

A-428-851
Investigation
POI: 01/01/2022 – 12/31/2022
Public Version
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February 7, 2023

**ENFORCEMENT AND COMPLIANCE
OFFICE OF AD/CVD OPERATIONS
ANTIDUMPING DUTY INVESTIGATION INITIATION CHECKLIST**

SUBJECT: Tin Mill Products from Germany
CASE NUMBER: A-428-851

THE PETITIONERS:

Cleveland-Cliffs Inc.
200 Public Square, Suite 3300
Cleveland, OH 44114
(216) 694-5408

The United Steel, Paper and
Forestry, Rubber, Manufacturing,
Energy, Allied Industrial and
Service Workers International Union
60 Boulevard of the Allies
Pittsburgh, PA 15222
(412) 562-2400

COUNSEL TO THE PETITIONERS:

Stephen P. Vaughn
Jamieson L. Greer
Neal J. Reynolds
Daniel L. Schneiderman
Barbara Medrado

King & Spalding LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 737-0500

POTENTIAL RESPONDENTS:

A list of the producers/exporters of tin mill products in Germany identified by Cleveland-Cliffs Inc. (Cleveland-Cliffs) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy Allied Industrial and Service Workers International Union (the USW) (collectively, the petitioners) can be found in the Petition.¹

SCOPE: See Attachment I – Scope of the Investigation, to this checklist.

IMPORT STATISTICS:

Germany	2019	2020	2021	Jan – Nov 2021	Jan – Nov 2022
Quantity (Short Tons)	213,415	237,124	291,519	274,421	279,801
CIF Value (USD)	220,589,000	224,188,000	291,783,000	274,247,000	497,681,000

Source: U.S. International Trade Commission (ITC) Dataweb, available at <http://dataweb.usitc.gov/>. The petitioners reported the volume (short tons) and the cost, insurance, and freight (CIF) value for imports of tin mill products using Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7210.50.0020, 7210.50.0090, 7212.10.0000, 7212.50.0000, 7225.99.0090, and 7226.99.0180.²

APPROXIMATE CASE CALENDAR:

Event	No. of Days	Date of Action	Day of Week
Antidumping Duty Investigation			
Petition Filed	0	January 18, 2023	Wednesday
Initiation Date	20	February 7, 2023	Tuesday
ITC Preliminary Determination	45	March 6, 2023	Monday*
ITA Preliminary Determination†**	160	June 27, 2023	Tuesday

¹ See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom," dated January 18, 2023 (Petition) at Volume I (Exhibit I-21).

² *Id.* at Exhibit I-19.

ITA Final Determination†	235	September 11, 2023	Monday*
ITC Final Determination***	280	October 26, 2023	Thursday
Publication of Order****	287	November 2, 2023	Thursday

*Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

† These deadlines may be extended under the governing statute.

** This will take place only in the event of a preliminary affirmative determination from the ITC.

*** This will take place only in the event of a final affirmative determination from the International Trade Administration (ITA).

**** This will take place only in the event of a final affirmative determination from the ITA and the ITC.

Note: The ITC final determination will take place no later than 45 days after a final affirmative ITA determination.

Note: Publication of order will take place approximately seven days after an affirmative ITC final determination.

INDUSTRY SUPPORT:

Does the Petition identify the entire domestic industry, including the names, addresses, and phone numbers of the petitioners and all domestic producers known to the petitioner(s)?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

Does the Petition contain information relating to the degree of industry support for the Petition, including:

The total volume or value of U.S. production of the domestic like product for the most recently completed calendar year?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

The volume or value of the domestic like product produced by the petitioner(s) and each domestic producer identified for the most recently completed calendar year?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

Do the petitioner(s) and those expressing support for the Petition account for more than 50% of production of the domestic like product?

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No

If No, do those expressing support account for the majority of those expressing an opinion and at least 25% of domestic production?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	Not Applicable

Was there opposition to the Petition from any producers or workers engaged in the production of the domestic like product?

<input type="checkbox"/>	Yes
<input checked="" type="checkbox"/>	No

Are any of the parties who have expressed opposition to the Petition either importers or domestic producers affiliated with foreign producers?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No
<input checked="" type="checkbox"/>	Not Applicable

For a detailed analysis of industry support, see Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom, to this checklist.

INJURY ALLEGATION:

The ITC's notice of institution of antidumping and countervailing duty investigations was published in the *Federal Register* on January 24, 2023. The notice indicates that the ITC instituted investigations to determine whether there is a reasonable indication that the domestic industry producing tin mill products is materially injured, or threatened with material injury, by reason of imports of tin mill products from Germany.³

The information relevant to material injury, threat of material injury, or material retardation, and causation, including information on the volume of imports, the effect of these imports on prices in the U.S. market, and the consequent impact of imports on the domestic industry, can be found

³ See *Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and United Kingdom; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations*, 88 FR 4206 (January 24, 2023).

in the Petition at Volume I at 25-48 and Exhibits I-3, I-5, I-9, I-19, and I-25 through I-38; *see also* First General Issues Supplement⁴ at 5-9 and Exhibits I-S1, I-S4, I-S5, and I-S8.

For analysis of the injury allegation, *see* Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom, to this checklist.

PETITION REQUIREMENTS:

Does the Petition contain the following?

- a clear and detailed description of the merchandise to be investigated, including the appropriate Harmonized Tariff Schedule subheadings (*see* Petition at Volume I at 10-20 and Exhibits I-16 through I-18; *see also* First General Issues Supplement at 1-3 and Exhibits I-S1 and I-S3; and Second General Issues Supplement⁵ at Exhibit I-2S2).
- the name of each country in which the merchandise originates or from which the merchandise is exported (*see* Petition at Volume I at 20).
- the identity of each known exporter, foreign producer, and importer of the merchandise (*see* Petition at Volume I at 21 and Exhibits I-21 and I-22; *see also* Petition at Volume IV at Exhibit IV-4).
- import volume and value information for the most recent two-year period (*see* Petition at Volume I at 21, 28-29, 32-35, and Exhibits I-9, I-19, I-25 and I-26).
- a statement indicating that the Petition was filed simultaneously with the U.S. Department of Commerce (Commerce) and the ITC (*see* cover letter to the Petition at 6).
- an adequate summary of the proprietary data (*see* public versions of the Petition, the First General Issues Supplement, the Second General Issues Supplement and the Germany AD Supplement).⁶

⁴ *See* Petitioners' Letter, "Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners' Response to Supplemental Volume I Questionnaire," dated January 27, 2023 (First General Issues Supplement).

⁵ *See* Petitioners' Letter, "Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners' Response to Second Supplemental Questionnaire," dated February 1, 2023 (Second General Issues Supplement).

⁶ *See* Petitioners' Letter, "Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners' Response to Supplemental Volume IV Questionnaire," dated January 27, 2023 (Germany AD Supplement).

