



Trade Law Update

November 2024

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HIGHLIGHTS FROM NOVEMBER

[Petition Summary: Float Glass from China and Malaysia](#)

On November 21, 2024, Vitro Flat Glass, LLC and Vitro Meadville Flat Glass, LLC, filed a petition for the imposition of antidumping and countervailing duties on U.S. imports of float glass products from China and Malaysia.

[Petition Summary: Sol Gel Alumina-Based Ceramic Abrasive Grains from the People's Republic of China](#)

On November 25, 2024, Saint-Gobain Ceramics & Plastics, Inc. filed a petition for the imposition of antidumping and countervailing duties on U.S. imports of Sol Gel Alumina-Based Ceramic Abrasive Grains from the People's Republic of China ("China").

[FLTEF Announces New Additions to UFLPA Entity List](#)

The Biden Administration's Forced Labor Enforcement Task Force ("FLETF") recently increased enforcement efforts against imports from Chinese entities linked to forced labor in the Xinjiang Uyghur Autonomous Region. Twenty-nine (29) companies were added to the Uyghur Forced Labor Protection Act ("UFLPA") Entity List on Friday November 22, 2024, bringing the total number of companies to over 100. This recent announcement marks the largest expansion of companies on the list of banned entities. The UFLPA presumptively bars goods being imported into the United States from companies on the UFLPA Entity List as part of a broader strategy to counter unfair Chinese trade practices. The law, which President Biden signed in 2021, targets imports from Xinjiang, a region known for producing cotton, tomatoes, and solar-panel components, amid accusations of human rights abuses against Uyghurs and other minorities.

U.S. DEPARTMENT OF COMMERCE DECISIONS

Investigations

- Hexamethylenetetramine From the People's Republic of China and India: On November 4, 2024, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- Thermoformed Molded Fiber Products From the People's Republic of China and the Socialist Republic of Vietnam: On November 4, 2024, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- Hexamethylenetetramine From the People's Republic of China, Germany, India, and Saudi Arabia: On November 4, 2024, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Thermoformed Molded Fiber Products From the People's Republic of China and the Socialist Republic of Vietnam: On November 4, 2024, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Dioctyl Terephthalate From Malaysia: On November 5, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.

- Dioctyl Terephthalate From Poland: On November 5, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Dioctyl Terephthalate From Taiwan: On November 5, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Dioctyl Terephthalate From the Republic of Turkiye: On November 5, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Ferrosilicon From Brazil: On November 6, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Ferrosilicon From Kazakhstan: On November 6, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures.
- Ferrosilicon From Malaysia: On November 6, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures.
- Polyester Textured Yarn From Indonesia: On November 8, 2024, Commerce issued its Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Investigation; Notice of Amended Final [Determination](#); Notice of Amended Order.
- Certain Epoxy Resins From India: On November 13, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Certain Epoxy Resins From Thailand: On November 13, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures.
- Certain Epoxy Resins From the People’s Republic of China: On November 13, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances.
- Certain Epoxy Resins From the Republic of Korea: On November 13, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Negative Critical Circumstances Determination, Postponement of Final Determination, and Extension of Provisional Measures.
- 2,4-Dichlorophenoxyacetic Acid From India: On November 14, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- 2,4-Dichlorophenoxyacetic Acid From the People’s Republic of China: On November 14, 2024, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures.
- Vanillin from the People’s Republic of China: On November 18, 2024, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination with Final Antidumping Duty Determination.
- Paper File Folders From Cambodia: On November 19, 2024, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- Paper File Folders From Cambodia and Sri Lanka: On November 19, 2024, Commerce issued its [Initiation](#) of Less-Than-Fair- Value Investigations.
- Hard Empty Capsules From Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: On November 20, 2024, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- Hard Empty Capsules From Brazil, the People’s Republic of China, India, and the Socialist Republic of Vietnam: On November 20, 2024, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- Overhead Door Counterbalance Torsion Springs From the People’s Republic of China and India: On November 25, 2024, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.

- Overhead Door Counterbalance Torsion Springs From the People’s Republic of China and India: On November 25, 2024, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.

