

# Trade Law Update



## HIGHLIGHTS FROM MARCH 2026

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### [Customs Reports Additional Progress on CAPE System and Further Defines Limitations for Phase 1 of IEEPA Tariff Refunds](#)

On March 31, 2026, Brandon Lord, the Executive Director of the U.S. Customs and Border Protection (“CBP” or “Customs”) Trade Programs Directorate, Office of Trade, filed a [status update \(the “Declaration”\)](#) with the Court of International Trade (“CIT”) further outlining Customs’ progress in developing the Consolidated Administration and Processing of Entries (CAPE) functionality within ACE. CAPE has four integrated components: Claim Portal, Mass Processing, Review and Liquidation/Reliquidation, and Refund.

### [A Pending Supreme Court Decision May Impact Driver Exemption in the Transportation and Logistics Sectors](#)

The U.S. Supreme Court recently heard oral arguments in *Flowers Foods, Inc. v. Brock*, No. 24-935, a case to determine whether a last-mile delivery driver who picks up products and delivers them within the same state qualifies as a “transportation worker engaged in interstate commerce” and is exempt from the Federal Arbitration Act (FAA) under Section 1. The outcome will have significant implications for freight companies that rely on arbitration agreements with their drivers and delivery contractors.

### [CBP Reports Continued Progress on ACE CAPE System for IEEP Refunds in CIT Filing](#)

On March 19, 2026, Brandon Lord, the Executive Director of U.S. Customs and Border Protection, filed a status update with the U.S. Court of International Trade (“CIT”) outlining CBP’s progress in developing a new Automated Commercial Environment (“ACE”) functionality intended to support refunds of tariffs that were imposed under the International Emergency Economic Powers Act (“IEEPA”).

### [USTR Announces Section 301 Investigation For Goods Produced With Forced Labor](#)

On March 12, 2026, United States Trade Representative (“USTR”) Greer [announced](#) a new investigation under Section 301(b) of the Trade Act of 1974 relating to the “failure to impose and effectively enforce a ban on the importation of goods produced with forced labor are unreasonable or discriminatory and burden or restrict U.S. commerce.” According to the [Federal Register Notice](#), “[t]he failure to prevent trade in products produced with forced labor may negatively affect U.S. commerce” because “U.S. exports are required to compete with products produced wholly or in part with forced labor...”

### [USTR Announces New Section 301 Investigation Into “Structure Excess Capacity and Production”](#)

On Wednesday, March 11, 2026, United States Trade Representative (“USTR”) Greer [announced](#) a new investigation under Section 301(b) of the Trade Act of 1974 relating to “structural excess capacity and production in certain manufacturing sectors.” According to the [Federal Register Notice](#), “[k]ey trading partners have developed production capacity untethered from the incentives of domestic and global demands...lead[ing] to [ ] over production and large or persistent trade surpluses as well as underutilized and unused capacity, in manufacturing sectors.”

### [The Implications of New Fuel Surcharges in Response to Shipping Disruptions in the Middle East](#)

Several major ocean carriers have recently announced new Energy Fuel Surcharges (EFS) in response to sharply rising bunker fuel costs resulting from the latest geopolitical disruption in the Middle East.

### [Legislation Introduced to Curtail Non-Resident Importers Ability to Import Goods into U.S.](#)

On April 2, 2026, President Trump issued a [Proclamation](#) modifying the Section 232 tariffs applicable to imports of aluminum, steel, and copper, and derivatives of the same.

# Trade Law Update



## [CBP Releases CSMS Guidance on Implementation of Jones Act Waiver](#)

On March 18, 2026, the Trump Administration [announced](#) a 60-day waiver of the Jones Act, which requires that cargo transported between U.S. ports be carried on vessels that are U.S.-built, U.S.-flagged, and U.S.-crewed. Pursuant to Cargo Systems Messaging Service (“CSMS”) [Message No. 68096516](#), the waiver took effect March 18, 2026, and is currently scheduled to expire at 11:59 p.m. EDT on May 17, 2026.