- a statement regarding release under administrative protective order (*see* the cover letters to the Petition at 1-5, the First General Issues Supplement at 1-3, the Second General Issues Supplement at 1-3 and the Germany AD Supplement at 1-3).
- a certification of the facts contained in the Petition by an official of the petitioning firm(s) and its legal representative (if applicable) (*see* attachments to the cover letters to the Petition, the First General Issues Supplement, the Second General Issues Supplement, and the Germany AD Supplement).

LESS THAN FAIR VALUE ALLEGATION:

The Petition was officially filed on January 18, 2023. On January 23 and 31, 2023, Commerce issued supplemental questionnaires to the petitioners. On January 27 and February 1, 2023, the petitioners responded to Commerce's requests for information (First General Issues Supplement, Germany AD Supplement, and Second General Issues Supplement). In accordance with 19 CFR 351.204(b)(1), because the Petition was filed on January 18, 2023, the appropriate period of investigation (POI) is January 1, 2022, through December 31, 2022.

U.S. Price

Information relevant to the U.S. price calculations can be found on page 2 and Exhibits IV-6, IV-7, IV-8, and IV-15 of Volume IV of the Petition, and page 1 and Exhibit IV-S4 of the Germany AD Supplement.

The petitioners based export price (EP) on the average unit value (AUV) derived from official import data for imports of tin mill products from Germany into the United States during the POI under HTSUS subheading 7210.12.0000. The petitioners stated that this HTSUS subheading was representative of subject merchandise entering the United States during the POI.⁷ As the AUV is based on customs value, the petitioners made adjustments for foreign inland freight and foreign brokerage and handling. We examined the information provided by the petitioners and made no additional adjustments. The final net U.S. price is \$1,761.74/metric ton (MT).⁸

Did the Petition contain the following?

- supporting documentation for the alleged price(s) and any adjustments to the price(s) (*see* Petition at Volume IV at Exhibits IV-6 through IV-8 and IV-15; *see also* Germany AD Supplement at Exhibit IV-S4).
- current price(s) (and adjustments to the price(s), if applicable) (*see* Petition at Volume IV at 2 and Exhibits IV-6 through IV-8 and IV-15; *see also* Germany AD Supplement at Exhibit IV-S4).

⁷ *See* Petition at Volume IV (page 2 and Exhibit IV-6).

⁸ *Id.* at Exhibit IV-8.

- conversion factors for comparisons of differing units of measure (*See* Petition at Volume IV at Exhibit IV-7).

Normal Value

Information relevant to the normal value (NV) calculations can be found on pages 2-3 and Exhibits IV-7, IV-9 through IV-12 and IV-15 of Volume IV of the Petition and page 1 and Exhibits IV-S1, IV-S2 and IV-S4 of the Germany AD Supplement.

The petitioners stated they were unable to obtain home market sales price quotes for tin mill products produced and sold in the home market. Instead, the petitioners relied on a German export AUV for the POI to establish a third country price.⁹ We examined the information provided by the petitioners and made no additional adjustments .

Did the Petition contain the following?

- supporting documentation for the alleged price(s) and any adjustments to the price(s) (*see* Petitions at Volume IV at Exhibits IV-7, IV-9 through IV-12 and IV-15; *see also* Germany AD Supplement at 1 and Exhibits IV-S1, IV-S2, and IV-S4).
- current price(s) (and adjustments to the price(s), if applicable) (*see* Petitions at Volume IV at Exhibits IV-7, IV-9 through IV-12 and IV-15; *see also* Germany AD Supplement at 1 and Exhibits IV-S1, IV-S2 and IV-S4).
- correct currency rates used for all conversions to U.S. dollars (*see* Petitions at Volume IV at Exhibit IV-15; *see also* Germany AD Supplement at Exhibit IV-S4).
- conversion factors for comparisons of differing units of measure (*see* Petitions at Volume IV at Exhibit IV-7; *see also* Germany AD Supplement at Exhibit IV-S2).

The petitioners provided information demonstrating that sales of tin mill products from Germany to third countries were made at prices below the cost of production (COP), within the meaning of section 773(b) of the Tariff Act of 1930, as amended (the Act).¹⁰ Consequently, the petitioners, pursuant to section 773(a)(4) of the Act, relied on constructed value (CV) as the basis for NV.¹¹ Information relevant to the CV calculations can be found on pages 3-5 and Exhibits IV-13 through IV-21 of the Petition at Volume IV, pages 1-4 and Exhibits IV-S3 through IV-S13 of the Germany AD Supplement; and pages 3-4 of the Second General Issues Supplement. The petitioners provided data that are contemporaneous with the POI and, where appropriate, adjusted for inflation. We examined the information provided by the petitioners and made no additional adjustments. The final CV is \$2,997.53/MT.¹²

⁹ *Id.* at 1-2 and Exhibits IV-9 and IV-10; *see also* Germany AD Supplement at 1 and Exhibits IV-S1 and IV-S2.

¹⁰ *See* Petition at Volume IV (page 3 and Exhibits IV-7, and IV-9 through IV-21); *see also* Germany AD Supplement at 1-4 and Exhibits IV-S3 through IV-S14; and Second General Issues Supplement at 3-5.

¹¹ *See* Petition at Volume IV (pages 3-5 and Exhibits IV-12 through IV-21); *see also* Germany AD Supplement at Exhibits IV-S3 and IV-S5 through IV-S13; and Second General Issues Supplement at 3-4.

¹² *See* Germany AD Supplement at Exhibit IV-S12.

<u>COP and CV</u>	<u>Source</u>	<u>Satisfactory</u>
Raw Material:	U.S. Producer's Input Quantities and Usage Rates German Import Data from Global Trade Atlas	Yes
Labor:	U.S. Producer's Labor Usage Labor Rates from International Labor Organization	Yes
Energy: (electricity and gas)	U.S. Producer's Electricity and Gas Usage Electricity and Natural Gas rates from GlobalPetrolPrices.com	Yes
Overhead:	ThyssenKrupp AG's Financial Statements for FY 2022	Yes
SG&A Expenses:	ThyssenKrupp AG's Financial Statements for FY 2022	Yes
Interest Expenses:	ThyssenKrupp AG's Financial Statements for FY 2022	Yes
Profit:	ThyssenKrupp AG's Financial Statements for FY 2022	Yes

ESTIMATED MARGIN:

The petitioner provided a dumping margin based on a price-to-CV comparison. The estimated dumping margin for the price-to-CV comparison is 70.15 percent.¹³

RECOMMENDATION:

We examined the accuracy and adequacy of the evidence provided in the Petition as discussed in this checklist and attachments and recommend determining that the evidence is sufficient to justify the initiation of an antidumping duty investigation with regard to Germany. We also recommend determining that the Petition has been filed by, or on behalf of, the domestic industry.

