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Investigation

AD/CVD Operations

Petitioner's Business Proprietary Information

REMOVED from Brackets (I ) at Pages 1-3, 15, 19, 21,  
22, 24-26, Exhibit List, and at Exhibits I-3-5, I-16, and  
I-18 of this Volume

PUBLIC VERSION

**BEFORE THE  
INTERNATIONAL TRADE ADMINISTRATION OF THE  
U.S. DEPARTMENT OF COMMERCE  
AND THE  
U.S. INTERNATIONAL TRADE COMMISSION**

**PETITIONS FOR THE IMPOSITION OF  
ANTIDUMPING AND COUNTERVAILING DUTIES PURSUANT TO  
SECTIONS 701 AND 731 OF THE TARIFF ACT OF 1930, AS AMENDED  
VOLUME I:  
COMMON ISSUES AND INJURY PETITION**

**IN THE MATTER OF:  
CERTAIN FREIGHT RAIL COUPLERS AND PARTS THEREOF  
FROM THE CZECH REPUBLIC AND THE REPUBLIC OF INDIA**

**PETITIONER:  
COALITION OF FREIGHT COUPLER PRODUCERS**

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## I. INTRODUCTION

These petitions are presented on behalf of the Coalition of Freight Coupler Producers (“CFCP” or “Petitioner”). CFCP is comprised of McConway & Torley LLC (“M&T”) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (“USW”). The USW represents unionized workers at Amsted Rail Company, Inc. (“Amsted”) which, while not a petitioner, has a factory in Granite City, Illinois, that produces less than [number] of the domestic like product defined by these petitions.

Petitioner alleges that certain freight rail couplers and parts thereof (“FRCs”) imported from the Czech Republic (“Czechia”) and the Republic of India (“India”) are being or are likely to be sold at less than normal value (“LTNV”) within the meaning of Section 731 of the Tariff Act of 1930 (the “Act”).<sup>1</sup> Petitioner further alleges that FRCs imported from India are subsidized within the meaning of Section 701 of the Act.<sup>2</sup> These unfairly traded imports have materially injured the U.S. industry producing FRCs and threaten to cause further material injury if relief is not granted. These petitions contain information reasonably available to Petitioner in support of these allegations.

Separate volumes regarding the allegations of dumping by subject producers in Czechia and India, as well as countervailable subsidies provided to subject producers by India, are being filed simultaneously at the U.S. Department of Commerce (“Commerce”) and the U.S. International Trade Commission (the “Commission”). Petitioner requests that the antidumping and countervailing duties be imposed to offset the dumping and subsidy margins detailed in the antidumping and countervailing duty volumes, which contain allegations against Czechia and India.

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<sup>1</sup> See 19 U.S.C. § 1673.

<sup>2</sup> *Id.* § 1671.

## II. COMMON ISSUES

### A. Name and Address of the Petitioner (19 C.F.R. § 351.202(b)(1))

The Petitioner is the Coalition of Freight Coupler Producers. Petitioner is a domestic interested party within the meaning of 19 U.S.C. § 1677(9)(F) and 19 C.F.R. § 351.102(b)(17). The names, addresses, and telephone numbers of the entities comprising the CFCP are provided in **Exhibit I-1**.

### B. Identity of the Industry on Whose Behalf the Petition Is Filed (19 C.F.R. §§ 207.11(b)(2)(ii), 351.202(b)(2))

These petitions are filed on behalf of the U.S. industry that produces FRCs as described in the scope. As discussed below, Petitioner accounts for the vast majority of U.S. production of in-scope FRCs. The names, addresses, and telephone numbers of additional domestic producers are provided in **Exhibit I-2**. According to the best information available to Petitioner, **Exhibits I-1** and **I-2** identify all known U.S. producers of the merchandise under consideration. The sole non-petitioning U.S. producer identified in **Exhibit I-2** is Amsted which, while not a petitioner, has a facility in Granite City, Illinois, that produces [ *number* ] of the total U.S. production of FRCs. Amsted's employees in Granite City are unionized members of the USW, and the USW supports these petitions.

### C. Information Relating to the Degree of Industry Support for the Petition (19 C.F.R. § 351.202(b)(3))

Under the relevant statutory provisions, a petition is filed by or on behalf of the domestic industry if: (1) domestic producers or workers who support the petition account for at least 25% of the total production of the domestic like product, and (2) domestic producers or workers who support the petition account for 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.<sup>3</sup> Petitioner meets both of these requirements.

All in-scope merchandise must comply with the Association of American Railroads (“AAR”) specifications M-211 or M-215.<sup>4</sup> The AAR publishes a list of approved foundries that satisfy the requirements of these specifications. There are currently two AAR-approved U.S. producers of FRCs: McConway & Torley and Amsted. Amsted now produces less than [ *number* ] of the domestic like product.<sup>5</sup> Petitioner’s estimate of total U.S. production of FRCs for 2024 is in the table below. As this table shows, Petitioner’s estimated share of U.S. production of FRCs far exceeds the statutory standard.<sup>6</sup>

Domestic Production (pounds)	[ 28,000,000 ]
Petitioner’s Production (pounds)	[ ]
Petitioner’s Share	[ ]

**D. Previous Requests for Import Relief for the Merchandise (19 C.F.R. § 351.202(b)(4))**

On September 29, 2021, Petitioner filed for antidumping and countervailing duty relief on imports of FRC *systems and components* from China, and the ITC instituted Investigation Nos.

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<sup>3</sup> 19 U.S.C. §§ 1671a(c)(4)(A) (countervailing duty petitions), 1673a(c)(4)(A) (antidumping petitions).

<sup>4</sup> M-211 and M-215 Specifications, attached at **Exhibit I-3**. The scope also includes imports that meet AAR specification “or other equivalent domestic or international standards (including any revisions to the standard(s)).”

<sup>5</sup> See Declaration of [ *name* ], attached at **Exhibit I-4**.

<sup>6</sup> Petitioner is a coalition comprised of McConway & Torley and the USW. McConway & Torley’s production of FRCs was [ *number* ] pounds in 2024. See McConway & Torley Production and Financial Data, attached at **Exhibit I-5**. Amsted is the only other active U.S. producer of FRCs, and its only U.S. FRC production facility is organized by USW Local 1063. It is estimated that Amsted/USW’s production was approximately [ *number* ] pounds in 2024. Accordingly, as the USW is a member of the petitioning coalition, its production has been included in both the numerator and denominator for purposes of industry support. This results in [ *number* ] in support of these petitions.

In the alternative, and consistent with 19 C.F.R. § 351.203(e)(3), should the management of Amsted express a position in direct opposition to the position of the workers, “the Secretary will treat the production of {Amsted} as representing neither support for, nor opposition to, the petition.” As a result, the production of the USW/Amsted facility would be excluded from the numerator and the denominator of the industry support calculation. Accordingly, the FRC production of Petitioner McConway & Torley would be considered to constitute the production of the entire domestic industry (as Amsted’s FRC production would be excluded), again resulting in Petitioner representing [ *number* ] percent of domestic production.