## [IEEPA Refund Update](#)

On March 12, 2026, U.S. Customs and Border Protection (“CBP”) filed a [declaration](#) with the Court of International Trade providing an update on the portal to be used for CBP to issue International Emergency Economic Powers Act (“IEEPA”) tariff refunds. According to the declaration, there will be a claim portal for users to interface with the Consolidated Administration and Processing of Entries (“CAPE”). To file a claim, importers will need to upload a CSV list of entries subject to the IEEPA tariffs. CBP will then use a program to remove IEEPA HTS numbers and run duty calculations. CAPE will review and liquidate or reliquidate entries as well.

## [Week in Review](#)

On March 12, 2026, the International Trade Commission (“ITC”) determined that imports of fresh winter strawberries from Mexico, under Harmonized Tariff Schedule 0810.10.40, are injuring the U.S. domestic industry. The ITC will issue a further update announcing the final phase of the investigation via a scheduling notice published in the *Federal Register*. Interested parties who have not yet filed an appearance may do so after publication of the notice of commencement of the final phase of this investigation.

## [A Temporary Waiver of the Jones Act May Be Coming in Response to the Middle East Conflict](#)

To address disruption in the global energy flow resulting from the conflict with Iran, the White House is considering a temporary waiver of the Jones Act—the law requiring cargo moving between U.S. ports to be carried on U.S.-built vehicles. If this waiver goes into effect, it will have important implications for ocean shipping stakeholders.

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## [New Litigation Challenging Legality of Section 122 Duties](#)

On Friday, March 5, 2026, twenty-four (24) states filed a [complaint](#) in the Court of International Trade (“CIT”) against the Trump Administration challenging the legality of the Section 122 duties imposed on February 20th after the U.S. Supreme Court ruled that the International Emergency Economic Powers Act does not permit the president to impose tariffs.

## [CBP Proposes New System for IEEPA Tariff Refunds](#)

On March 6, 2026, Brandon Lord, U.S. Customs and Border Protection’s (“CBP”) Executive Director for Trade Programs, [filed a declaration](#) with the U.S. Court of International Trade (“CIT”) in the ongoing *Atmus Filtration, Inc. v. United States* case and following up on an order issued by Judge Richard Eaton of the CIT issued earlier this week as reported on [here](#).

## [Petition Summary: Lithium Hexafluorophosphate from the People’s Republic of China](#)

On March 5, 2026, Mexichem Fluor Inc. dba Orbia Fluor & Energy Materials (“Petitioner”), filed a petition for the imposition of Antidumping Duties and Countervailing Duties on Imports of Lithium Hexafluorophosphate from the People’s Republic of China

## [Court of International Trade Orders CBP to Refund IEEPA Duties on All Liquidated and Unliquidated Entries](#)

On March 4, 2026, following the February 20, 2026 decision by the Supreme Court invalidating IEEPA tariffs, the Court of International Trade [ordered](#) CBP to (a) liquidate “without regard to IEEPA duties” all unliquidated entries that were subject to IEEPA tariffs, and (b) reliquidate “without regard to IEEPA duties” any entries for which liquidation is not yet final.

## U.S. DEPARTMENT OF COMMERCE DECISIONS

### Investigations

- **Hardwood and Decorative Plywood From Indonesia:** On March 2, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- **Hardwood and Decorative Plywood From the People's Republic of China:** On March 2, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances.
- **Hardwood and Decorative Plywood From the Socialist Republic of Vietnam:** On March 2, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances.
- **Certain Freight Rail Couplers and Parts Thereof from India:** On March 3, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination with Final Antidumping Duty Determination
- **L-Lysine From the People's Republic of China:** On March 6, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- **Steel Concrete Reinforcing Bar From Algeria:** On March 6, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value.
- **Unwrought Palladium From the Russian Federation:** On March 11, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#).
- **Certain Fatty Acids From Indonesia and Malaysia:** On March 13, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- **Certain Fatty Acids From Indonesia and Malaysia:** On March 13, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- **Steel Concrete Reinforcing Bar From Bulgaria:** On March 13, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- **Steel Concrete Reinforcing Bar From Egypt:** On March 13, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- **Steel Concrete Reinforcing Bar From the Socialist Republic of Vietnam:** On March 13, 2026, Commerce issued its Preliminary Affirmative [Determination](#) of Sales at Less Than Fair Value.
- **Temporary Steel Fencing From the People's Republic of China:** On March 16, 2026, Commerce issued its Final Affirmative [Determination](#) of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part.
- **Temporary Steel Fencing From the People's Republic of China:** On March 16, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#) and Final Affirmative Determination of Critical Circumstances, in Part.
- **Large Diameter Graphite Electrodes From the People's Republic of China and India:** On March 20, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigations.
- **Truck Bed Covers From the People's Republic of China:** On March 20, 2026, Commerce issued its [Initiation](#) of Countervailing Duty Investigation.
- **Large Diameter Graphite Electrodes From the People's Republic of China and India:** On March 20, 2026, Commerce issued its [Initiation](#) of Less-Than-Fair-Value Investigations.
- **Truck Bed Covers From the People's Republic of China:** On March 20, 2026, Commerce issued its [Initiation](#) of a Less-Than-Fair-Value Investigation.
- **High Purity Dissolving Pulp From Brazil:** On March 25, 2026, Commerce issued its Preliminary Affirmative Countervailing Duty [Determination](#) and Alignment of Final Determination With Final Antidumping Duty Determination.
- **Steel Concrete Reinforcing Bar From Algeria:** On March 27, 2026, Commerce issued its Final Affirmative Countervailing Duty [Determination](#)