ATTACHMENTS:

- I. Scope of the Investigation
- II. Analysis of Industry Support
- III. Analysis of Allegations and Evidence of Material Injury and Causation

¹³ See Second General Issues Supplement at 5 and Exhibit IV-2S1.

Attachment I

Scope of the Investigation

The products within the scope of the investigation are tin mill flat-rolled products that are coated or plated with tin, chromium, or chromium oxides. Flat-rolled steel products coated with tin are known as tinplate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such as scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single- or double- reduced), and whether or not coated with a plastic material.

All products that meet the written physical description are within the scope of the investigation unless specifically excluded. The following products are outside and/or specifically excluded from the scope of the investigation:

- Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) ($\pm 10\%$) or 0.251 mm (90 pound base box) ($\pm 10\%$) or 0.255 mm ($\pm 10\%$) with 770 mm (minimum width) (± 1.588 mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) ($\pm 1/16$ inch) and 35.4 inches (maximum length if sheared) sheet size; with type MR or higher (per ASTM) A623 steel chemistry; batch annealed at T2 $\frac{1}{2}$ anneal temper, with a yield strength of 31 to 42 kpsi (214 to 290 Mpa); with a tensile strength of 43 to 58 kpsi (296 to 400 Mpa); with a chrome coating restricted to 32 to 150 mg/m²; with a chrome oxide coating restricted to 6 to 25 mg/m² with a modified 7B ground roll finish or blasted roll finish; with roughness average (Ra) 0.10 to 0.35 micrometers, measured with a stylus instrument with a stylus radius of 2 to 5 microns, a trace length of 5.6 mm, and a cut-off of 0.8 mm, and the measurement traces shall be made perpendicular to the rolling direction; with an oil level of 0.17 to 0.37 grams/base box as type BSO, or 2.5 to 5.5 mg/m² as type DOS, or 3.5 to 6.5 mg/m² as type ATBC; with electrical conductivity of static probe voltage drop of 0.46 volts drop maximum, and with electrical conductivity degradation to 0.70 volts drop maximum after stoving (heating to 400 degrees F for 100 minutes followed by a cool to room temperature).
- Single reduced electrolytically chromium- or tin-coated steel in the gauges of 0.0040 inch nominal, 0.0045 inch nominal, 0.0050 inch nominal, 0.0061 inch nominal (55 pound base box weight), 0.0066 inch nominal (60 pound base box weight), and 0.0072 inch nominal (65 pound base box weight), regardless of width, temper, finish, coating or other properties.
- Single reduced electrolytically chromium coated steel in the gauge of 0.024 inch, with widths of 27.0 inches or 31.5 inches, and with T-1 temper properties.
- Single reduced electrolytically chromium coated steel, with a chemical composition of 0.005% max carbon, 0.030% max silicon, 0.25% max manganese, 0.025% max

phosphorous, 0.025% max sulfur 0.070% max aluminum, and the balance iron, with a metallic chromium layer of 70- 130 mg/m², with a chromium oxide layer of 5-30 mg/m², with a tensile strength of 260-440 N/mm², with an elongation of 28-48%, with a hardness (HR-30T) of 40-58, with a surface roughness of 0.5-1.5 microns Ra, with magnetic properties of Bm (kg) 10.0 minimum, Br (kg) 8.0 minimum, Hc (Oe) 2.5-3.8, and MU 1400 minimum, as measured with a Riken Denshi DC magnetic characteristic measuring machine, Model BHU-60.

- Bright finish tin-coated sheet with a thickness equal to or exceeding 0.0299 inch, coated to thickness of ¾ pound (0.000045 inch) and 1 pound (0.00006 inch).
- Electrolytically chromium coated steel having ultra flat shape defined as oil can maximum depth of 5/64 inch (2.0 mm) and edge wave maximum of 5/64 inch (2.0 mm) and no wave to penetrate more than 2.0 inches (51.0 mm) from the strip edge and coilset or curling requirements of average maximum of 5/64 inch (2.0 mm) (based on six readings, three across each cut edge of a 24 inches (61 cm) long sample with no single reading exceeding 4/32 inch (3.2 mm) and no more than two readings at 4/32 inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximums of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of ¼ inch (6.3 mm) per 20 feet (6.1 meters), capable of being bent 120 degrees on a 0.002 inch radius without cracking, with a chromium coating weight of metallic chromium at 100 mg/m² and chromium oxide of 10 mg/m², with a chemistry of 0.13% maximum carbon, 0.60% maximum manganese, 0.15% maximum silicon, 0.20% maximum copper, 0.04% maximum phosphorous, 0.05% maximum sulfur, and 0.20% maximum aluminum, with a surface finish of Stone Finish 7C, with a DOS-A oil at an aim level of 2 mg/square meter, with not more than 15 inclusions/foreign matter in 15 feet (4.6 meters) (with inclusions not to exceed 1/32 inch (0.8 mm) in width and 3/64 inch (1.2 mm) in length), with thickness/temper combinations of either 60 pound base box (0.0066 inch) double reduced CADR8 temper in widths of 25.00 inches, 27.00 inches, 27.50 inches, 28.00 inches, 28.25 inches, 28.50 inches, 29.50 inches, 29.75 inches, 30.25 inches, 31.00 inches, 32.75 inches, 33.75 inches, 35.75 inches, 36.25 inches, 39.00 inches, or 43.00 inches, or 85 pound base box (0.0094 inch) single reduced CAT4 temper in widths of 25.00 inches, 27.00 inches, 28.00 inches, 30.00 inches, 33.00 inches, 33.75 inches, 35.75 inches, 36.25 inches, or 43.00 inches, with width tolerance of 1/8 inch, with a thickness tolerance of 0.0005 inch, with a maximum coil weight of 20,000 pounds (9071.0 kg), with a minimum coil weight of 18,000 pounds (8164.8 kg), with a coil inside diameter of 16 inches (40.64 cm) with a steel core, with a coil maximum outside diameter of 59.5 inches (151.13 cm), with a maximum of one weld (identified with a paper flag) per coil, with a surface free of scratches, holes, and rust.
- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents in the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.7 mg/square foot of chromium applied as a cathodic dichromate treatment, with coil form having restricted oil film

weights of 0.3-0.4 grams/base box of type DOS-A oil, coil inside diameter ranging from 15.5 to 17 inches, coil outside diameter of a maximum 64 inches, with a maximum coil weight of 25,000 pounds, and with temper/coating/dimension combinations of: (1) CAT4 temper, 1.00/.050 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 33.1875 inch ordered width; or (2) CAT5 temper, 1.00/0.50 pound/base box coating, 75 pound/base box (0.0082 inch) thickness, and 34.9375 inch or 34.1875 inch ordered width; or (3) CAT5 temper, 1.00/0.50 pound/base box coating, 107 pound/base box (0.0118 inch) thickness, and 30.5625 inch or 35.5625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.5625 inch ordered width; or (5) CADR8 temper, 1.00/0.25 pound/base box coating, 60 pound/base box (0.0066 inch) thickness, and 35.9375 inch ordered width; or (6) CADR8 temper, 1.00/0.25 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 32.9375 inch, 33.125 inch, or 35.1875 inch ordered width.

- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents on the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.5 mg/square foot of chromium applied as a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT5 temper with 1.00/0.10 pound/base box coating, with a lithograph logo printed in a uniform pattern on the 0.10 pound coating side with a clear protective coat, with both sides waxed to a level of 15-20 mg/216 sq. inch, with ordered dimension combinations of (1) 75 pound/base box (0.0082 inch) thickness and 34.9375 inch x 31.748 inch scroll cut dimensions; or (2) 75 pound/base box (0.0082 inch) thickness and 34.1875 inch x 29.076 inch scroll cut dimensions; or (3) 107 pound/base box (0.0118 inch) thickness and 30.5625 inch x 34.125 inch scroll cut dimension.
- Tin-free steel coated with a metallic chromium layer between 100-200 mg/m² and a chromium oxide layer between 5-30 mg/m²; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density (Br) of 10 kg minimum and a coercive force (Hc) of 3.8 Oe minimum.
- Tin-free steel laminated on one or both sides of the surface with a polyester film, consisting of two layers (an amorphous layer and an outer crystal layer), that contains no more than the indicated amounts of the following environmental hormones: 1 mg/kg BADGE (BisPhenol – A Di-glycidyl Ether), 1 mg/kg BFDGE (BisPhenol – F Di-glycidyl Ether), and 3 mg/kg BPA (BisPhenol – A).

The merchandise subject to the investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0020, 7210.50.0090, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel. Although the subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Attachment II

Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom

Background

Sections 702(c)(4)(A) and 732(c)(4)(A) of the Tariff Act of 1930, as amended (the Act), state that the administering authority shall determine that a petition has been filed by or on behalf of the industry if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the “industry” as the producers, as a whole, of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the Act directs the U.S. Department of Commerce (Commerce) to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁴

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation,” *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions.¹⁵ While Commerce

¹⁴ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp. Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

¹⁵ See Petitioners’ Letter, “Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom,” dated January 18, 2023 (the Petitions). The petitioners filed “Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners’ Response to Supplemental Volume I Questionnaire,” dated January 27, 2023 (First General Issues Supplement) and “Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners’ Response to Second Supplemental Questionnaire,” dated February 1, 2023 (Second General Issues Supplement), in response to Commerce’s requests for additional information regarding the Petitions. On February 2, 2023, the petitioners filed “Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners’ Comments Regarding Industry Support,” dated February 2, 2023 (Petitioners Letter), providing comments on industry support and a revised declaration.

is not bound by the criteria¹⁶ used by the ITC to determine the domestic like product in answering this question, we have reviewed these factors as presented by the petitioners¹⁷ in the Petitions.¹⁸ With respect to the domestic like product, the petitioners do not offer a definition of domestic like product distinct from the scope of the investigations.¹⁹ For a detailed analysis and discussion, *see* the “Analysis of Domestic Like Product” section below.

Analysis of Domestic Like Product

In support of their like product analysis, the petitioners note that the ITC has previously determined that tin mill products constitute a single like product.²⁰ The petitioners note that the proposed scope is identical to the scope of past proceedings covering tin mill products from Japan, and as such, contend that there is no reason for a different determination in the instant cases.²¹ To further support their like product definition, the petitioners note that in *Tin Mill Products Preliminary*, the ITC found that “tin- and chromium-coated steel sheet are physically similar in that they consist of a flat steel substrate covered by a layer of another metal, and are generally sold in similar thicknesses, widths, coating thicknesses, tempers, and surface finishes.”²² The petitioners also note that the ITC found that both tin-coated and chromium-coated steel are “both used primarily in the production of metal cans for storing food, paints, and other substances.”²³ In addition, the petitioners note that the ITC previously found that even though “tin- and chromium-coated steel sheet are rarely interchanged in particular applications, they are theoretically interchangeable.”²⁴ The petitioners further note that the ITC previously determined that the channels of distribution for tin mill products are the same- directly from the manufacturer that produces the steel sheet to the customer who fabricates the steel sheet into consumer goods.²⁵ With respect to customer and producer perceptions, the petitioners note that the ITC previously found that both producers and customers group tin- and chromium-coated

¹⁶ *See Fujitsu Ltd. v. United States*, 36 F. Supp. 2d 394, 397-98 (CIT 1999); *see also Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (CIT 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); and *Antidumping and Countervailing Duty Handbook*, Fourteenth Edition, ITC Publication 4540 (June 2015), at II-34.

¹⁷ The petitioners are Cleveland-Cliffs Inc. (Cleveland-Cliffs) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the USW). *See* Petitions at Volume I (pages 1-4).

¹⁸ *Id.* at 20 and 22-25; *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. Nos. 731-TA-860 (Preliminary), USITC Pub. 3264 (December 1999) (*Tin Mill Products Preliminary*); and *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. No. 731-TA-860 (Third Review), USITC Pub. 4795 (June 2018) (*Tin Mill Products Third Review*), at 6); *see also* Second General Issues Supplement at 1 and Exhibit I-2S1 (containing *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. No. 731-TA-860 (Final), USITC Pub. 3337 (August 2000) (*Tin Mill Products Final*), at 5).

¹⁹ *See* Attachment I – Scope of the Investigation, to this Checklist; *see also* Petitions at Volume I (pages 20 and 22-25); First General Issues Supplement at 2-3 and Exhibit IS-3.

²⁰ *See* Petitions at Volume I (pages 20 and 22-25); *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary* and *Tin Mill Products Third Review* at 6); and Second General Issues Supplement at 1 and Exhibit I-2S1 (containing *Tin Mill Products Final* at 5).

²¹ *See* Petitions at Volume I (pages 23-24).

²² *Id.* at 23; *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary* at 5).

²³ *See* Petitions at Volume I (page 23); *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary* at 5).