Administrative Reviews

- Certain Quartz Surface Products From India: On November 5, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Common Alloy Aluminum Sheet From Germany: On November 5, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Large Diameter Welded Pipe From the Republic of Korea: On November 7, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Certain Mobile Access Equipment and Subassemblies Thereof From the People’s Republic of China: On November 8, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Certain Aluminum Foil From People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Rescission of Review, in Part; 2022–2023.
- Certain Aluminum Foil From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative; 2022.
- Phosphate Fertilizers From the Kingdom of Morocco: On November 12, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Phosphate Fertilizers From the Russian Federation: On November 12, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Wooden Cabinet and Vanities and Components Thereof From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) and Partial Rescission of the Antidumping Duty Administrative Review; 2022–2023.
- Wooden Cabinets and Vanities and Components Thereof From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Common Alloy Aluminum Sheet From India: On November 13, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Common Alloy Aluminum Sheet From the Republic of Turkey: On November 14, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Common Alloy Aluminum Sheet From the Republic of Turkey: On November 14, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Certain New Pneumatic Off-the-Road Tires from India: On November 18, 2024, Commerce issued its Amended Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Mattresses From Indonesia: On November 19, 2024, Commerce issued its Final [Results](#) and Partial Rescission of Antidumping Duty Administrative Review; 2022–2023.
- Oil Country Tubular Goods From Ukraine: On November 19, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Welded Carbon Steel Standard Pipes and Tubes From India: On November 21, 2024, Commerce issued its Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final [Results](#)
- Certain Quartz Surface Products From the People’s Republic of China: On November 22, 2024, Commerce issued its Final [Results](#) of 2021–2023 Antidumping Duty and 2021–2022 Countervailing Duty Administrative Reviews.
- Citric Acid and Certain Citrate Salts From Colombia: On November 22, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Certain Activated Carbon From the People’s Republic of China: On November 25, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023.
- Certain Steel Nails From Taiwan: On November 26, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review and Final Determination of No Reviewable Sales; 2022–2023.
- Certain Pasta From Italy: On November 29, 2024, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2022.
- Citric Acid and Certain Citrate Salts From Thailand: On November 29, 2024, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2022–2023

Changed Circumstances Reviews

- Barium Chloride From the People’s Republic of China and India: On November 5, 2024, Commerce issued its Final [Results](#) of Changed Circumstances Reviews and Revocation of the Antidumping Duty and Countervailing Duty Orders.
- Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Certain Oil Country Tubular Goods From the Republic of Korea; Welded Line Pipe From the Republic of Korea; and Large Diameter Welded Pipe From the Republic of Korea: On November 14, 2024, Commerce issued its Notice of Final [Results](#) of Antidumping Duty Changed Circumstances Reviews.

Sunset Reviews

- Laminated Woven Sacks From the People’s Republic of China: On November 8, 2024, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Persulfates From the People’s Republic of China: On November 8, 2024, Commerce issued its Final [Results](#) of the Expedited Fifth Sunset Review of the Antidumping Duty Order.
- Steel Propane Cylinders From the People’s Republic of China and Thailand: On November 8, 2024, Commerce issued its Final [Results](#) of the Expedited Sunset Reviews of the Antidumping Duty Orders.
- Stilbenic Optical Brightening Agents From the People’s Republic of China and Taiwan: On November 8, 2024, Commerce issued its Final [Results](#) of the Expedited Second Sunset Reviews of the Antidumping Duty Orders.
- Certain Hot-Rolled Carbon Steel Flat Products From India and Indonesia: On November 12, 2024, Commerce issued its Final [Results](#) of the Expedited Fourth Sunset Reviews of the Countervailing Duty Orders.
- Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, the People’s Republic of China, Taiwan, Thailand, and Ukraine: On November 12, 2024, Commerce issued its Final [Results](#) of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders.
- Certain Hot-Rolled Carbon Steel Flat Products from Thailand: On November 12, 2024, Commerce issued its Final [Results](#) of Expedited Fourth Sunset Review of the Countervailing Duty Order.
- Laminated Woven Sacks From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of the Third Expedited Sunset Review of the Countervailing Duty Order.
- Sodium Nitrite From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of Expedited Third Sunset Reviews of the Countervailing Duty Order.
- Steel Propane Cylinders From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of the Expedited First Sunset Review of the Countervailing Duty Order.
- Steel Wire Garment Hangers From the People’s Republic of China: On November 12, 2024, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Antidumping Duty Order.
- Sodium Nitrite From Federal Republic of Germany and People’s Republic of China: On November 13, 2024, Commerce issued its Final [Results](#) of Expedited Third Sunset Reviews of Antidumping Duty Orders

Scope Ruling

- None.