### Administrative Reviews

- **Cert Certain Hot-Rolled Steel Flat Products From the Netherlands:** On March 2, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- **Certain Carbon and Alloy Steel Cut-to- Length Plate From the Federal Republic of Germany:** On March 4, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- **Common Alloy Aluminum Sheet From South Africa:** On March 6, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- **Common Alloy Aluminum Sheet From India:** On March 10, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- **Diffusion-Annealed, Nickel-Plated Flat- Rolled Steel Products From Japan:** On March 10, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- **Chlorinated Isocyanurates From the People's Republic of China:** On March 11, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- **Certain Corrosion Inhibitors From the People's Republic of China:** On March 12, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- **Wooden Cabinets and Vanities and Components Thereof From the People's Republic of China:** On March 13, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- **Pentafluoroethane (R-125) From the People's Republic of China:** On March 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- **Certain Pasta From Italy:** On March 16, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.

- Certain New Pneumatic Off-the-Road Tires From India: On March 19, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Certain Uncoated Paper From Portugal: On March 19, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024.
- Pentafluoroethane (R-125) From the People’s Republic of China: On March 20, 2026, Commerce issued its Final [Results](#) of Countervailing Duty Administrative Review; 2023.
- Citric Acid and Certain Citrate Salts From the People’s Republic of China: On March 24, 2026, Commerce issued its Final [Results](#) of Antidumping Duty Administrative Review; 2023–2024 .

## Sunset Reviews

- Certain Kitchen Appliance Shelving and Racks From the People’s Republic of China: On March 12, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Reviews of the Antidumping Duty Order.
- Certain Kitchen Appliance Shelving and Racks From the People’s Republic of China: On March 12, 2026, Commerce issued its Final [Results](#) of the Expedited Third Sunset Review of the Countervailing Duty Order.
- Steel Concrete Reinforcing Bar From Mexico: On March 12, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Antidumping Duty Order.
- Steel Concrete Reinforcing Bar From the Republic of Türkiye: On March 16, 2026, Commerce issued its Final [Results](#) of the Expedited Second Sunset Review of the Countervailing Duty Order.

## Scope Ruling

- None

## Circumvention

- Standard Steel Welded Wire Mesh From Mexico: On March 25, 2026, Commerce issued its Final Affirmative [Determination](#) of Circumvention.

## INTERNATIONAL TRADE COMMISSION

### Investigations

- Ferrovandium From China and South Africa (Fourth Review); On February 3, 2026, the ITC issued its [determination](#) to continue the antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Multifunctional Acrylate and Methacrylate Monomers and Oligomers (MAMMOs) From Taiwan; On March 9, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Certain Tow-Behind Lawn Groomers and Parts Thereof From China (Third Review); On March 10, 2026, the ITC issued its [determination](#) to continue the antidumping orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Polypropylene Corrugated Boxes From China (Final); On March 11, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Citric Acid and Certain Citrate Salts From Canada and India (Preliminary); On March 12, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Fresh Winter Strawberries From Mexico (Preliminary); On March 12, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Utility Scale Wind Towers From Canada, Indonesia, South Korea, and Vietnam (Review); On March 16, 2026, the ITC issued its [determination](#) to continue the antidumping and countervailing duty orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Polyethylene Terephthalate Film, Sheet, and Strip From China, India, Taiwan, and the United Arab Emirates (Fourth Review); the ITC issued its [determination](#) to continue the antidumping and countervailing duty orders as revocation would lead to the recurrence or continuation of material injury within a reasonably foreseeable time.
- Erythritol From China (Final); On March 26, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.
- Float Glass Products From China and Malaysia; On March 31, 2026, the ITC issued its affirmative [determination](#) of less-than-fair-value investigations.

