



FACT SHEET

Commerce Preliminarily Finds Dumping of Imports of Silicon Metal from Australia, Brazil, and Norway

- On October 5, 2017, the Department of Commerce (Commerce) announced its affirmative preliminary determinations in the antidumping duty (AD) investigations of imports of silicon metal from Australia, Brazil, and Norway.
- The AD law provides U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market distorting effects caused by injurious dumping of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells an imported product in the United States at less than fair value.
- In the Australia investigation, Commerce calculated a preliminary dumping rate of 20.79 percent for Simcoa Operations Pty Ltd. All other producers/exporters in Australia have been assigned a preliminary dumping rate of 20.79 percent.
- In the Brazil investigation, Commerce assigned preliminary dumping rates of 56.78 percent to Palmyra do Brasil Indústria e Comércio de Silício Metálico e Recursos Naturais Ltda. (formerly known as Dow Corning Silício do Brasil Indústria e Comércio Ltda.), based on facts available, and 134.92 percent to Ligas de Alumínio S.A. - LIASA based on adverse facts available. All other producers/exporters in Brazil have been assigned a preliminary dumping rate of 56.78 percent.
- In the Norway investigation, Commerce calculated a preliminary dumping rate of 3.74 percent for Elkem AS. All other producers/exporters in Norway have been assigned a preliminary dumping rate of 3.74 percent.
- As a result of the preliminary affirmative determinations, Commerce will instruct U.S. Customs and Border Protection (CBP) to require cash deposits based on these preliminary rates. For Brazil, Commerce will adjust the cash deposit rates by the amount of export subsidies found in the companion countervailing duty case.
- Commerce preliminarily found that “critical circumstances” exist with respect to Simcoa Operations Pty Ltd.. Consequently, Commerce will instruct CBP to impose provisional measures retroactively on entries of silicon metal from Australia, effective 90 days prior to publication of the preliminary determination in the *Federal Register*, for the affected exporter.
- The petitioner is Globe Specialty Metals, Inc. Its production facilities are located in Alabama, New York, Ohio, and West Virginia.
- The scope of these investigations covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than

4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of these investigations.

- Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS.
- While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.
- In 2016, imports of silicon metal from Australia, Brazil, and Norway were valued at an estimated \$33.9 million, \$60.0 million, and \$26.1 million, respectively.

NEXT STEPS

- Commerce has extended the final determinations in these investigations and is scheduled to announce them on or about February 16, 2018.
- If Commerce makes affirmative final determinations, and the U.S. International Trade Commission (ITC) makes affirmative final determinations that imports of silicon metal from Australia, Brazil, and/or Norway materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD orders. If either Commerce’s or the ITC’s final determinations are negative, no AD orders will be issued. The ITC is scheduled to make its final injury determinations approximately 45 days after Commerce issues its final determinations, if affirmative.

PRELIMINARY ANTIDUMPING DUTY RATES:

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES	CASH DEPOSIT RATES
Australia	Simcoa Operations Pty Ltd.	20.79	20.79 *
	All Others	20.79	20.79 *

* Rates are adjusted for export subsidies.

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES	CASH DEPOSIT RATES
Brazil	Palmyra do Brasil Indústria e Comércio de Silício Metálico e Recursos Naturais Ltda. (formerly known as Dow Corning Silício do Brasil Indústria e Comércio Ltda.)	56.78	56.24 *
	Ligas de Alumínio S.A. – LIASA	134.92	134.38 *
	All Others	56.78	56.24 *

* Rates are adjusted for export subsidies.

COUNTRY	EXPORTER/PRODUCER	DUMPING RATES
Norway	Elkem AS	3.74
	All Others	3.74

CASE CALENDAR:

EVENT	AD INVESTIGATIONS
Petitions Filed	March 8, 2017
DOC Initiation Date	March 28, 2017
ITC Preliminary Determinations	April 21, 2017
DOC Preliminary Determinations	October 4, 2017
DOC Final Determinations	February 16, 2017
ITC Final Determinations*	April 3, 2018†
Issuance of Orders**	April 10, 2018

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a) of the Tariff Act of 1930, as amended (the Act). These deadlines may be extended under certain circumstances.

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

*This will take place only in the event of final affirmative determinations from Commerce.

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IMPORT STATISTICS:

AUSTRALIA	2014	2015	2016
Volume (metric tons)	18,384	19,844	16,860
Value (USD)	50,860,953	55,896,521	33,850,510
BRAZIL	2014	2015	2016
Volume (metric tons)	39,811	19,801	25,564
Value (USD)	105,724,398	53,816,598	60,019,651
NORWAY	2014	2015	2016
Volume (metric tons)	8,446	14,490	12,356
Value (USD)	26,645,276	38,936,848	26,133,289

Source: U.S. Census Bureau, accessed through Global Trade Atlas. (HTSUS 2804.69.1000 and 2804.69.5000)