701-TA-670 and 731-TA-1570.<sup>7</sup> On July 5, 2022, the ITC issued a final determination that the United States was not materially injured or threatened with material injury by reason of imports of freight rail coupler systems and components from China provided for in subheading 8607.30.10 of the Harmonized Tariff Schedule.<sup>8</sup>

On September 28, 2022, Petitioner filed antidumping duty petitions on freight rail couplers from China and Mexico and a countervailing duty petition on freight rail couplers from China.<sup>9</sup> The Department of Commerce made final affirmative determinations of dumping and subsidization in all three segments,<sup>10</sup> and the Commission made affirmative determinations of material injury.<sup>11</sup> Antidumping and countervailing duty orders on freight rail couplers from China were issued on July 14, 2023,<sup>12</sup> and an antidumping duty order on freight rail couplers from Mexico was issued on November 15, 2023.<sup>13</sup> These orders remain in effect.

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<sup>7</sup> *Freight Rail Coupler Systems and Components from China; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigation*, 86 Fed. Reg. 54,997 (Int'l Trade Comm'n October 5, 2021).

<sup>8</sup> *Freight Rail Coupler Systems and Components from China*, 87 Fed. Reg. 41,144 (Int'l Trade Comm. July 11, 2022).

<sup>9</sup> See *Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China and Mexico: Initiation of Less-Than-Fair-Value Investigations*, 87 Fed. Reg. 64,444 (Dep't Commerce Oct. 25, 2022); *Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Initiation of Countervailing Duty Investigation*, 87 Fed. Reg. 64,440 (Dep't Commerce Oct. 25, 2022).

<sup>10</sup> *Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, In Part*, 88 Fed. Reg. 32,184 (Dep't Commerce May 19, 2023); *Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair-Value and Final Affirmative Determination of Critical Circumstances*, 88 Fed. Reg. 34,485 (Dep't Commerce May 30, 2023); *Certain Freight Rail Couplers and Parts Thereof From Mexico: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 88 Fed. Reg. 65,153 (Dep't Commerce Sept. 21, 2023).

<sup>11</sup> *Certain Freight Rail Couplers and Parts Thereof From China*, 88 Fed. Reg. 43,398 (Int'l Trade Comm'n July 7, 2023); *Certain Freight Rail Couplers and Parts Thereof From Mexico*, 88 Fed. Reg. 77,612 (Int'l Trade Comm'n Nov. 13, 2023).

<sup>12</sup> *Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Antidumping Duty Order*, 88 Fed. Reg. 45,138 (Dep't Commerce July 14, 2023); *Certain Freight Rail Couplers and Parts Thereof From the People's Republic of China: Countervailing Duty Order*, 88 Fed. Reg. 45,135 (Dep't Commerce July 14, 2023).

<sup>13</sup> *Certain Freight Rail Couplers and Parts Thereof From Mexico: Antidumping Duty Order*, 88 Fed. Reg. 78,308 (Dep't Commerce Nov. 15, 2023).

Petitioner has not filed for relief from imports of the subject merchandise under section 337 of the Tariff Act, section 301 of the Trade Act of 1974,<sup>14</sup> or section 232 of the Trade Expansion Act of 1962.

**E. Scope of the Investigation and a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5))**

**1. Scope of Investigation**

This investigation pertains to freight railcar couplers. The physical characteristics of the covered products, which define the scope, are as follows:

The scope of this investigation covers certain freight railcar couplers (also known as “fits” or “assemblies”) and parts thereof. Freight railcar couplers are composed of two main parts, namely knuckles and coupler bodies but may also include other items (*e.g.*, coupler locks, lock lift assemblies, knuckle pins, knuckle throwers, and rotors). The parts covered by the investigation include: (1) E coupler bodies; (2) E/F coupler bodies; (3) F coupler bodies; (4) E knuckles; (5) F knuckles; as set forth by the Association of American Railroads (AAR). The freight rail coupler parts are included within the scope of the investigation when imported individually.

Subject freight railcar couplers and parts are included within the scope whether finished or unfinished, whether imported individually or with other subject or nonsubject parts, whether assembled or unassembled, whether mounted or unmounted, or if joined with nonsubject merchandise, such as other nonsubject parts or a completed railcar. Finishing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, machining, and assembly of various parts. When a subject coupler or subject parts are mounted on or to other nonsubject merchandise, such as a railcar, only the coupler or subject parts are covered by the scope.

The finished products covered by the scope of this order meet or exceed the AAR specifications of M-211, “Foundry and Product Approval Requirements for the Manufacture of Couplers, Coupler Yokes, Knuckles, Follower Blocks, and Coupler Parts,” and/or AAR M-215 “Coupling Systems,” or other equivalent domestic or international standards (including any revisions to the standard(s)).

The country of origin for subject couplers and parts thereof, whether fully assembled, unfinished or finished, or attached to a railcar, is the country where the

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<sup>14</sup> While Petitioner did not “file for” such relief, certain FRCs from China are currently covered by Section 301 duties. On August 16, 2018, the U.S. Trade Representative imposed an *ad valorem* duty of 25% on various products from China, including subject FRCs. *See Notice of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 83 Fed. Reg. 40,823 (Dep’t Commerce Aug. 16, 2018).



subject coupler parts were cast or forged. Subject merchandise includes coupler parts as defined above that have been further processed or further assembled, including those coupler parts attached to a railcar in third countries. Further processing includes, but is not limited to, arc washing, welding, grinding, shot blasting, heat treatment, painting, coating, priming, machining, and assembly of various parts. The inclusion, attachment, joining, or assembly of nonsubject parts with subject parts or couplers either in the country of manufacture of the in-scope product or in a third country does not remove the subject parts or couplers from the scope.

The couplers that are the subject of this investigation are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers 8607.30.1000, 8607.30.1010, 8607.30.1050, and 8607.30.1090. Unfinished subject merchandise may also enter under HTSUS statistical reporting number 7326.90.8688. Subject merchandise attached to finished railcars may also enter under HTSUS statistical reporting numbers 8606.10.0000, 8606.30.1000, 8606.91.0000, 8606.92.0000, 8606.99.0130, 8606.99.0160, or under subheading 9803.00.50. Subject merchandise may also be imported under HTSUS statistical reporting number 7325.99.5000. These HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

## 2. Uses and Technical Characteristics

The merchandise subject to these investigations consists of FRCs used to connect freight railcars together. The knuckle of the coupler resembles a curved human hand and holds the train cars together to eliminate the dangerous task for a railroad worker to stand between cars in order to join them together. The U.S. Safety Appliance Act of 1893 mandated that all rail lines conducting interstate commerce require that cars be coupled and uncoupled without the manual assistance of a worker. The automatic coupling system became the industry standard by the early 1900s.

