



FACT SHEET

Commerce Preliminarily Finds Dumping of Imports of Utility Scale Wind Towers from Canada, Indonesia, Korea, and Vietnam

- On February 5, 2020, the Department of Commerce (Commerce) announced its affirmative preliminary determinations in the antidumping duty (AD) investigation of imports of Utility Scale Wind Towers from Canada, Indonesia, the Republic of Korea (Korea), and the Socialist Republic of Vietnam (Vietnam).
- 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 Canada investigation, Commerce calculated a preliminary dumping rate of 5.04 percent for sole mandatory respondent Marmen Inc./Marmen Énergie Inc. Commerce assigned a preliminary dumping margin of 5.04 percent for all other producers/exporters in Canada.
- In the Indonesia investigation, Commerce calculated a preliminary dumping rate of 6.38 percent for sole mandatory respondent PT Kenertec Power System. Commerce assigned a preliminary dumping margin of 6.38 percent for all other producers/exporters in Indonesia.
- In the Korea investigation, Commerce calculated a preliminary dumping rate of 5.98 percent for mandatory respondent Dongkuk S&C Co., Ltd. Commerce assigned a preliminary dumping margin of 5.98 percent for all other producers/exporters in Korea.
- In the Vietnam investigation, Commerce assigned a preliminary dumping rate of 65.96 percent, based on total adverse facts available, to mandatory respondent CS Wind Vietnam Co., Ltd. There is already an existing AD order on utility scale wind towers from Vietnam; the petition was filed with respect to one company that was excluded from the existing order. As noted below, the scope language for the investigations specifically excludes utility scale wind towers already subject to the existing order.
- As a result of the preliminary affirmative determinations, Commerce will instruct U.S. Customs and Border Protection (CBP) to require cash deposits for Utility Scale Wind Towers from Canada, Indonesia, Korea, and Vietnam based on these preliminary rates.
- The petitioner is the Wind Tower Trade Coalition, the members of which are Arcosa Wind Towers, Inc. (Dallas, TX) and Broadwind Towers, Inc. (Manitowoc, WI).
- The scope of these investigations is in Appendix I.

- In 2018, imports of utility scale wind towers from Canada, Indonesia, Korea, and Vietnam were valued at an estimated \$60.2 million, \$37.4 million, \$50.0 million, and \$21.4 million, respectively.
- The Preliminary Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. Please refer to case number A-122-867, A-560-833, A-580-902, A-552-814 for Canada, Indonesia, South Korea, and Vietnam, respectively.

NEXT STEPS

- Commerce is scheduled to announce its final determination for Vietnam on or about April 21, 2020.
- Commerce is scheduled to announce its final determinations for Canada, Indonesia, and Korea on June 26, 2020.
- If Commerce makes an affirmative final determination, and the U.S. International Trade Commission (ITC) makes an affirmative final determination that imports of utility scale wind towers from Canada, Indonesia, Korea, and/or Vietnam materially injure, or threaten material injury to, the domestic industry, Commerce will issue an AD order. If either Commerce or the ITC issues a negative final determination, no AD order will be issued. The ITC is scheduled to make its final injury determination approximately 45 days after Commerce issues its final determination, if affirmative.

PRELIMINARY DUMPING RATES:

COUNTRY	EXPORTER/PRODUCER	DUMPING RATE
Canada	Marmen Inc./Marmen Énergie Inc.	5.04%
	All Others	5.04%

COUNTRY	EXPORTER/PRODUCER	DUMPING RATE
Indonesia	PT Kenertec Power System	6.38%
	All Others	6.38%

COUNTRY	EXPORTER/PRODUCER	DUMPING RATE
Korea	Dongkuk S&C Co., Ltd.	5.98%
	All Others	5.98%

COUNTRY	EXPORTER/PRODUCER	DUMPING RATE
Vietnam	CS Wind Vietnam Co., Ltd.	65.96%

CASE CALENDAR:

EVENT	AD INVESTIGATION
Petition Filed	July 9, 2019
DOC Initiation Date	July 29, 2019
ITC Preliminary Determination	August 23, 2019
DOC Preliminary Determination	February 4, 2020
DOC Final Determination	April 20, 2020 [^] /June 25, 2020 ^{^^}
ITC Final Determination ^{**}	June 4, 2020 [^] /August 10, 2020 ^{^^}
Issuance of Order ^{***}	June 11, 2020 [^] /August 17, 2020 ^{^^}

NOTE: Commerce's preliminary and final determination deadlines are governed by statute. For AD investigations, the deadlines are set forth in sections 733(b) and 735(a)(1) of the Tariff Act of 1930, as amended. These deadlines may be extended under certain circumstances.

^{**}This will take place only in the event of an affirmative final determination from Commerce.

^{***}This will take place only in the event of affirmative final determinations from Commerce and the ITC.

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

[^]Vietnam

^{^^}Canada, Indonesia, and Korea

IMPORT STATISTICS:

Canada	2016	2017	2018
Volume (metric tons)	20,688	25,774	27,423
Value (USD)	47,467,560	41,393,902	60,204,526
Indonesia	2016	2017	2018
Volume (Metric Tons)	50,638	18,063	23,759
Value (USD)	95,719,974	55,780,717	37,418,183
South Korea	2016	2017	2018
Volume (Metric Tons)	12,363	2,796	34,937
Value (USD)	32,511,718	6,014,783	50,015,775
Vietnam	2016	2017	2018
Volume (Metric Tons)	8,522	0	14,138
Value (USD)	23,680,000	0	21,441,256

Source: U.S. Census Bureau, accessed through Global Trade Atlas (Harmonized Tariff Schedule of the United States (HTSUS) subheading 7308.20.0020).

Appendix I

- The merchandise covered by the scope of these investigations consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers support the nacelle and rotor blades in a wind turbine with a minimum rated electrical power generation capacity in excess of 100 kilowatts and with a minimum height of 50 meters measured from the base of the tower to the bottom of the nacelle (i.e., where the top of the tower and nacelle are joined) when fully assembled.

A wind tower section consists of, at a minimum, multiple steel plates rolled into cylindrical or conical shapes and welded together (or otherwise attached) to form a steel shell, regardless of coating, end-finish, painting, treatment, or method of manufacture, and with or without flanges, doors, or internal or external components (e.g., flooring/decking, ladders, lifts, electrical buss boxes, electrical cabling, conduit, cable harness for nacelle generator, interior lighting, tool and storage lockers) attached to the wind tower section. Several wind tower sections are normally required to form a completed wind tower.

Wind towers and sections thereof are included within the scope whether or not they are joined with nonsubject merchandise, such as nacelles or rotor blades, and whether or not they have internal or external components attached to the subject merchandise.

Specifically excluded from the scope are nacelles and rotor blades, regardless of whether they are attached to the wind tower. Also excluded are any internal or external components which are not attached to the wind towers or sections thereof, unless those components are shipped with the tower sections.

Further, excluded from the scope of the antidumping duty investigations are any products covered by the existing antidumping duty order on utility scale wind towers from the Socialist Republic of Vietnam. See *Utility Scale Wind Towers from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 11150 (February 15, 2013).

Merchandise covered by these investigations is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7308.20.0020 or 8502.31.0000. Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s). Wind towers may be classified under HTSUS 8502.31.0000 when imported as combination goods with a wind turbine (i.e., accompanying nacelles and/or rotor blades). While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.