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New Antidumping Petitions on Low Melt Polyester Staple Fiber

By Douglas J. Heffner and Richard P. Ferrin

Nan Ya Plastics Corporation, America (Nan Ya), on June 27, 2017, filed antidumping (AD) petitions on low melt polyester staple fiber from Korea and Taiwan.

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

Scope:

The merchandise subject to this proceeding is synthetic staple fibers, not carded or combed, specifically bi-component polyester fibers having a polyester fiber component that melts at a lower temperature than the other polyester fiber component, used for bonding fibers together (“low melt PSF”). The scope includes bi-component polyester staple fibers of any denier or cut length. The subject merchandise may be coated, usually with a finish or dye, or not coated.

The following merchandise is excluded from the scope: (1) polyester staple fiber equal to or greater than 3.3 decitex (greater than 3 denier, inclusive) that are not bi-component fiber, currently classifiable in the Harmonized Tariff Schedule of the United States at subheadings 5503.20.0045 and 5503.20.0065; (2) polyester staple fiber of less than 3.3 decitex (less than 3 denier) that are not bi-component fiber, currently classifiable in the Harmonized Tariff Schedule of the United States at subheadings 5503.20.0025.

Low melt PSF is classifiable under the HTSUS subheading 5503.20.0015. Although the HTSUS subheadings are provided for convenience and customs purposes, the

written description of the merchandise under the order is dispositive.

Alleged Dumping Margins:

For Taiwan, Nan Ya alleges dumping margins of 30.24 percent to 62.52 percent.

For Korea, Nan Ya alleges dumping margins of 32.95 to 45.84 percent.

Estimated Schedule of Investigations:

- June 27, 2017 – Petition is filed
- July 17, 2017 – DOC initiates investigation
- July 18, 2017 – ITC staff conference (estimated)
- August 11, 2017 – Deadline for ITC preliminary injury determination
- December 4, 2017 – Deadline for DOC preliminary AD determination, if deadline not postponed
- January 23, 2018 – Deadline for DOC preliminary AD determination, if deadline fully postponed
- June 7, 2018 – Deadline for DOC final AD determinations, if both preliminary and final AD determinations are fully postponed
- July 23, 2018 – Deadline for ITC final injury determination, assuming fully postponed DOC deadlines

For further information, contact the authors below, or any other member of the Customs and International Trade Team.

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