Each train car typically has two couplers – one in the front and one in the back. The train coupler not only links the cars together but also absorbs shocks during braking.<sup>15</sup> The clasped-hand device joins, or couples, automatically when one or both knuckles are open and cars are

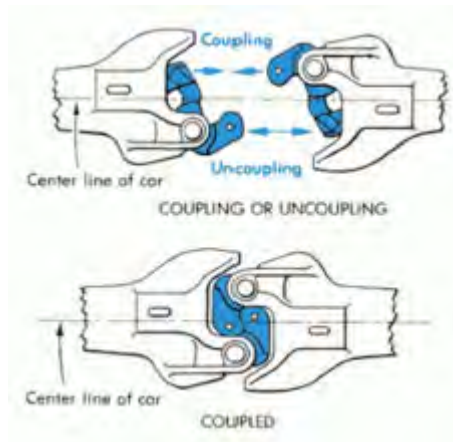
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<sup>15</sup> XiHong Jin, et al., *Structural Health Monitoring of Train Coupling System*, 9th European Workshop on Structural Health Monitoring (July 2018), attached at **Exhibit I-6**.

pushed together. Upon impact, the knuckle wings into the closed position and a lock drops in place, securing the coupling. The coupling is not completely tight; between the knuckles there is a little space or slack. Cars are uncoupled by lifting a lever that reaches from the coupler to the side of the car, making it unnecessary for a switchman to place himself between cars during uncoupling. Lifting the lever unlocks the knuckles and lets them swing open, allowing the cars to be pulled away from each other.<sup>16</sup>

FRCs primarily consist of the following cast steel parts:

1. **Complete Coupler** (also referred to as a “fit”): A device primarily consisting of a coupler body and knuckle, located at both ends of all cars in a standard location to provide a means for connecting one railcar to another.



2. **Knuckles:** The pivoting hook-like casting that fits into the head of a coupler and rotates about a vertical pin to either the open position or to the closed position. Knuckles form interlocking pairs within the coupler system that close automatically when freight railcars come together.<sup>17</sup>

<sup>16</sup> Kevin Keefe, *Couplers*, Trains Magazine (May 1, 2006), attached at **Exhibit I-7**.

<sup>17</sup> See CSX Corp. Railroad Dictionary, attached at **Exhibit I-8**.



Petitioner notes that all FRCs are manufactured to meet standards promulgated by the AAR – an industry association that is made up of the major Class I railroads of the United States, Canada, Mexico and Amtrak, as well as non-Class I and passenger railroads (*i.e.*, Class II and Class III railroads), rail supply companies, railcar owners, engineering firms, and signal and communications firms. The AAR issues a manual of recommended practices for coupler use and maintenance, along with standards for interchange. Manufacturers are certified by AAR auditors.<sup>18</sup> The AAR adopted these standards to feature “interchangeable parts that could be produced by any of the industry’s suppliers.”<sup>19</sup>

FRCs may be imported into the United States in fully assembled forms or imported as parts, with most or all of the integral items required to assemble a complete railcar coupler. For unfinished or unassembled FRCs to be subject to the scope, the parts for a single piece of railcar couplers do not have to enter at the same time (*i.e.*, do not have to enter on the same entry summary). In addition, if FRC parts manufactured in India or Czechia are assembled into a complete railcar coupler in a third country, the FRC remains subject to the scope of these investigations.

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<sup>18</sup> Kevin Keefe, *Couplers*, Trains Magazine (May 1, 2006), attached at **Exhibit I-7**; AAR Certification Process, attached at **Exhibit I-9**.

<sup>19</sup> Kevin Keefe, *Couplers*, Trains Magazine (May 1, 2006), attached at **Exhibit I-7**.

### 3. Production Methodology

The manufacturing process for FRCs generally consists of melting, metal casting, heat treatment, machining, assembly, and testing/quality control. Railcar coupling products are produced from steel, using a standard foundry process. First, a combination of pig iron and ferrous scrap metal is melted in a foundry furnace. During this process, certain alloying agents are added to ensure proper chemistry. The molten metal is then poured into a foundry mold, typically in the form of sand that has been compacted to produce a cavity of the rough shape of the casting. Once the casting has been poured into the mold and has cooled into a solid, the sand is removed and blasted away – yielding a cast shape. This shape is freed of excess cast steel (known as gates and risers) that is present in the mold but is not part of the desired shape. The castings then go through a heat treatment process to anneal, normalize, harden, and temper the castings in preparations for machining into a finished railcar coupling component.

The shape produced by casting then undergoes certain machining operations. Machine tools, drills, and saws grind and reduce the shape to the correct dimensions – creating grooves, teeth, tap holes, and the like during the process. The product may also be subjected to additional finishing operations, such as shot blasting and sanding. A machined FRC will often be painted, oil coated, or primed in order to prevent the buildup of rust. Various tests such as steel chemistry ladle analysis and fatigue testing of final product are done in accordance with AAR, International Organization for Standardization, and American Society for Testing and Materials International specifications.

A coupler (aka “assembly” or “fit”) may include coupler locks, lock lift assemblies, knuckle pins and knuckle throwers, rotors, and other parts. Some or all of these items may be produced internally by the producer, or the company may outsource these parts from a third-party vendor. Finished railcar couplers may then be packed together in cardboard boxes with inserts

and then repacked into master cartons, packed individually into cardboard boxes, or strapped onto a shipping pallet if they are large enough to be placed directly onto a pallet.

#### 4. **Tariff Classification**

In July 2025, the Committee for Statistical Annotation of Tariff Schedules (the 484(f) Committee) created new statistical reporting numbers for assembled freight rail couplers and freight rail coupler parts of 8607.30.10. New Harmonized Tariff Schedule (HTS) codes went into effect on July 1, 2025.<sup>20</sup> Accordingly, imports of subject merchandise have been classified under HTSUS statistical number 8607.30.1000, prior to July 2025, and 8607.30.1010, 8607.30.1050, and 8607.30.1090, beginning July 1, 2025. The most-favored nation duty rate for imports under these HTSUS numbers is 3.6 percent. Excerpts from the current HTSUS are attached at **Exhibit I-10**. The tariff numbers are provided for the convenience of the U.S. government and do not define the scope of the Petitions. For the government's convenience, Petitioner provides excerpts from the HTSUS from before and after the change in statistical reporting numbers. The written description of the merchandise under investigation is dispositive.