²⁴ *Id.*

²⁵ *Id.*

steel into a single class of “tin mill products.”²⁶ The petitioners further note that the ITC previously concluded that most companies that produce tin-coated steel also produce chromium-coated steel, using the same production facilities, workers, and production processes.²⁷ Finally, the petitioners note that the ITC previously found that “there is some overlap in prices” among tin mill products.²⁸

The petitioners note that given the facts above, the ITC previously concluded that “tin and chromium-coated steel sheet form a single like product.”²⁹ The petitioners further note that the ITC reached the same conclusion in *Tin Mill Products Final*, as well as in all subsequent reviews. Moreover, the petitioners note that in *Tin Mill Products Third Review*, the ITC found that the record provided “no basis to warrant reconsideration of the domestic like product definition” and defined “a single domestic like product consisting of {all tin mill products} coextensive with the scope of the review.”³⁰ As a result, the petitioners argue that the ITC should again find that there is a single domestic like product in these investigations, covering all tin mill products included in the scope.³¹

Commerce’s Position:

We analyzed the criteria presented by the petitioners with respect to the ITC’s domestic like product factors. We note that the petitioners’ domestic like product definition is consistent with the domestic like product defined by the ITC in past proceedings on tin mill products.³² Based on our analysis of the information submitted in the Petitions, we have determined that the domestic like product consists of tin mill products, as defined in the scope of the Petitions.³³

Furthermore, unless Commerce finds the petitioners’ definition of the domestic like product to be inaccurate, we will adopt the domestic like product definition set forth in the Petitions.³⁴ While the statute defines the “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation,” pursuant to section 771(10) of the Act, the petitioners have presented Commerce with information pertaining to the factors the ITC traditionally analyzes. We have analyzed the criteria presented by the petitioners, as well as the past determinations covering tin mill products, and have found there is reason to conclude that tin mill products constitute a single domestic like

²⁶ See Petitions at Volume I (page 24); see also First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary* at 5).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ See Petitions at Volume I (page 24); see also First General Issues Supplement at 1 and Exhibit I-S1 containing *Tin Mill Products 2018 Third Review* at 6); and Second General Issues Supplement at 1 and Exhibit I-2S1 (containing *Tin Mill Products Final* at 5).

³¹ See Petitions at Volume I (page 24).

³² See First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary*; and *Tin Mill Products Third Review* at 6); see also Second General Issues Supplement at 1 and Exhibit I-2S1 (containing *Tin Mill Products Final* at 5).

³³ See Petitions at Volume I (pages 20 and 22-25); see also First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary* and *Tin Mill Products Third Review* at 6); and Second General Issues Supplement at 1 and Exhibit I-2S1 (containing *Tin Mill Products Final* at 5).

³⁴ See Petitions at Volume I (pages 20 and 22-25).

product. This is consistent with Commerce’s broad discretion to define and clarify the scope of an antidumping or countervailing duty investigation in a manner that reflects the intent of the petition.³⁵ Consequently, Commerce’s discretion permits interpreting the Petitions in such a way as to best effectuate not only the intent of the Petitions, but the overall purpose of the antidumping and countervailing duty laws as well.³⁶

Industry Support Calculation

In determining whether the petitioners have standing (*i.e.*, those domestic workers and producers supporting the Petitions account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions), in accordance with sections 702(c)(4)(A) and 732(c)(4)(A) of the Act, we conducted the following analysis.

We considered the industry support data contained in the Petitions with reference to the domestic like product as defined in Attachment I, “Scope of the Investigation,” to this Checklist, and as discussed above. The petitioners established the universe of producers based on the ITC’s identification of producers in *Tin Mill Products Third Review* from June 2018.³⁷ The petitioners identified three producers of the domestic like product as the companies constituting the U.S. tin mill products industry: Cleveland-Cliffs, United Steel Corporation (U.S. Steel), and Ohio Coatings Company (OCC).³⁸ The USW represents workers at each of the U.S. tin mill products production facilities of these three producers and, as such, represents workers accounting for all U.S. production of tin mill products.³⁹

To establish industry support, the petitioners provided Cleveland-Cliffs’ own 2022 production of the domestic like product.⁴⁰ The petitioners then estimated the 2022 production of the domestic like product for U.S. Steel and OCC.⁴¹ For support of their estimate, the petitioners provided declarations from [], who []

[].⁴² In the declarations, []

³⁵ See, e.g., *Fujitsu Ltd. v. United States*, 36 F. Supp. 2d 394 (CIT 1999) (citing *Kern-Liebers USA, Inc. v. United States*, 881 F. Supp. 618, 621 (CIT 1995) (citation omitted)) and *Initiation of Antidumping Duty Investigations: Spring Table Grapes from Chile and Mexico*, 66 FR 26831 (May 15, 2001).

³⁶ See *Notice of Final Determination of Sales at Less Than Fair Value: Freshwater Crawfish Tail Meat from the People’s Republic of China*, 62 FR 41347, 42357 (August 1, 1997).

³⁷ See Petitions at Volume I (pages 2-5 and Exhibits I-10 through I-12); see also First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Third Review* at I-23 and I-24).

³⁸ See Petitions at Volume I (pages 2-5).

³⁹ *Id.* at 3-4 and Exhibit I-5.

⁴⁰ See First General Issues Supplement at 3-4 and Exhibit I-S4.

⁴¹ *Id.* at 3-5 and Exhibit I-S4; see also Second General Issues Supplement at 2 and Exhibit I-2S3.

⁴² See First General Issues Supplement at 3-4 and Exhibit I-S4; see also Second General Issues Supplement at 2 and Exhibit I-2S3; and Petitioners Letter at Attachment.

].⁴³ To estimate total 2022 production of the domestic like product, the petitioners [].⁴⁴ Based on the information in the Petitions, the producers and workers who support the Petitions account for 100 percent of total production of the domestic like product in 2022.⁴⁵

Table 1
Calculation of Industry Support

U.S. Producers of Tin Mill Products	2022 Production of Tin Mill Products (short tons)
Cleveland-Cliffs, Inc.	[]
United States Steel Corporation	[]
Ohio Coatings Company	[]
Total 2022 Production by the Producers and Workers that Support the Petitions	[]
Total Estimated 2022 Production of Tin Mill Products	[]
Total Industry Support	100.00%

Challenge to Industry Support

On January 31, 2023, we received comments on industry support from U.S. Steel.⁴⁶ The petitioners responded to the industry support comments from U.S. Steel on February 2, 2023.⁴⁷

⁴³ *Id.*

⁴⁴ See First General Issues Supplement at 3-5.

⁴⁵ See Petitions at Volume I (pages 3, 5-6, and Exhibit I-5); see also First General Issues Supplement at 3-5 and Exhibit I-S4; Second General Issues Supplement at 2 and Exhibit I-2S3; Petitioners Letter at Attachment; and Table I, Calculation of Industry Support, *infra*.

⁴⁶ See U.S. Steel's Letter, "Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom: Comments on Industry Support," dated January 31, 2023 (U.S. Steel Letter).

⁴⁷ See Petitioners Letter.

