

May 31, 2017

New Antidumping and Countervailing Duty Petitions on Fine Denier Polyester Staple Fiber from China, India, Korea, Taiwan and Vietnam

By Douglas J. Heffner and Richard P. Ferrin

Today, DAK Americas LLC; Nan Ya Plastics Corporation–America; and Auriga Polymers Inc. (Petitioners) filed antidumping (AD) petitions on fine denier polyester staple fiber (fine denier PSF) from China, India, Korea, Taiwan, and Vietnam. The petitioners also filed countervailing duty (CVD) petitions on fine denier PSF from China and India.

The U.S. AD law imposes special tariffs to counteract imports that are sold in the United States at less than “normal value.” The U.S. CVD law imposes special tariffs to counteract imports that are sold in the United States with the benefit of foreign government subsidies. For AD/CVD duties to be imposed, the U.S. government must determine not only that dumping and/or subsidies are occurring, but also that there is “material injury” (or threat thereof) by reason of the dumped and/or subsidized imports. Importers are liable for any potential AD/CVD duties imposed. In addition, these investigations could impact purchasers by increasing prices and/or decreasing supply of fine denier PSF.

Please note, public versions of some of the petitions have not yet been made available. Please let us know if you would like further information regarding country-specific details, such as alleged dumping margins, or subsidy programs alleged.

Scope:

The merchandise covered by these petitions is described as follows:

The merchandise subject to this proceeding is synthetic staple fibers, not carded, combed or otherwise processed for spinning, nonwoven and other uses, of polyesters measuring less than 3.3 decitex (3 denier) in diameter. The subject merchandise may be coated, usually with a finish, or not coated. Subject fine denier polyester staple fiber (“fine denier PSF”) is generally used for yam spinning for woven and knit applications to produce textile and apparel products, for non-woven applications to produce wipes, medical/hygiene products, and other personal care items, and for other end uses.

The following products are excluded from the scope: (1) PSF equal to or greater than 3.3 decitex (more than 3 denier, inclusive) currently classifiable in the Harmonized Tariff Schedule of the United States (“HTSUS”) at subheadings 5503.20.0045 and 5503.20.0065, which is often used in

“fill” applications; and (2) low-melt PSF defined as a bi-component fiber with an outer, nonpolyester sheath that melts at a significantly lower temperature than its inner polyester core (classified at HTSUS 5503.20.0015).

Fine denier PSF is classifiable under the HTSUS subheading 5503.20.0025. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the orders is dispositive.

Estimated Schedule of Investigations:

- **May 31, 2017** – Petition is filed
- **June 20, 2017** – DOC initiates AD and CVD investigations
- **June 21, 2017** – ITC staff conference (estimated)
- **July 17, 2017** – Deadline for ITC preliminary injury determination
- **August 24, 2017** – Deadline for DOC preliminary CVD determinations, if deadlines are not postponed
- **October 30, 2017** – Deadline for DOC preliminary CVD determinations, if deadlines are fully postponed
- **November 7, 2017** – Deadline for DOC preliminary AD determinations, if deadlines are not postponed
- **December 27, 2017** – Deadline for DOC preliminary AD determinations, if deadlines are fully postponed
- **May 11, 2018** – Deadline for DOC final AD/CVD determinations, if both preliminary and final AD determinations are fully postponed and the CVD deadlines are aligned with the AD investigations
- **June 25, 2018** – Deadline for ITC final injury determination, assuming fully postponed DOC deadlines

For further information, contact Douglas J. Heffner or Richard P. Ferrin, or any other member of the Customs and International Trade Team.

Customs and International Trade Team

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