#### F. **The Names of the Subject Countries and the Names of Any Intermediate Countries Through Which the Merchandise Is Transshipped (19 C.F.R. § 351.202(b)(6))**

The FRCs subject to these petitions are manufactured in and exported to the United States from Czechia and India. Petitioner believes that subject merchandise is also sent to Mexico as an intermediate country, joined to rail cars, and then imported into the United States. Petitioner emphasizes that subject merchandise also includes FRCs that have been further processed in a third country, including but not limited to one or more of the following: trimming, cutting, grinding, notching, punching, slitting, drilling, welding, joining, bolting, bending, beveling,

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<sup>20</sup> See HTSUS Excerpts and Excerpts from 484(f) Committee Changes to the HTS and Schedule B for July 1, 2025, attached at **Exhibit I-10**.

riveting, minor fabrication, galvanizing, painting, coating, finishing, assembly or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope product. Petitioner emphasizes that further assembly or attachment of an FRC onto a railcar in a third country does not remove the merchandise from the scope.

**G. The Names and Addresses of Each Person Believed to Sell the Merchandise at Less Than Normal Value and the Proportion of Total Exports to the United States (19 C.F.R. § 351.202(b)(7)(i)(A))**

The names and addresses of the entities believed by Petitioner to be producing and exporting the merchandise subject to these Petitions are provided in **Exhibits I-11** and **I-12** for Czechia and India, respectively. In compiling these exhibits, Petitioner relied primarily upon information from foreign producer websites, market intelligence information, and Petitioner's industry knowledge.

Information reasonably available to Petitioner does not allow it to identify the proportion of total exports to the United States accounted for during the most recent 12-month period by the producers listed in this exhibit. Petitioner believes, however, that the companies listed in **Exhibits I-11** and **I-12** account for the majority of subject exports.

**H. All Factual Information Related to the Calculation of Normal Value of the Export Price and the Constructed Export Price of the Subject Merchandise and the Normal Value of the Foreign Like Product (19 C.F.R. § 351.202(b)(7)(i)(B))**

Czechia and India are both treated as market economies for antidumping purposes. Volumes II and III of these Petitions contain the necessary information concerning the calculation of the normal value of the foreign like product and the export price for merchandise produced and exported from Czechia and India, respectively.

**I. The Names and Addresses of Each Person Believed to Benefit from a Countervailable Subsidy Who Export the Subject Merchandise to the United States and the Proportion of Total Exports to the United States (19 C.F.R. § 351.202(b)(7)(ii)(A))**

The names and addresses of the Indian entities that Petitioner believes to be benefiting from countervailable subsidies and that have exported the FRCs subject to these Petitions are provided in **Exhibit I-12**. Information reasonably available to Petitioner does not allow it to identify the proportion of total exports to the United States accounted for during the most recent 12-month period by the producers listed in this exhibit. As stated above, Petitioner believes, however, that the companies listed in **Exhibit I-12** account for the majority of subject imports from India.

**J. The Alleged Countervailable Subsidy and Factual Information Relevant to the Alleged Countervailable Subsidy (19 C.F.R. § 351.202(b)(7)(ii)(B))**

Volume IV of these Petitions contains information concerning the alleged countervailable subsidies from India, as well as factual information relevant to the alleged countervailable subsidies, including the laws, regulations, and decrees under which the subsidies were bestowed, the manner in which the subsidies were provided, and Petitioner's estimation – to the extent practicable – of the value of the subsidies to subject producers and exporters of FRCs subject to these Petitions.

**K. The Volume and Value of the Merchandise Imported During the Most Recent Three-Year Period (19 C.F.R. § 351.202(b)(8))**

Data pertaining to the volume and value of subject imports is provided in **Exhibit I-13**. Subject merchandise was entered under HTSUS number 8607.30.1000 during the POI, a basket category covering hooks and other coupling devices, buffers, and parts thereof for railway or

tramway vehicles of heading 8605 or 8606. Nonsubject products such as couplers used for railway or tramway passenger coaches of heading 8605 are also included in this number.<sup>21</sup>

Petitioner has estimated Czech and Indian imports in kilograms using data from the Commission's DataWeb resource using the HTSUS number 8607.30.1000, which, as previously noted, is a basket category. Notwithstanding the basket category nature of the DataWeb search, the results represent the best data available to Petitioner of the cumulative quantity of subject imports as well as the quantity of imports from Czechia and India taken individually. U.S. shipment data is estimated using McConway & Torley's records for its U.S. shipments because McConway & Torley's business comprises significantly all of domestic shipments of FRCs and its data is the only data on U.S. shipments available to Petitioner.

These data demonstrate a significant volume of subject imports over the period of investigation and through the interim period. These are the best data available to Petitioner.

**L. The Name and Address of Each Entity the Petitioner Believes Imports or Is Likely to Import the Merchandise (19 C.F.R. §§ 207.11(b)(2)(iii), 351.202(b)(9))**

The names and addresses of importers of FRCs from Czechia and India that are known to the Petitioner at this time are listed in **Exhibit I-14**. Petitioner believes, however, that there may be additional importers of FRCs from Czechia and India that it has been unable to identify.

Petitioner requests that Commerce and the Commission obtain importer information from U.S. Customs and Border Protection, as Petitioner does not have access to this information.

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<sup>21</sup> As noted above, in July 2025 the Committee for Statistical Annotation of Tariff Schedules (the 484(f) Committee) created new statistical reporting numbers for assembled freight rail couplers and freight rail coupler parts of 8607.30.10. New Harmonized Tariff Schedule (HTS) codes went into effect on July 1, 2025.



### **III. DUMPED AND SUBSIDIZED SUBJECT IMPORTS ARE A CAUSE OF MATERIAL INJURY TO THE DOMESTIC FREIGHT RAIL COUPLER INDUSTRY**

#### **A. Introduction**

Imports of freight rail couplers from Czechia and India have caused material injury to the domestic industry. Unfairly traded subject imports have significant volumes and negative price effects in the U.S. market. The cumulative adverse effects of Chinese imports on the U.S. freight rail couplers market and the domestic industry are significant.

#### **B. There Is One Domestic Like Product That Is Coextensive with the Scope**

The Commission should define a single like product coextensive with the scope in this investigation. While there are some differences in size and design, all in-scope FRCs share the same general physical characteristics, including overall shape and materials, and uses. All types of FRCs are pieces of equipment made predominantly of steel and fabricated steel parts, designed for use to connect freight railcars. Additionally, in-scope couplers are produced to the same dimensions, specifications, and standards. All FRCs are sold through the same channels of distribution: (1) railcar original equipment manufacturers (“OEM”) (for new car production) or (2) as replacement parts (typically maintenance companies, railroads, and railcar producers). All FRCs covered by the scope are manufactured in common facilities, using similar production processes and production employees. The Commission should accordingly determine that FRCs constitute a single domestic like product, coextensive with the scope identified above.