In its submission, U.S. Steel states that it is the largest producer of tin mill products in the United States and that there are only two manufacturing plants other than U.S. Steel's plants that produce the domestic like product: Cleveland-Cliffs' Weirton, West Virginia plant and OCC's Yorkville, Ohio plant.⁴⁸ U.S. Steel argues that Cleveland-Cliffs [

] in order to establish standing to file the Petitions.⁴⁹ U.S. Steel further notes that [] and contends that [

].⁵⁰ Finally, U.S. Steel contends that its interest as a domestic interested party (rather than as a petitioner) should not be construed by any party as an implicit expression of its views on the merits of the Petitions one way or the other.⁵¹

In their submission responding to U.S. Steel's comments, the petitioners argue that the record demonstrates that only three companies produce tin mill products in the United States (Cleveland-Cliffs, U.S. Steel, and OCC) and that the USW represents all workers that produce tin mill products at the production facilities owned by these three companies.⁵² The petitioners note that none of these facts have been challenged by any party and, as such, contend that it cannot be disputed that the Petitions have the requisite support or that the Petitions have been filed on behalf of the domestic industry.⁵³ The petitioners also note that U.S. Steel has not alleged that the Petitions do not have the requisite support for initiation and that U.S. Steel [] in its submission.⁵⁴ The

petitioners further note that Cleveland-Cliffs [] and contend that this fact further supports the conclusion that the petitioners have established standing to file the Petitions.⁵⁵ The petitioners contend that [

].⁵⁶ The petitioners further contend they have provided reasonably available information [].⁵⁷ For support of their argument, the petitioners provided [] declaration from [], in which [

⁴⁸ See U.S. Steel Letter at 1-2.

⁴⁹ *Id.* at 2.

⁵⁰ *Id.* at 2 (n. 3).

⁵¹ *Id.* at 2 (n. 2).

⁵² See Petitioners Letter at 2.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.* at 2-3.

⁵⁶ *Id.* at 3.

⁵⁷ *Id.*

].⁵⁸ As a result, the petitioners contend that, given the facts on the record, Commerce should find that the Petitions have been filed on behalf of the U.S. industry.⁵⁹

Commerce's Position:

Based on the information in the Petitions and supplements thereto, including the Petitioners Letter, we find that the petitioners provided, with supporting documentation, production estimates based on reasonably available information. Neither the statute nor the regulations prevent the petitioners from estimating the production of the non-petitioning companies using information reasonably available to them.⁶⁰ Moreover, we note that Commerce has accepted similar estimates in past cases involving petitioning unions.⁶¹ If U.S. Steel believes the production estimate provided by the petitioners is inaccurate, it is permitted to submit industry support comments and provide its actual production data. U.S. Steel, however, has not provided any production data to refute the petitioners' estimate, despite having an opportunity to do so in its January 31, 2023, submission. Accordingly, in the absence of any other production data on the record and because no other domestic producers or workers, aside from Cleveland-Cliffs and the USW, have expressed a view regarding the Petitions, we find that the petitioners have provided reasonably available information to account for all production of the domestic like product and that the Petitions have met the requirements under sections 702(c)(4)(A) and 732(c)(4)(A) of the Act.

Findings

Commerce relied on information provided by the petitioners, as described above, to establish total 2022 production of the domestic like product. Using these data, as demonstrated above, we find that the domestic producers and workers who support the Petitions account for at least 25 percent of total production of the domestic like product. Commerce further finds that domestic producers and workers who support the Petitions account for more than 50 percent of the total production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions. Therefore, we find that there is adequate industry support within the meaning of sections 702(c)(4)(A) and 732(c)(4)(A) of the Act.

Commerce conducted a search of the Internet and has been unable to locate information that contradicts the petitioners' assertions. We find that the petitioners have provided data that are reasonably available. For these reasons, we find that there is adequate industry support for initiating these investigations. Accordingly, Commerce finds that the Petitions have met the requirements of sections 702 (c)(4)(A) and 732(c)(4)(A) of the Act.

⁵⁸ *Id.* at 3 and Attachment.

⁵⁹ *Id.* at 4.

⁶⁰ See sections 702(b)(1) and 732(b)(1) of the Act (regarding petition requirements and "information reasonably available to the petitioner"); see also 19 CFR 351.202(b)(3) ("{a} petition ... must contain ... to the extent reasonably available to the petitioner ... information relating to the degree of industry support for the petition").

⁶¹ See, e.g., *Truck and Bus Tires from the People's Republic of China: Initiation of Antidumping Duty Investigation*, 81 FR 9434, 9436 (February 25, 2016); *Certain Pneumatic Off-the-Road Tires From India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations*, 81 FR 7073, 7076 (February 10, 2016); and *Certain Softwood Lumber Products from Canada: Initiation of Less-Than-Fair-Value Investigation*, 81 FR 93892-94 (December 22, 2016).

Attachment III

Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People’s Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom

I. Introduction

When making a determination regarding the initiation of antidumping and countervailing duty investigations, the U.S. Department of Commerce (Commerce) examines, on the basis of sources readily available to Commerce, the accuracy and adequacy of the evidence contained in the petitions, and determines whether the petitions allege the elements necessary for the imposition of antidumping and countervailing duties and contain information reasonably available to the petitioners that supports the allegations.⁶² This attachment analyzes the sufficiency of the allegations and supporting evidence regarding material injury and causation.

II. Definition of Domestic Industry

The domestic industry is described with reference to producers of the domestic like product, as provided for in section 771(4)(A) of the Act. The Petitions⁶³ define the domestic industry as all U.S. producers of tin mill products.⁶⁴ The petitioners⁶⁵ identify the producers of the domestic like product as the companies constituting the domestic industry in the United States.⁶⁶ For a discussion of the domestic like product, *see* Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People’s Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom.

III. Evidence of Injury and Threat of Injury

To determine injury, the statute requires an evaluation of the volume, price effects, and impact of imports on the domestic industry and permits consideration of other economic factors.⁶⁷ Specifically, in examining the impact of imports, section 771(7)(C)(iii) of the Act states that:

⁶² *See* sections 702(c)(1)(A)(i) and 732(c)(1)(A)(i) of the Tariff Act of 1930, as amended (the Act).

⁶³ *See* Petitioners’ Letter, “Petitions for the Imposition of Antidumping Duties and Countervailing Duties on Imports of Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom,” dated January 18, 2023 (the Petitions). The petitioners also filed “Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom / Petitioners’ Response to Supplemental Volume I Questionnaire,” dated January 27, 2023 (First General Issues Supplement), in response to Commerce’s request for additional information regarding the Petitions.

⁶⁴ *See* Petitions at Volume I (page 25).

⁶⁵ The petitioners are Cleveland-Cliffs Inc. (Cleveland Cliffs) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the USW) (collectively, the petitioners). *See* Petitions at Volume I (pages 1-4).

⁶⁶ *See* Petitions at Volume I (pages 1-5, 25, and Exhibits I-1 through I-12 and I-24); *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. No. 731-TA-860 (Third Review), USITC Pub. 4795 (June 2018) (*Tin Mill Products Third Review*), at I-23 and I -24).

⁶⁷ *See* sections 771(7)(B)(i) and (ii) of the Act.

