



# WASHINGTON MONITOR

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## Trade Briefs

### USTR Addresses TBT Issue

U.S. Trade Representative (USTR) Ron Kirk announced in September that the USTR was requesting public comments on the particular foreign technical barriers to trade (TBTs) that are most problematic to U.S. businesses. This new action by the USTR shows a renewed initiative in the Obama Administration's efforts to address the TBT issue. However, the actual implications of this renewed initiative are merely speculative at this point.

Once received, the TBT comments will then be used to create a new annual report on TBTs. Also, the comments will help the USTR to establish priorities in a trade enforcement agenda. The comments are due November 4. These comments will certainly help shape the USTR's and the Obama Administration's trade policies toward TBTs. The notification of particularly harmful or frustrating foreign TBTs to the USTR will direct USTR resources to addressing them. Also, the resulting annual reports will serve a function of publicizing what the U.S. determines are harmful TBTs. On the other hand, some trade experts believe that the USTR's request for comments does not presage a much more robust effort to combat restrictive TBTs. Instead, the USTR may be making lots of noise in order to satisfy those who are currently hurt by TBTs.

This is not necessarily because the Obama Administration and the USTR believe that TBTs are not a serious problem. Rather, these experts believe that enforcement of the many existing TBTs would be exceedingly difficult. TBTs must be challenged based on whether they are "more restrictive than necessary." As many TBTs are employed on the basis of public safety—as in the issue with Lithium-Ion batteries—this is a very high standard to meet. It is difficult to prove in a marginal case that TBTs designed to make the public safer is more restrictive than necessary, as protecting from even a heightened risk of injury seems difficult.

As a result, TBTs are best removed through bilateral or multilateral negotiations. Seen in this light, the USTR's new annual reports may provide the USTR with ammunition for future trade discussions. The USTR will be able to focus its research into specific problem areas and build its cases against specific foreign TBTs.

Another issue is that a proactive and robust enforcement strategy against foreign TBTs could invite retaliation. Fear of this retaliation is particularly acute among U.S. public interest groups such as environmental groups. These groups fear that the U.S. will lose its independent ability to regulate certain areas and will be at the whims of what trading partners see as "too restrictive." This fear—essentially a fear of loss of some traditionally sovereign powers—would likely raise the ire of Congress, too. At this point, it is not clear how the USTR will respond to the comments it receives on TBTs and how it might seek to enforce unfair foreign TBTs.

## Dumping Watch

### Final Results of CVD Review regarding Corrosion-Resistant Flat Steel Products from Korea

On October 27, the Department of Commerce (DOC) gave notice of final results in its administrative review of the countervailing duty (CVD) order on corrosion-resistant flat steel products (CORE) from Korea. The companies subject to the CVD review are Dongbu Steel Co., Ltd. (Dongbu), Hyundai HYSCO Ltd. (HYSCO), and Pohang Iron and Steel Co., Ltd. and Pohang Coated Steel Co., Ltd. (collectively, POSCO). On September 8, the DOC found preliminarily that the following programs conferred countervailable subsidies during the period of review: Asset Revaluation Under Article 56(2) of the Tax Reduction and Exemption Control Act (TERCL), Research and Development Grants Under the Industrial Development Act (IDA), R&D Grants Under the Promotion of Industrial Technology Innovation Act, Short-Term Export Financing, Reduction in Taxes for Operation in Regional and National Industrial Complexes, and other subsidies related to operations at Asan Bay. The DOC preliminarily calculated subsidy rates for each producer/exporter at the following rates: Dongbu at 0.21%, HYSCO at 0.04%, and POSCO at 0.01%. These were all de minimis. The DOC received no comments on these preliminary results, and there were no changes to these results in the final determination. The DOC will issue assessment instructions on these CVD rates to Customs and Border Protection (CBP) within 15 days.

### Federal Register Notices

#### *International Trade Administration*

**[A-475-820, A-588-843, A-580-829, A-469-807, A-583-828] Stainless Steel Wire Rod From Italy, Japan, the Republic of Korea, Spain, and Taiwan:** Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders *74 FR 56179-56180*, October 30, 2009.

**[A-570-848] Freshwater Crawfish Tail Meat From the People's Republic of China:** Notice of Initiation of Antidumping Duty New-Shipper Review *74 FR 56180-56181*, October 30, 2009.

**[A-570-890] Wooden Bedroom Furniture From the People's Republic of China:** Amended Final Results of Antidumping Duty Administrative Review and New Shipper Reviews *74 FR 55810-55811*, October 29, 2009.

**[A-570-806] Silicon Metal From the People's Republic of China:** Notice of Extension of Time Limit for the Final Results of the 2007-2008 Administrative Review *74 FR 55811-55812*, October 29, 2009.

**[A-351-825] Stainless Steel Bar From Brazil:** Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review *74 FR 55812*, October 29, 2009.

**[A-533-810] Stainless Steel Bar From India:** Extension of Time Limit for the Preliminary Results of the Antidumping Duty Administrative Review *74 FR 55814*, October 29, 2009.