#### **C. There Is a Single Domestic Industry Consisting of All Domestic Producers**

Section 771(4)(A) of the Tariff Act defines the domestic industry as the domestic “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.”<sup>22</sup> The Commission should find that there is a single domestic industry manufacturing FRCs under the relevant AAR standards in the United States.<sup>23</sup> The domestic industry is comprised of only AAR certified producers of FRCs and parts thereof, namely McConway & Torley and Amsted.<sup>24</sup> Amsted’s production comprised less than [ *number* ] percent of the domestic market in 2024.<sup>25</sup> As a result, the best available data to Petitioner to approximate total U.S. production is based on the domestic production of McConway & Torley, which has a production that represents [ *number* ] of the domestic industry production.

**D. Subject Imports Are Causing Material Injury to the Domestic Industry**

**1. All Subject Imports Should Be Cumulated**

For purposes of evaluating the volume and price effects for a determination of material injury by reason of subject imports, section 771(7)(G)(i) of the Tariff Act requires the Commission to cumulate subject imports from all countries as to 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.<sup>26</sup> In assessing whether subject imports compete with each other and with the domestic like product, the Commission generally has considered four factors:

1. The degree of fungibility between subject imports from different countries and between subject imports and the domestic like product . . . ;
2. The presence of sales or offers to sell in the same geographic markets of subject imports from different countries and the domestic like product;
3. The existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and

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<sup>22</sup> 19 U.S.C. § 1677(4)(A).

<sup>23</sup> Refurbishers, which are essentially repair operations for previously manufactured FRCs, are not U.S. producers and consequently should not be included in the domestic industry definition.

<sup>24</sup> See AAR Certifications, attached at **Exhibit I-15** (identifying Amsted and McConway and Torley as the only two domestic producers).

<sup>25</sup> Declaration of [ *name* ], attached at **Exhibit I-4**.

<sup>26</sup> 19 U.S.C. § 1677(7)(G)(i). None of the exceptions to cumulation apply. See *id.* § 1677(7)(G)(ii).

4. Whether the subject imports are simultaneously present in the market.<sup>27</sup>

While no single factor is necessarily determinative, and the list of factors is not exhaustive, these factors are intended to provide the Commission with a framework for determining whether the subject imports compete with each other and with the domestic like product. Only a “reasonable overlap is required.”<sup>28</sup>

Each of the above cited factors indicates that the imports subject to these Petitions compete with each other and with the domestic like product.

a. Subject Imports and the Domestic Like Product Are Fungible

Subject imports from Czechia and India and the domestic like product are interchangeable. All FRCs must be able to couple to every North American freight car, regardless of the producer of the FRC. The American Association of Railroads (“AAR”) requires all FRCs to be interchangeable, produced in an AAR certified foundry, and made according to AAR specifications. All U.S., Czech, and Indian producers of subject imports are AAR certified.<sup>29</sup>

b. Subject Imports and the Domestic Like Product Are Sold in the Same Geographic Markets

Subject imports compete with each other and with the domestic like product across the United States. Subject imports from Czechia entered the United States through five customs districts during the POI and subject imports from India entered the United States through 14 customs districts during the POI, many of which overlap.<sup>30</sup> The locations of the ultimate purchasers of Czech and Indian FRCs are geographically disbursed across the United States. Because in-scope FRC products are interchangeable, subject imports and the domestic like product

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<sup>27</sup> See *Certain Cast-Iron Pipe Fittings from Brazil, the Republic of Korea, and Taiwan*, Inv. Nos. 731-TA-278-280, USITC Pub. 1845 (May 1986) (Final) at 8 n.29, *aff’d*, *Fundicao Tupy, S.A. v. United States*, 678 F. Supp. 898, 899 (Ct. Int’l Trade 1988), *aff’d*, 859 F.2d 915 (Fed. Cir. 1988).

<sup>28</sup> See, e.g., *Wieland Werke, AG v. United States*, 718 F. Supp. 50, 52 (Ct. Int’l Trade 1989).

<sup>29</sup> AAR Certifications, attached at **Exhibit I-15**.

<sup>30</sup> Official U.S. Import Statistics, attached at **Exhibit I-13**.

compete in the OEM market and the replacement market across all of these geographic areas. Once purchased by freight railcar companies, subject imports and the domestic like product are placed in service on freight railcars that travel across the United States.

c. Subject Imports and the Domestic Like Product Are Sold in the Same Channels of Distribution

There are two channels of distribution for FRCs that are sold in the United States. The first channel of distribution is to the Original Equipment Manufacturers (“OEMs”) and the second channel of distribution is sales of FRCs that are needed to repair existing railcars. FRCs for new car production are sold primarily to freight railcar OEMs, whereas maintenance sales are made to maintenance companies or the railroads themselves, in addition to the OEMs. FRC producers may also negotiate with the ultimate owner/operator of the railcars for FRC placements with the OEMs that will build the railcars. Czech, Indian, and domestic FRC producers compete for sales in both the new car and maintenance channels.

d. Subject Imports and the Domestic Like Product Are Simultaneously Present in the Market

Subject imports and the domestic like product were simultaneously present in the U.S. market during the POI. Subject imports from India entered the United States in all months during the POI, with the exception of the very first month of the POI, January 2022.<sup>31</sup> Subject imports from Czechia entered the United States in every month of the POI beginning in June 2024, not long after the sole Czech producer became AAR-certified to produce freight rail couplers.<sup>32</sup> U.S.-produced FRCs have also been available in the U.S. market for each month of the POI. Thus, subject imports have been simultaneously present with the domestic like product in the U.S. market.

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<sup>31</sup> Official U.S. Import Statistics, attached at **Exhibit I-13**.

<sup>32</sup> *See id.*

## 2. The Volume of Subject Imports Is Significant

In evaluating the volume of imports, the Commission must “consider whether the volume of imports of the merchandise, or any increase in that volume, either in absolute terms or relative to production or consumption in the United States, is significant.”<sup>33</sup> In these investigations, available data show that the volume of subject imports, both in absolute terms and relative to U.S. production, is significant within the meaning of the relevant statutory provision.

### a. The Volume of Subject Imports Is Significant in Absolute Terms

The volume of subject imports was significant in absolute terms during the POI. The subject import data that is presented herein and is reasonably available to the Petitioner is drawn from the official import statistics. Subject imports from Czechia and India under the “basket category” HTSUS code, which is the best information available to Petitioner as discussed above, were 1,096,231 kilograms in 2022, 1,197,521 kilograms in 2023, and 2,629,261 kilograms in 2024.<sup>34</sup> Subject imports were significant by volume in interim 2025, amounting to 1,312,982 kilograms.<sup>35</sup> When measured by value, subject imports were \$3.4 million in 2022, \$4 million in 2023, and \$8.1 million in 2024.<sup>36</sup> Subject imports by value in interim 2025 were \$3.7 million.<sup>37</sup>

### b. Subject Imports’ Market Share Was Significant During the Period

The volume of subject imports is also significant over the POI when assessed relative to U.S. consumption. Petitioner’s market share analysis, attached at **Exhibit I-16**, demonstrates the substantial market penetration of Czech and Indian imports. Petitioner notes that non-subject imports include imports under HTSUS 8607.30.1000 from China and Mexico, as they are the only two non-subject countries – for purposes of these petitions – that are certified by the Association

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<sup>33</sup> 19 U.S.C. § 1677(7)(C)(i).