In examining the impact {of imports on domestic producers} ... , the {U.S. International Trade Commission (ITC)} shall evaluate all relevant economic factors which have a bearing on the state of the industry in the United States, including, but not limited to

- (I) actual and potential decline in output, sales, market share, gross profits, operating profits, net profits, ability to service debt, productivity, return on investments, return on assets, and utilization of capacity,
- (II) factors affecting domestic prices,
- (III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment,
- (IV) actual and potential negative effects on the existing development and production efforts of the domestic industry ... , and
- (V) in {an antidumping duty proceeding} ... , the magnitude of the margin of dumping.

The petitioners allege that the domestic industry has experienced the following types of injury by reason of U.S. imports from Canada, the People's Republic of China (China), Germany, the Netherlands, the Republic of Korea (Korea), Taiwan, the Republic of Turkey (Turkey), and the United Kingdom:

- Significant volume of subject imports (*see* Petitions at Volume I at 32-35 and Exhibit I-19; *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Third Review* at C-3 and 10));
- Declining market share (*see* Petitions at Volume I at 33-35, 39, and Exhibit I-3; *see also* First General Issues Supplement at 1, 6-9, and Exhibits I-S1 (containing *Tin Mill Products Third Review* at C-3 and 10) and I-S5));
- Underselling and price depression and/or suppression (*see* Petitions at Volume I at 36-38 and Exhibits I-3 and I-9; *see also* First General Issues Supplement at 6-7 and Exhibits I-S1 (containing *Tin Mill Products Third Review* at V-3 through V-4) and I-S5);
- Lost sales and revenues (*see* Petitions at Volume I at 38-39 and Exhibits I-3 and I-27; *see also* First General Issues Supplement at 6-7 and Exhibit I-S5); and
- Adverse impact on the domestic industry's employment variables and profitability (*see* Petitions at Volume I at 38-41 and Exhibits I-3 and I-28 through I-30; *see also* First General Issues Supplement at 6-7, 9 and Exhibit I-S5).

The petitioners also allege that the domestic industry could be threatened with the following types of further injury by reason of U.S. imports of tin mill products from Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom:

- Continued increase in the volume of subject imports (*see* Petitions at Volume I at 42 and Exhibit I-19);

- Significant existing and new capacity for increasing production in the subject countries for exportation to the U.S. market (*see* Petitions at Volume I at 43-44 and Exhibits I-31 through I-38);
- Potential for product shifting (*see* Petitions at Volume I at 45; *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Third Review* at I-19 through I-22 and I-23 (n. 131)));
- Countervailable subsidies provided by the Government of China (*see* Petitions at Volume I at 45-46);
- Continued underselling and price depression and/or suppression (*see* Petitions at Volume I at 46-47 and Exhibit I-3; *see also* First General Issues Supplement at 6-7 and Exhibit I-S5); and
- Vulnerability of the domestic industry to further injury by reason of subject imports and continued adverse impact on the domestic industry's employment variables, profitability, and existing development and production efforts (*see* Petitions at Volume I at 47-48 and Exhibit I-3; *see also* First General Issues Supplement at 6-7 and Exhibit I-S5).

IV. Cumulation

Section 771(7)(G)(i) of the Act requires the ITC to cumulate imports from all countries for which petitions were filed on the same day if such imports compete with each other and with the domestic like product in the U.S. market. On January 18, 2023, the petitioners filed the Petitions against Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom. The petitioners argue that a reasonable overlap of competition exists with subject imports and with the domestic like product in the United States, and as such, the criteria for cumulation have been satisfied.⁶⁸

In determining whether cumulation is appropriate, the ITC uses a framework of four factors.⁶⁹ Each factor, along with the sections of the Petitions in which it is addressed, is listed below.

- The degree of fungibility between imports from the eight subject countries and between the imports and the domestic like product.

The petitioners state that subject imports and domestic tin mill products generally share basic characteristics and product specifications.⁷⁰ The petitioners note that the ITC has previously concluded that tin mill products are physically similar and are generally sold in similar thickness, widths, coating thickness, tempers, and surface finishes.⁷¹ The

⁶⁸ *See* Petitions at Volume I (pages 25-28 and Exhibits I-3, I-19, and I-25); *see also* First General Issues Supplement at 1, 6-7, and Exhibits I-S1 (containing *Tin- and Chromium-Coated Sheet from Japan*, Inv. No. 731-TA-860 (Preliminary), USITC Pub. 3264 (December 1999) (*Tin Mill Products Preliminary*), at 5; and *Tin Mill Products Third Review*) and I-S5.

⁶⁹ *See Certain Cast-Iron Pipe Fittings from Brazil, the Republic of Korea, and Taiwan*, Inv. Nos. 731-TA-278-280 (Final), USITC Pub. 1845 (May 1986); *see also Fundicao Tupy, S.A. v. United States*, 678 F. Supp. 898, 902 (CIT 1988), *aff'd* 859 F.2d 915 (Fed. Cir. 1988).

⁷⁰ *See* Petitions at Volume I (page 27).

⁷¹ *Id.*; *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Preliminary* at 5).

petitioners further note that all tin mill products, including those produced by the domestic and subject producers, are made to similar American Society for Testing and Materials (ASTM) standards.⁷²

- The presence of sales or offers for sale of the imports and the domestic like product in the same geographic markets.

The petitioners note that the ITC has previously found the U.S. market for tin mill products is “national in scope” and subject imports enter the U.S. market in many regions across the United States.⁷³ The petitioners contend that most subject imports enter the U.S. market through ports in the Midwest and Northeast regions and are regularly traded in those regions.⁷⁴ The petitioners state that subject imports from a number of the subject countries also enter the U.S. market in the Southeast, Central Southwest, and Pacific Coast regions of the United States.⁷⁵ For support, the petitioners provided data demonstrating that subject imports entered through ports in the Midwest, Northeast, Southeast, Central Southwest, and Pacific Coast regions between 2019 and November 2022.⁷⁶

In addition, the petitioners state that they are well-positioned to serve customers in the same regions as subject imports.⁷⁷ For support, the petitioners note that Cleveland-Cliffs has a facility in Weirton, West Virginia, while United States Steel Corporation and Ohio Coatings Company (whose workers are also represented by the USW), have historically made tin mill products in Indiana and Yorkville, Ohio, respectively.⁷⁸ As a result, the petitioners argue that the evidence that they present indicates that imports from each subject country will compete with each other and with the domestic like product throughout the United States.⁷⁹

- Whether the imports and the domestic like product are handled in common or similar channels of distribution.

The petitioners assert that imports of tin mill products from all subject countries are sold in the same channels of distribution in the U.S. market.⁸⁰ The petitioners note the ITC has previously determined that the vast majority of imported tin mill products, including the subject imports, and the domestic like product are sold directly to end users, typically

⁷² *Id.*

⁷³ See Petitions at Volume I (page 27); *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Third Review* at 11).