## U.S. CUSTOMS AND BORDER PROTECTION

### Enforce and Protect Act

#### [EAPA Cons. Case 8245: Zoomlion Heavy Industry, NA Inc.](#)

On February 11, 2026, U.S. Customs and Border Protection (CBP) issued its Notice of Initiation of Investigation and Interim Measures as to evasion by Zoomlion Heavy Industry, NA Inc. (the Importer), in Enforce and Protect Act (EAPA) Investigation 8245. This investigation is examining the evasion of antidumping (AD) and countervailing (CVD) duty orders A-570-139 and C-570-140 on mobile access equipment (MAE) from the People's Republic of China (China).

### Customs Ruling Revocations Report

Each quarter, we will be including a direct link to the most recent U.S. Customs and Border Protection (CBP) Ruling Revocations in our newsletter. These revocations can significantly impact import classifications, duty rates, and compliance requirements, so staying current is essential for your business operations. Reviewing these updates quarterly will help ensure your import procedures remain compliant with the latest CBP guidance. [Click here](#) to access this quarter's list of revoked rulings and see if any affect your products or supply chain.

## COURT OF INTERNATIONAL TRADE

### Summary of Decisions

#### [Slip Op. 26-24: YC Rubber Co. \(N. Am.\) LLC v. United States](#)

The Court sustained Commerce's third remand redetermination in the 2016-2017 administrative review of the antidumping duty order on passenger vehicle and light truck tires from China. The plaintiffs, importers and exporters of subject merchandise, challenged Commerce's respondent selection and resulting margin calculations. On remand, Commerce revised its approach for the selection of the mandatory respondents in response to prior decisions of the Court and the Federal Circuit, which had held that relying on a single respondent was unreasonable. Commerce then attempted to select additional respondents based on import volume data, but several companies declined to participate, leaving Kenda Rubber (China) Co., Ltd., as the only company providing usable data. The Court held that Commerce reasonably addressed the remand instructions by attempting to select additional respondents, relying on available data, and recalculating margins based on the information provided. The Court further found that Commerce adequately explained its respondent-selection process and resulting calculations despite non-cooperation by other companies. Because Commerce's remand results were supported by substantial evidence and complied with the Court's instructions, the Court sustained the remand results and entered judgment accordingly.

#### [Slip Op. 26-25: Pastificio Gentile S.r.l. v. United States](#)

The Court sustained Commerce's remand redetermination in the 2021 administrative review of the countervailing duty order on certain pasta from Italy. The plaintiff, Pastificio Gentile S.r.l. ("Gentile"), an Italian producer and exporter, challenged Commerce's continued reliance on total facts available with an adverse inference, its decision to terminate verification, and the resulting subsidy rate. The Court reaffirmed its prior holdings that Commerce reasonably applied total adverse facts available based on deficiencies and inconsistencies in Gentile's reporting and did not abuse its discretion in terminating verification, explaining that Commerce encountered significant gaps and unverifiable information that prevented it from confirming the accuracy of the submitted data. On remand, Commerce further explained its inclusion of certain subsidy programs that had been verified as unused, clarifying that their inclusion was consistent with its methodology when applying total adverse facts available. The Court found this explanation sufficient and supported by substantial evidence. Accordingly, the Court sustained the remand results.