<sup>34</sup> Official U.S. Import Statistics, attached at **Exhibit I-13**.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

of American Railroads to produce freight rail couplers for use in the United States. This is shown in the table below, which shows market share in pounds:

	2022	2023	2024	Jan-Mar 2024	Jan-Mar 2025
<b>Domestic Shipments</b>	[ ]	[ ]	[ ]	[ ]	[ ]
<b>Subject Imports</b>	2,416,773	2,640,079	5,796,521	481,396	2,894,626
<b>Non-Subject Imports</b>	58,792,899	45,511,675	42,710,306	9,090,376	8,516,588
<b>Domestic Shipments as Share of Total</b>	[ ] %	[ ] %	[ ] %	[ ] %	[ ] %
<b>Subject Imports as Share of Total</b>	[ ] %	[ 3.9 ] %	[ 8.1 ] %	[ ] %	[ ] %

These data show a [ *number* ] percentage point increase in subject import market share over the three-year period, and a [ *number* ] percentage point increase in the interim period.<sup>38</sup>

c. Subject Imports Are Non-Negligible

The Commission will consider imports from a subject country to be negligible if they account for less than three percent of total imports of the subject merchandise.<sup>39</sup> The threshold figure for negligibility in CVD investigations involving developing countries is four percent.<sup>40</sup> The Commission may make its determination using “reasonable estimates on the basis of available statistics.”<sup>41</sup> The Commission may rely on official import statistics, questionnaire data, or some

<sup>38</sup> Petitioner notes that the domestic shipments number relied upon for these petitions rely on the estimate that McConway & Torley’s shipments were approximately [ *number* ] percent of domestic shipments during the POI, and Amsted’s shipments were approximately [ *number* ] percent of domestic shipments during the POI. Petitioner only has access to McConway & Torley’s shipments and accordingly approximated domestic shipments based on the aforementioned ratios.

<sup>39</sup> 19 U.S.C. §§ 1673b(a)(1), 1673(b)(1), 1677(24)(A).

<sup>40</sup> *Id.* §§ 1673b(a)(1), 1673(b)(1), 1677(24)(B).

<sup>41</sup> *Certain Oil Country Tubular Goods from India, Korea, the Philippines, Taiwan, Thailand, Turkey, Ukraine, and Vietnam*, Inv. Nos. 701-TA-499-500 and 731-TA-1215-1217 and 1219-1223, USITC Pub. 4489 (Sept. 2014) (Final) at 16.

combination of sources.<sup>42</sup> In assessing negligibility, the Commission will examine “the most recent 12-month period for which data are available that precedes the filing of the petition.”<sup>43</sup> The most recent 12-month period for which data are available is May 2024 through April 2025. As shown in the table below, the official import data establishes that, during this period, subject imports are not negligible.

<b>Subject Imports from May 2024 – April 2025<sup>44</sup></b>		
	<b>Quantity (kilograms)</b>	<b>Percent of Total</b>
Czechia	1,500,609	6.4%
India	3,201,230	13.7%
All Others	18,636,492	79.9%
Total	23,338,331	100%

### **3. Subject Imports Have Had Negative Price Effects on the Domestic Like Product**

In evaluating the effect of subject imports on prices, the Commission must consider whether “there has been significant price underselling by the imported merchandise,” and whether the effect of imports “otherwise depresses prices to a significant degree or prevents price increases, which otherwise would have occurred, to a significant degree.”<sup>45</sup> In these investigations, both of the statutory factors indicate that the price effect of subject imports is significant.

#### **a. Subject Imports Are Underselling the Domestic Like Product**

Evidence reasonably available to Petitioner indicates that the significant volume of subject imports, as well as significant underselling by subject imports, have had negative price effects. Subject imports compete directly with the domestic like product, as they are of a quality comparable to the domestic like product. Because of their interchangeability, subject imports and

<sup>42</sup> See, e.g., *Certain Cold-Rolled Steel Products from Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela*, Inv. Nos. 701-TA-422-425 and 731-TA-964-983, USITC Pub. 3471 (Nov. 2001) (Prelim.) at 8-9.

<sup>43</sup> 19 U.S.C. §§ 1677(24)(A)(i).

<sup>44</sup> See Negligibility Calculation, attached as **Exhibit I-17**.

<sup>45</sup> 19 U.S.C. § 1677(7)(C)(ii).

the domestic like product compete directly on the basis of price, and subject import producers are using unfairly traded prices in their competition with domestic producers.

As shown in the table below, the AUV of subject imports for FRCs was generally [ *condition of domestic industry* ] throughout the POI.<sup>46</sup>

Freight Rail Coupler AUVs (\$ per pound)					
	2022	2023	2024	Q1 2024	Q1 2025
<b>United States</b>	[ \$2.26 ]	[ ]	[ ]	[ ]	[ ]
<b>Czechia</b>	\$46.85	\$3.25	\$1.52	\$346.57	\$1.44
<b>India</b>	\$1.41	\$1.51	\$1.36	\$1.56	\$1.23

This information demonstrates the injurious effects subject imports are having on the domestic industry as a whole. Petitioner reasonably believes that underselling will be further evidenced in the data that the Commission collects on prices of particular products. Pursuant to 19 C.F.R. § 207.11(b)(iv), and for purposes of the preliminary phase investigation, Petitioner requests that pricing data be collected for the following products:

- Product 1:** SE60, Grade E steel coupler (also known as an “assembly” or a “fit”), double shelves, 21.5” shank length, produced to AAR M-211 and/or AAR M-215 specifications
- Product 2:** E50 coupler knuckle, grade E steel, produced to AAR M-211 and/or AAR M-215 specifications<sup>47</sup>
- Product 3:** SBE60 coupler body, grade E steel, produced to AAR M-211 and/or AAR M-215 specifications

Petitioner notes that, as certain importers appear to be end users, it would be appropriate for the Commission to collect their acquisition costs for purposes of the pricing product analysis.

<sup>46</sup> See Official U.S. Import Statistics, attached at **Exhibit I-13**; McConway & Torley Production and Financial Data, attached at **Exhibit I-5**.

