2015

On Thursday, February 19, 2015, Felman Production LLC (Felman), a West Virginia manufacturer of silicomanganese, filed petitions with the Department of Commerce (DOC) and U.S. International Trade Commission (USITC) alleging that Australian producers are selling silicomanganese in the United States at dumped prices.

Silicomanganese from India, Kazakhstan, Venezuela, China, and Ukraine are already subject to antidumping orders.

Specifically, the petitions allege that BHP Billiton Ltd.'s subsidiary, Tasmanian Electro Metallurgical Co. (TEMCO), which is the only silicomanganese producer in Australia, has been dumping this product in the U.S. market at margins of 61.1 percent. DOC now has 20 days to decide whether to initiate an investigation. If it decides to initiate, the agency should reach a preliminary determination within four to six months thereafter, depending on extensions, and, at that time, begin collecting duties or bonds. If, however, foreign producers try to rush in product to beat these preliminary duties, Felman can request that the duties be imposed retroactively, through a critical circumstances allegation. In the parallel proceeding, the USITC will have 45 days to issue a preliminary determination on whether the domestic industry has been injured or threatened with injury by allegedly dumped Australian imports. This case will go forward if the USITC reaches an affirmative preliminary finding of injury.

Because silicomanganese is a critical alloy additive used to produce a variety of steel products, the outcome of this case will have implications for steel producers. If you have any questions regarding this case, please do not hesitate to contact us.

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## Practice Areas

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