#### [Slip Op. 26-26: Fontaine Inc. United States](#)

The Court denied Fontaine Inc.'s ("Fontaine") motion for relief from final judgment in litigation arising from the countervailing duty order on certain softwood lumber products from Canada. Fontaine, a Canadian producer and exporter, sought an order directing CBP to issue pre-liquidation refunds of cash deposits after a remand resulted in a de minimis subsidy rate. The Court held that Fontaine was not entitled to this extraordinary relief because it failed to show a significant change in law or circumstances that would justify modifying the final judgment. The Court explained that the continued suspension of liquidation and CBP's administration of cash deposits are ordinary consequences of the statutory and regulatory scheme and do not, by themselves, warrant reopening a final judgment, particularly where similar arguments had already been rejected in related cases. The Court also rejected Fontaine's reliance on intervening appellate developments, concluding that those decisions did not obligate CBP to refund cash deposits before liquidation. Accordingly, because Fontaine did not satisfy the demanding standard for post-judgment relief, the Court denied the motion and left the prior judgment in place.

#### [Slip Op. 26-27: Cambridge Isotope Lab's, Inc. v. United States](#)

The Court remanded Commerce's scope ruling concerning the antidumping and countervailing duty orders on ammonium sulfate from China. The plaintiff, a U.S. importer, challenged Commerce's determination that its 15N isotopically enriched ammonium sulfate—a specialized product used in laboratory research—falls within the scope of the orders. The Court found that Commerce placed undue emphasis on the product's chemical composition and, as a result, effectively performed an incomplete analysis under 19 C.F.R. § 351.225(k)(2). Specifically, Commerce did not adequately assess critical (k)(2) factors such as end use, channels of trade, and consumer expectations. The Court also observed that Commerce failed to meaningfully address record evidence indicating that the enriched product differs from conventional ammonium sulfate in both function and market characteristics. Accordingly, the Court remanded the scope ruling for reconsideration.

### [Slip Op. 26-28: Tianjin Magnesium Int'l Co. v. United States](#)

The Court sustained in part and remanded in part Commerce's final results in the 2021–2022 administrative review of the antidumping duty order on pure magnesium from China. The plaintiffs, Chinese producers and exporters, challenged multiple components of Commerce's margin calculations in this non-market economy proceeding, including Commerce's selection of surrogate financial statements and its calculation of surrogate financial ratios. The Court upheld aspects of Commerce's analysis, concluding that certain surrogate value selections and elements of the financial ratio calculations were reasonable and supported by substantial evidence. The Court remanded portions of Commerce's financial-ratio methodology, finding that Commerce did not adequately explain why it selected particular surrogate financial statements and did not meaningfully address record evidence and party arguments concerning the comparability and reliability of the chosen data. Because Commerce failed to provide a sufficiently reasoned explanation tying its methodology to the record on these issues, the Court remanded for further explanation or reconsideration, while otherwise sustaining the remainder of the final results.

### [Slip Op. 26-29: Trina Solar \(Vietnam\) Sci. & Tech. Co. v. United States](#)

The Court sustained Commerce's remand redetermination in an anticircumvention inquiry involving crystalline silicon photovoltaic cells completed in Vietnam using Chinese-origin inputs, subject to the antidumping and countervailing duty orders on solar cells from China. Plaintiffs challenged Commerce's conclusion that their merchandise circumvented the orders. The Court held that, on remand, Commerce reasonably revisited its analysis, including its assessment of the extent of processing performed in Vietnam and the significance of Chinese inputs in the overall production process. The Court found that Commerce adequately explained its application of the statutory anticircumvention factors and supported its determination with substantial record evidence, including findings regarding value added, manufacturing steps, and the role of key components. The Court further concluded that Commerce meaningfully addressed the parties' arguments and cured the shortcomings identified in the prior remand by more clearly linking its conclusions to the record. Accordingly, the Court sustained the remand results and entered judgment accordingly.

### [Slip Op. 26-30: Jinko Solar Import and Export Co. LTD., Et al.](#)

The Court sustained Commerce's second remand redetermination in the antidumping investigation of crystalline silicon photovoltaic cells from China. On remand, Commerce revised its surrogate valuation methodology by changing how it valued glass inputs and by relying on Malaysian import data to promote consistency across the factors of production. Plaintiffs challenged this updated surrogate value approach. The Court held that Commerce reasonably reconsidered its prior approach, adequately explained its surrogate country selection and data choices, and sufficiently addressed the parties' arguments regarding reliability and comparability. The Court emphasized that Commerce may revise its methodology on remand so long as it provides a reasoned explanation and connects its conclusions to the record. Because Commerce complied with the Court's remand instructions and its determinations were supported by substantial evidence and in accordance with law, the Court sustained the remand results and entered judgment accordingly.