<sup>47</sup> Pricing product 2 is an individual knuckle, not otherwise included as part of the complete coupler assembly in pricing products 1.



b. Subject Imports Have Caused Price Suppression and Depression

Given the evidence of pervasive underselling by the subject imports, it is not surprising that those imports have also had price-suppressing effects on the domestic like product. For example, U.S. producers' unit cost of goods sold ("COGS") increased more than their net sales values. Specifically, M&T's COGS to net sales ratio for the domestic like product increased from [ number ] percent in 2022 to [ number ] percent in 2024.<sup>48</sup> M&T's [ condition of domestic industry] in its COGS to net sales ratio in 2023 is due to the imposition of the Orders on FRCs from China and Mexico in 2023, but it increased again in 2024 as Czech and Indian imports stole the relief from the prior investigation to which the domestic industry was entitled. M&T's ratio increased further from interim 2024 to interim 2025, from [ number ] percent to [ number] percent, as U.S. producers were prevented from passing along the full extent of increased costs in order to compete with unfairly traded subject imports. The large presence of low-priced imports prevented the U.S. industry from pricing its products at a level that would allow it to [ condition of domestic industry ]. Additionally, price depression is seen in the interim period with absolute prices decreasing from [ number ] per pound in interim 2024 to [ number ] per pound for the same period in 2025. Accordingly, the presence of a large volume of low-priced subject imports had significant price effects.

**4. The Adverse Impact of Subject Imports on the Domestic Industry Is Significant**

In examining the impact of subject imports on the domestic industry, the Commission is instructed to "evaluate all relevant economic factors which have a bearing on the state of the industry in the United States."<sup>49</sup> These factors include, but are not limited to:

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<sup>48</sup> McConway & Torley Production and Financial Data, attached at **Exhibit I-5**.

<sup>49</sup> 19 U.S.C. § 1677(7)(C)(iii).

- (1) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,
- (2) factors affecting domestic prices,
- (3) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment,
- (4) actual and potential negative effects of the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of the domestic like product, and
- (5) the magnitude of the margin of dumping.<sup>50</sup>

The Commission is directed to evaluate all factors “within the context of the business cycle and conditions of competition are distinctive to the affected industry.”<sup>51</sup> Based on the information reasonably available to Petitioner, the evidence demonstrates that the domestic industry is suffering material injury by reason of subject imports.

a. High Levels of Subject Imports Resulted in Declining Financial Performance for the Domestic Industry

As noted above, in assessing the impact of unfairly traded imports, the relevant statute directs the Commission to “evaluate all relevant economic factors . . . within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”<sup>52</sup> Thus, in considering the impact of subject imports, the Commission must compare how domestic producers actually performed in comparison to how they would have performed in the absence of unfairly traded imports. The available evidence establishes that the significant levels of subject imports caused the financial performance of the domestic industry to decline.<sup>53</sup>

Petitioner’s financial data demonstrate the poor and deteriorating performance of the domestic industry as a result of competition with unfairly traded subject imports. Subject imports

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<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> See McConway & Torley Production and Financial Data, attached at **Exhibit I-5**.

had a negative impact on the financial condition of the domestic industry, with the industry's financial indicators declining across the POI. Notably, from 2022 to 2024, Petitioner's operating income fell from [ number ], and its net income was the same.<sup>54</sup> As these indicia demonstrate, the U.S. industry experienced declining financial performance during the POI by reason of subject imports.

b. Other Indicators Demonstrate Injury Caused by Subject Imports

As stated above, during the POI, subject imports entered the United States in significant volumes. As a result of this substantial volume of unfairly traded imports, the domestic industry's production and shipments suffered significantly. Petitioner's production of the domestic like product declined by [ number ] percent in the interim period, from [ number ] pounds in interim 2024 to [ number ] pounds in interim 2025.<sup>55</sup> Petitioner's shipments of the domestic like product likewise declined by [ number ] percent in the interim period, from [ number ] pounds in interim 2024 to [ number ] pounds in interim 2025.<sup>56</sup>

Additionally, Petitioner's capacity utilization declined from [ number ] percent in interim 2024 to [ number ] percent in interim 2025.<sup>57</sup> Petitioner's production and related workers also declined by [ number ] percent from interim 2024 to interim 2025, and hours worked and wages paid also declined over the same period.<sup>58</sup>

c. Subject Imports Have Caused U.S. Producers to Lose Sales and Revenues

Petitioner has identified lost sales and revenues as a direct result of competition with lower priced imports.<sup>59</sup> Petitioner identified losing sales and/or revenue due to Czech and Indian imports.

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<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *See id.*

<sup>58</sup> *See id.*

<sup>59</sup> McConway & Torley Lost Sales and Lost Revenues, attached at **Exhibit I-18**.

These lost sales and revenues establish that subject imports are directly competing with the domestic like product, and that unfairly low prices for subject imports have a direct effect on the U.S. industry's prices and sales.

**IV. SUBJECT IMPORTS THREATEN ADDITIONAL MATERIAL INJURY TO THE DOMESTIC INDUSTRY**

The above discussion establishes that the subject imports have caused material injury to the domestic industry. In addition, the evidence available to Petitioner demonstrates that the subject imports threaten the domestic industry with further material injury. In determining whether subject imports threaten a domestic industry with material injury, the Commission must consider a number of factors. These factors include:

- A significant rate of increase of the volume or market penetration of imports of the subject merchandise;
- Price effects of the subject imports;
- The nature of any countervailable subsidies;
- Existing unused production capacity or potential increases in production capacity in the exporting country;
- Inventories of the subject merchandise; and
- The potential for product shifting.<sup>60</sup>

**A. Subject Imports Have Maintained a Significant and Growing Presence Throughout the POI**

As highlighted above, subject imports have maintained a significant presence in the United States throughout the POI. Moreover, the subject imports gained [ *number* ] percentage points of market share from 2022 to 2024 and [ *number* ] percentage points from interim 2024 to interim 2025, thereby demonstrating the ability of subject imports to significantly increase in a short period.<sup>61</sup>

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<sup>60</sup> 19 U.S.C. § 1677(7)(F)(i).

<sup>61</sup> See Market Share Analysis, attached at **Exhibit I-16**.

**B. Subject Imports Have Had Demonstrable Price Effects**

The Act provides that, in determining whether the domestic industry is threatened with material injury, the Commission should consider “whether imports of the subject merchandise are entering at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further imports.”<sup>62</sup> As discussed above, during the POI, subject merchandise substantially undersold the domestically produced product, causing negative price effects. Additionally, M&T’s COGS as a percentage of net sales increased from [ number ] percent in 2022, to [ number ] percent in 2024, and from [ number ] percent to [ number ] percent over the interim period,<sup>63</sup> as U.S. producers were prevented from passing along the full value of increased costs in order to compete with unfairly traded subject merchandise. Given that subject imports have continued to enter the United States in large volumes and at prices well below those of domestically produced FRCs, it is likely that domestic producers’ prices will continue to decline without relief. Thus, subject imports’ adverse price effects indicate that the domestic industry is further threatened with additional injury.