**[A-570-007] Barium Chloride From the People's Republic of China:** Final Results of Expedited Third Sunset Review of Antidumping Duty Order *74 FR 55814-55815*, October 29, 2009.

**[A-533-502] Certain Welded Carbon Steel Standard Pipes and Tubes From India:** Rescission of Antidumping Duty Administrative Review in Part *74 FR 55817*, October 29, 2009.

**[A-588-845] Stainless Steel Sheet and Strip in Coils from Japan:** Notice of Extension of Time Limit for the Final Results of the 2007-2008 Administrative Review *74 FR 55539-55540*, October 28, 2009.

**[A-351-840] Certain Orange Juice from Brazil;** Notice of Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Review *74 FR 55540*, October 28, 2009.

**[C-570-911] Circular Welded Carbon Quality Steel Pipe from the People's Republic of China:** Rescission of Countervailing Duty Administrative Review *74 FR 55541-55542*, October 28, 2009.

**[A-583-843] Polyethylene Retail Carrier Bags From Taiwan:** Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination *74 FR 55183-55192*, October 27, 2009.

**[A-552-802] [A-570-893] Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam and the People's Republic of China:** Extension of Preliminary Results of Antidumping Duty Administrative Reviews *74 FR 55192*, October 27, 2009.

**[C-580-818] Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea:** Final Results of Countervailing Duty Administrative Review *74 FR 55192-55194*, October 27, 2009.

**[A-570-964, A-201-838] Seamless Refined Copper Pipe and Tube from the People's Republic of China and Mexico:** Initiation of Antidumping Duty Investigations *74 FR 55194-55199*, October 27, 2009.

**[A-570-949] Wire Decking from the People's Republic of China:** Postponement of Preliminary Determination of Antidumping Duty Investigation *74 FR 55211*, October 27, 2009.

**Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part *74 FR 54956-54959***, October 26, 2009.

**Application(s) for Duty-Free Entry of Scientific Instruments *74 FR 54959***, October 26, 2009.

**[Application No. 92-8A001] Export Trade Certificate of Review *74 FR 54961-54962***, October 26, 2009.

**[A-570-945] Prestressed Concrete Steel Wire Strand From the People's Republic of China:** Postponement of the Preliminary Determination of the Antidumping Duty Investigation *74 FR 549636-54964*, October 26, 2009.

**Supplemental Request for Applicants for Appointment to the United States-India CEO Forum *74 FR 54965-54966***, October 26, 2009.

*International Trade Commission*

**[Inv. No. 337-TA-660] In the Matter of: Certain Active Comfort Footwear; Notice of Commission Determination To Terminate the Investigation** *74 FR 55855-55856*, October 29, 2009.

**[Investigation No. 337-TA-619] Certain Flash Memory Controllers, Drives, Memory Cards, and Media Players and Products Containing Same; Notice of Commission Final Determination of No Violation of Section 337; Termination of Investigation** *74 FR 55854-55855*, October 29, 2009.

**[Inv. No. 337-TA-691] Certain Inkjet Ink Supplies and Components Thereof; Notice of Investigation** *74 FR 55856-55857*, October 29, 2009.

**[Investigation No. 337-TA-641] Certain Variable Speed Wind Turbines and Components Thereof; Notice of Commission Determination To Extend the Deadline for Public Submissions on Remedy, the Public Interest, and Bonding, and for Responses to All Remedy, Public Interest, and Bonding Submissions** *74 FR 55582-55583*, October 28, 2009.

**[Inv. No. 332-508] Small and Medium-Sized Enterprises: Overview of Participation in U.S. Exports** *74 FR 55581-55582*, October 28, 2009.

**[USITC SE-09-029] Government in the Sunshine Act Meeting Notice** *74 FR 55583*, October 28, 2009.

**[Investigation No. 332-507] Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2009 Review of Additions and Removals** *74 FR 55067-55068*, October 26, 2009.

**[Investigation No. 337-TA-613] In the Matter of: Certain 3G Mobile Handsets and Components Thereof; Notice of Commission Determination To Review in Part A Final Determination Finding No Violation of Section 337 and on Review To Affirm the Administrative Law Judge's Determination of No Violation; Termination of Investigation** *74 FR 55068-55069*, October 26, 2009.

**[Inv. No. 337-TA-690] In the Matter of: Certain Printing and Imaging Devices and Components Thereof; Notice of Investigation** *74 FR 55065*, October 26, 2009.

**[Investigation No. 731-TA-130 (Third Review)] Chloropicrin From China** *74 FR 55065-55067*, October 26, 2009.

### **The Week Ahead**

- On November 6, the ITC will hold votes on three preliminary phase antidumping and countervailing duty investigations: certain coated paper suitable for high-quality print graphics using sheet-fed presses from China and Indonesia; certain standard steel fasteners from China and Taiwan; and certain sodium and potassium phosphate salts from China.