Circumvention

- Antidumping and Countervailing Duty Orders on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People’s Republic of China: On November 12, 2024, Commerce issued its Notice of Amended Final Affirmative [Determination](#) of Circumvention Pursuant to Settlement Agreement.
- Antidumping Duty Order on Hydrofluorocarbon Blends From the People’s Republic of China: On November 12, 2024, Commerce issued its Final Negative [Determination](#) of Circumvention With Respect to R- 410B From Mexico

U.S. INTERNATIONAL TRADE COMMISSION

Section 701/731 Proceedings

Investigations

- Silicomanganese From China and Ukraine; On November 1, 2024, the ITC issued its final [determination](#) to continue the antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Steel Wheels From China; On November 6, 2024, the ITC issued its final [determinations](#) to continue the countervailing and antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Ferrosilicon From Russia; On November 8, 2024, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Aluminum Lithographic Printing Plates From China and Japan; On November 18, 2024, the ITC issued its affirmative [determinations](#) of less-than-fair-value investigations.
- Hexamine (Hexamethylenetetramine) From China, Germany, India, and Saudi Arabia; On November 20, 2024, the ITC issued its affirmative [determinations](#) of less-than-fair-value investigations.
- Laminated Woven Sacks From Vietnam; On November 20, 2024, the ITC issued its final [determination](#) to continue the countervailing and antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Aluminum Extrusions From China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam; the ITC issued its final negative [determination](#).
- Glycine From China, India, Japan, and Thailand; On November 29, 2024, the ITC issued its final [determination](#) to continue the countervailing and antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Thermoformed Molded Fiber Products From China and Vietnam; On November 29, 2024, the ITC issued its preliminary affirmative [determination](#) of less-than-fair-value investigations.

U.S. CUSTOMS & BORDER PROTECTION

None.

COURT OF INTERNATIONAL TRADE

Summary of Decisions

[Slip. Op. 24-123: Ildico Inc. v. United States](#)

The Court granted CBP's cross-motion for summary judgment on the issue of tariff classification. Ildico Inc., the plaintiff, argued that their watches should be classified under HTS 9101 (watches made of precious metals) while Commerce argued that the sapphire crystal on the back of the watch makes the proper classification HTS 9102. Addressing the issue of the sapphire crystal backing, the Court determined that the sapphire on the back of the watch case was not a "watch glass" but instead part of the watch case. The Court reached this conclusion because "watch glass" on the front of the watch cannot be made of precious metal (gold, silver, or platinum) without interfering with the essential function of a watch: to tell time. The sapphire backing, on the other hand, while it allows the user to see the inner-workings of the watch, is purely an aesthetic consideration as it could be made with precious metal without destroying the watch's essential function.

[Slip. Op. 24-124: Garg Tube Exp. LLP v. United States](#)

The Court upheld Commerce's remand redetermination in a case concerning the AD duty order on welded carbon steel standard pipes and tubes from India. First, the Court rejected the argument by Nucor Tubular Products Inc., the defendant-intervenor, to apply an adverse inference, noting that the mandatory respondent had cooperated to the best of its ability in obtaining information from its suppliers, which it did not have any control over. Next, the Court addressed the Plaintiff's Garg Tube Export LLP and Garg Tube Ltd. (collectively "Garg") arguments, which sought to invalidate Commerce's differential pricing methodology used to calculate the duty rate. Garg contended that the Supreme Court's decision in *Loper Bright* exempted them from the administrative exhaustion requirement. The Court dismissed this argument, stating that "the Plaintiff's argument must fail because Congress granted Commerce flexibility with the phrase 'differ significantly' in the enabling statute," and emphasized that *Loper Bright* had no significant impact on the issues in this case.

[Slip. Op. 24-125: Ventura Coastal, LLC v. United States](#)

The Court sustained in part and remanded in part Commerce’s final determination in the antidumping duty investigation on certain lemon juice from Brazil. Specifically, the Court upheld Commerce’s decision regarding cost of production and the General & Administrative expense ratios, as its methods were consistent with past practice and supported by substantial evidence. However, the Court remanded Commerce’s affiliation determination, noting that Commerce failed to consider evidence showing that Defendant Louis Dreyfus Company (“LDC”) was affiliated with and reliant upon one of their suppliers. Commerce argued that the term “partners” referred to those who jointly own something or engage in joint selling activities, and that *Loper Bright* gave agencies the authority to define statutory terms. The Court rejected Commerce’s definition of “partners,” clarifying that it was not the correct interpretation of *Loper Bright*. Instead, the Court explained that the definition of “partners” requires that Commerce analyze not only whether entities are engaged in joint selling or joint ownership, but also whether they form a cooperative endeavor in which they share risk and reward. Accordingly, the Court remanded the case back to Commerce for reconsideration.