⁷⁴ See Petitions at Volume I (page 27).

⁷⁵ *Id.* at 27-28.

⁷⁶ *Id.* at 27-28 and Exhibit I-25.

⁷⁷ *Id.* at 28.

⁷⁸ *Id.* at 3 and 28; *see also* First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Third Review* at I-24).

⁷⁹ See Petitions at Volume I (page 28).

⁸⁰ *Id.* at 27.

can manufacturers.⁸¹ The petitioners argue that the channels of distribution remain unchanged from the ITC's previous determinations and therefore, subject imports and the domestic like product are sold in the same distribution channels.⁸²

- Whether the imports are present in the U.S. market simultaneously.

The petitioners assert that domestic producers sold substantial volumes of tin mill products in the U.S. market from 2019 through the first three quarters of 2022, and that significant and growing volumes of subject imports of tin mill products from the subject countries have been present in the U.S. market during the same period.⁸³ For support, the petitioners provided their trade and financial data and import data demonstrating that subject imports and the domestic like product were present in the U.S. market from 2019 through 2022.⁸⁴

V. Negligibility

Section 771(24)(A)(i) of the Act states that “imports from a country of merchandise corresponding to a domestic like product identified by the Commission are ‘negligible’ if such imports account for less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period for which the data are available”

The petitioners contend that imports from Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom are not negligible.⁸⁵ For support, the petitioners provided import data for the most recent twelve-month period for which data are available (December 2021, through November 2022).⁸⁶ The data provided by the petitioners demonstrate that imports of tin mill products from Canada, China, Germany, the Netherlands, Korea, Taiwan, the Republic of Turkey, and the United Kingdom accounted for 16.90 percent, 13.77 percent, 17.64 percent, 17.30 percent, 6.44 percent, 5.51 percent, 3.73 percent, and 7.10 percent of total U.S. imports of tin mill products over this period, respectively, by volume.⁸⁷ Thus, the data provided by the petitioners demonstrate that the imports of tin mill products from Canada, China, Germany, the Netherlands, Korea, Taiwan, the Republic of Turkey, and the United Kingdom individually exceed the three percent negligibility threshold provided under section 771(24)(A)(i) of the Act.⁸⁸

⁸¹ *Id.*; see also First General Issues Supplement at 1 and Exhibit I-S1 (containing *Tin Mill Products Third Review at II-1*; and *Tin Mill Products Preliminary at 5*).

⁸² See Petitions at Volume I (page 27).

⁸³ *Id.* at 28.

⁸⁴ *Id.* at 28 and Exhibits I-3 and I-19; see also First General Issues Supplement at 9 and Exhibit I-S5.

⁸⁵ See Petitions at Volume I (pages 28-29).

⁸⁶ *Id.* at 29 and Exhibit I-26.

⁸⁷ *Id.* at Exhibit I-26.

⁸⁸ *Id.* at 28-29 and Exhibit I-26.

VI. Causation of Material Injury and Threat of Material Injury

The petitioners contend that the material injury and threat of material injury to the domestic industry discussed in section III above were caused by the impact of the allegedly dumped imports from Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom and the allegedly subsidized imports from China. In support of their argument, the petitioners provided information on the historical trends of the volume and value of the allegedly dumped and subsidized imports of tin mill products for the period of 2019 through November 2022.⁸⁹ In the Petitions, the petitioners demonstrate the effect of these import volumes, and their respective values, on domestic prices and market share, and the consequent impact on the domestic industry, specifically on the domestic industry's employment variables and profitability.⁹⁰ The petitioners argue that this evidence reflects the injurious effects on the U.S. industry's performance, domestic selling prices, and market share caused by imports of tin mill products at prices substantially lower than prices offered by the domestic industry, thereby resulting in significant incidents of lost sales and revenues.⁹¹

In making a determination regarding causation of material injury, the ITC is directed to evaluate the volume of subject imports (section 771(7)(B)(i)(I) of the Act), the effect of those imports on the prices of domestically-produced products (section 771(7)(B)(i)(II) of the Act), and their impact on the domestic operations of U.S. producers (section 771(7)(B)(i)(III) of the Act). The petitioners base their allegations of causation of current injury upon the significant volume of subject imports; declining market share; underselling and price depression and/or suppression; lost sales and revenues; and adverse impact on the domestic industry's profitability and employment variables.⁹²

With respect to the threat of material injury, the petitioners base their allegations on the continued increase in the volume of subject imports; significant existing and new capacity in subject countries to increase production for exportation to the U.S. market; potential for product shifting; countervailable subsidies provided by the Government of China; continued underselling and price depression and/or suppression; vulnerability of the domestic industry to further injury by reason of subject imports and the continued adverse impact on the domestic industry's profitability and employment variables; and adverse impact on the domestic industry's existing development and production efforts.⁹³

The allegations of causation of material injury and the threat of material injury are based upon factors indicating current injury, as well as factors indicating threat of material injury as noted above. The factors related to causation presented in the injury section of the Petitions are the

⁸⁹ *Id.* at 32-35 and Exhibits I-19 and I-25; *see also* First General Issues Supplement at Exhibit I-S1 (containing *Tin Mill Products Third Review* at C-3 and 10).

⁹⁰ *See* Petitions at Volume I (pages 32-35, 38-41, and Exhibits I-3, I-19, and I-28 through I-30); *see also* First General Issues Supplement at 1, 6-9 and Exhibits I-S1 (containing *Tin Mill Products Third Review* at C-3 and 10) and I-S5.

⁹¹ *See* Petitions at 33-41 and Exhibits I-3 and I-27; *see also* First General Issues Supplement at 1, 6-9, and Exhibits I-S1 (containing *Tin Mill Products Third Review*) and I-S5.

⁹² *See* section III, *supra*.

⁹³ *Id.*

types of factors that the ITC is directed to consider for the purpose of evaluating causation under sections 771(7)(C) and 771(7)(F) of the Act.

VII. Conclusion

In order to assess the accuracy and adequacy of the evidence relating to the allegations of material injury, threat of material injury, negligibility, and causation, we examined the information presented in the Petitions and supplements to the Petitions and compared it with information that was reasonably available (*e.g.*, import data on the ITC website). We did not locate any information that contradicts the petitioners' assertion.

We analyzed the petitioners' evidence regarding material injury, threat of material injury, negligibility, and causation, and found that the information contained in the Petitions and the supplements thereto demonstrates a sufficient showing of injury, or threat of injury, to the U.S. industry producing tin mill products. Therefore, we find the overall evidence of injury included in the Petitions to be adequate to initiate the investigations of tin mill products from Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom. Ultimately, the ITC will make the final determination with respect to material injury, or threat thereof, negligibility, and causation.