**C. India Encourages the Exportation of Subject Merchandise Through Countervailable Subsidies**

As part of its threat analysis, the Commission must consider “if a countervailable subsidy is involved” and, in particular, “whether the countervailable subsidy is a subsidy described in Article 3 or 6.1” of the WTO Agreement on Subsidies and Countervailing Measures.<sup>64</sup> Article 3 of the WTO Subsidies Agreement describes subsidies that are prohibited because they are

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<sup>62</sup> 19 U.S.C. § 1677(7)(F)(i)(IV).

<sup>63</sup> McConway & Torley Production and Financial Data, attached at **Exhibit I-5**.

<sup>64</sup> 19 U.S.C. § 1677(7)(F)(i)(I).

contingent upon export performance or upon the use of domestic over imported goods.<sup>65</sup> As demonstrated in these Petitions, subject producers in India have received countervailable subsidies, including export subsidies and import substitution subsidies. Among the more significant of these are:

- Provision of land for less than adequate remuneration;
- Provision of electricity for less than adequate remuneration;
- Tax breaks; and
- Discounted loans.<sup>66</sup>

**D. Subject Producers Have Significant New and Unused Capacity, Which Indicates a Likelihood of Substantially Increased Imports**

The Act provides that, in making a threat determination, the Commission shall consider “any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased imports.”<sup>67</sup> The Commission will also consider whether other export markets that could absorb excess production are available to the subject producers. In this case, the available capacity for increased exports to the United States weighs heavily in favor of a threat determination.

- Indian credit ratings industry CRISIL Ratings stated that Indian producer Strato-Kharagpur Metal Reforming Industries Pvt Ltd stated that the company is expanding manufacturing that will create “sustained growth across all segments such as locomotive and wagon parts.”<sup>68</sup>
- Steelcast Ltd. Bhavnagar reported in 2021 that it expanded its capacity from 13,000 MTPA to 30,000 MTPA and would be introducing new production processes and methods.<sup>69</sup>

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<sup>65</sup> *Agreement on Subsidies and Countervailing Measures* (Apr. 15, 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1, 1867 U.N.T.S. 14 at Art. 3.

<sup>66</sup> *See generally* Volume IV.

<sup>67</sup> 19 U.S.C. § 1677(7)(F)(i)(II).

<sup>68</sup> “Rating Rationale: Kharagpur Metal Reforming Industries Private Limited,” *CRISIL Ratings* (Oct. 4, 2024), attached at **Exhibit I-19**.

<sup>69</sup> Steelcast Castechnik Investor Presentation (July 2021), attached at **Exhibit I-20**.

- CKD Kutna Hora just began exporting to the United States in the middle of 2024, and has a capacity of over 10,000 kg of molding capacity.<sup>70</sup>

Thus, to the best of Petitioner's knowledge, subject producers have new and unused capacity, which indicates a likelihood of substantially increased imports.

**E. Inventories of Subject Merchandise Threaten the Domestic Industry with Additional Material Injury**

The Commission must also consider inventories of the subject merchandise as an indicator of the extent to which subject imports threaten additional material injury to the domestic industry.<sup>71</sup> At this time, Petitioner does not have access to data regarding inventories of FRCs from Czechia and India.

**F. Facilities in the Subject Countries Currently Being Used to Make Other Products Could Be Used to Produce FRCs**

In weighing the threat to the domestic industry, the Commission must consider "the potential for product-shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products."<sup>72</sup> At this time, information regarding product-shifting is not reasonably available to Petitioner.

**G. The Surge of Subject Imports is Affecting the Profitability of the U.S. Industry**

The Act further provides that, in assessing the threat to the domestic industry from subject imports, the Commission must consider "the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of the domestic like product."<sup>73</sup> As discussed above with respect to present material injury, the significant presence of subject imports caused the domestic

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<sup>70</sup> "CKD Kutna Hora A.S. – Czech Republic," attached at **Exhibit I-21**.

<sup>71</sup> 19 U.S.C. § 1677(7)(F)(i)(V).

<sup>72</sup> 19 U.S.C. § 1677(7)(F)(i)(VI).

<sup>73</sup> 19 U.S.C. § 1677(7)(F)(i)(VIII). It should be noted that *id.* § 1677(7)(F)(i)(VII) relates to investigations that involve imports of raw agricultural products, which are not relevant to these investigations.

industry to reduce its output and led to decreased financial performance. Continuing harm of this type will make it difficult, if not impossible, for domestic producers to adequately fund their development and production efforts. Accordingly, this statutory factor also indicates that the domestic industry is threatened with additional material injury by subject imports.

**V. CONCLUSION**

All statutory factors support a finding that subject imports of freight rail couplers from Czechia and India are a cause of material injury to the domestic industry. Moreover, the domestic industry is threatened with additional material injury from subject imports. Accordingly, Petitioner requests that Commerce and the Commission promptly grant the relief requested.



**EXHIBIT LIST**  
Barcode:4798831-05-2-551-806-100 Investigation -

**Freight Rail Couplers from Czechia / India**

Exhibit Number	Exhibit Title	BPI/Public
I-1	List of Petitioners and Contact Information	Public
I-2	List of Other Domestic Producers and Contact Information	Public
I-3	M-211 and M-215 Specifications	BPI
I-4	Declaration of [ name ]	BPI
I-5	McConway & Torley Production and Financial Data	BPI
I-6	XiHong Jin, et al., <i>Structural Health Monitoring of Train Coupler System</i> , 9th European Workshop on Structural Health Monitoring (July 2018)	Public
I-7	Kevin Keefe, <i>Couplers</i> , Trains Magazine (May 1, 2006)	Public
I-8	CSX Corp. Railroad Dictionary	Public
I-9	AAR Certification Process	Public
I-10	HTSUS Excerpts and Excerpts from 484(f) Committee Changes to the HTS and Schedule B for July 1, 2025	Public
I-11	List of Czech Foreign Producers	Public
I-12	List of Indian Foreign Producers	Public
I-13	Official U.S. Import Statistics	Public
I-14	List of Importers	Public
I-15	AAR Certifications	Public
I-16	Market Share Analysis	BPI
I-17	Negligibility Calculation	Public
I-18	McConway & Torley Lost Sales and Lost Revenues	BPI
I-19	“Rating Rationale: Kharagpur Metal Reforming Industries Private Limited,” <i>CRISIL Ratings</i> (Oct. 4, 2024)	Public

I-20	<a href="#">Barcode: 4798831-02-A-851-806 INV - Investigation</a> Steelcast Castechnik Investor Presentation (July 2021)	Public
I-21	“CKD Kutna Hora A.S. - Czech Republic”	Public