[Slip. Op. 24-126: Byungmin Chae v. United States](#)

The Court granted the CBP’s motion to dismiss, rejecting Plaintiff Byungmin Chae’s request for a Customs Broker License. Plaintiff had taken the Customs Broker License Exam (“CBLE”) but failed to achieve the required passing score. He appealed the decision through the proper channels, reaching up to the Federal Circuit, which credited him for five out of the thirteen disputed questions, raising his score to 73.75%. However, a minimum score of 75% is necessary to pass the CBLE. Plaintiff then filed this subsequent lawsuit, challenging the denial of credit for one more question that had not been part of the original dispute. The Court dismissed the action, finding that Plaintiff’s claim was barred by claim preclusion, as it merely reasserted issues already addressed in the prior proceeding.

Slip. Op. 24-127: California Steel Indus., Inc. v. United States

This opinion is confidential.

Slip. Op. 24-128: Jiangsu Zhongji Lamination Materials Co. v. United States

This opinion is confidential.

[Slip. Op. 24-129: New Am. Keg v. United States](#)

The Court upheld Commerce’s third remand redetermination in the antidumping duty order on steel beer kegs from China. Ningbo Master International Trade Co., Ltd. (“Ningbo Master”), a mandatory respondent, argued that Commerce acted arbitrarily by not reopening the case to include a Mexican CPI inflator instead of using Brazilian wage data as surrogates to determine Ningbo Master’s margin. The Court explained that reopening the record was unnecessary because: (1) Commerce acted within its discretion in considering the data and provided a reasonable explanation for its decision; (2) the existing data on the record was sufficient for an accurate margin calculation; and (3) Ningbo Master failed to identify specific “inaccuracies” resulting from that decision. Regarding Ningbo Master’s alternative argument that the Mexican data were more accurate due to Mexico being a producer of identical merchandise, the Court held that Commerce reasonably prioritized the contemporaneity of the data over the similarity of the products.

[Slip. Op. 24-130: Bioparques de Occidente, S.A. de C.V. v. United States](#)

The Court granted NS Brands, Ltd. and Naturesweet Invernaderos S. de R.L. de C.V./NatureSweet Comercializadora, S. de R.L. de C.V. (collectively “Naturesweet”) untimely motion to intervene. Notwithstanding Commerce’s objection, the Court determined that NatureSweet, as a producer and importer, is an interested party and had reasonably articulated its reasons for seeking intervention. Second, despite Commerce’s argument that NatureSweet waived its arguments because it did not file an administrative brief, the Court found that NatureSweet submitted comments to which Commerce replied. Thus, the exception to administrative exhaustion applied. Finally, the Court determined that good cause to excuse NatureSweet’s delay because it would have been impossible for NatureSweet to anticipate the results of the Court’s 2024 remand in this unique case.

[Slip. Op. 24-131: Unichem Enters., Inc. v. United States](#)

The Court denied CBP’s motion to dismiss the case for lack of subject matter jurisdiction. The plaintiff argued that its entries were deemed excluded by operation of law due to CBP’s failure to make a determination on the entries within 30 days as required by statute. CBP, in turn, argued that under 19 U.S.C. § 1499, the authority to determine admissibility was vested in the Drug Enforcement Administration (“DEA”), not CBP, since the DEA was investigating whether the entries violated controlled substance laws. After reviewing the legislative history of § 1499, the Court clarified that the statute applies only when CBP detains merchandise on behalf of another agency, meaning CBP is not directly involved in the

decision to admit or exclude the merchandise. However, in this case, the authority to identify and seize merchandise violating controlled substance laws lies with CBP, not the DEA, since CBP was the one that identified the entries and detained them. As a result, the Court found it had subject matter jurisdiction over the plaintiff's protest.

[Slip. Op. 24-132: Skyview Cabinet USA, Inc. v. United States](#)

The Court upheld CBP's remand determination in a case involving the evasion of AD and CVD orders on wooden cabinets and vanities from China. Specifically, Plaintiff Skyview Cabinet USA, Inc. contested CBP's determination that it had evaded duties by transshipping Chinese cabinets through Malaysia via Rowenda Kitchen Sdn Bhd ("Rowenda"), a Malaysian company. The Court disagreed with Skyview's argument, finding that despite multiple opportunities, Skyview failed to provide new evidence, such as photographs or videos, to demonstrate that the cabinets were produced in Malaysia. Furthermore, the Court noted that Skyview undermined its credibility by changing its position and alleging that Rowenda, rather than Roxy Heritage (the company Skyview initially claimed was responsible for manufacturing), manufactured the cabinets. As a result, the Court sustained CBP's remand determination.

COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Summary of Decisions

No relevant precedential decisions were issued by the Court of Appeals for the Federal Circuit in November 2024.