



A-570-937
Sunset Review
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August 11, 2020

MEMORANDUM TO: Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Expedited Second
Sunset Review of the Antidumping Duty Order on Citric Acid and
Certain Citrate Salts from the People's Republic of China

I. SUMMARY

We analyzed the substantive response of the domestic interested parties¹ in this second sunset review of the antidumping duty (AD) order² covering citric acid and certain citrate salts from the People's Republic of China (China)³ and recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum. No respondent interested party submitted a substantive response. Accordingly, we conducted an expedited (120-day) sunset review of the *Order*.⁴ The following is a complete list of the issues that we address in this expedited sunset review:

1. Likelihood of continuation or recurrence of dumping; and
2. Magnitude of the dumping margins likely to prevail.

¹ The domestic interested parties are Archer Daniels Midland Company; Cargill, Incorporated; and Tate & Lyle Ingredients Americas LLC.

² See *Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders*, 74 FR 25703 (May 29, 2009) (*Order*).

³ See Domestic Interested Parties' Letter, "Second Five-Year ('Sunset') Review Of Antidumping Duty Order On Citric Acid And Certain Citrate Salts from the People's Republic of China: Domestic Industry's Substantive Response," dated June 1, 2020 (Domestic Industry's Substantive Response).

⁴ See *Procedures for Conducting Five-year (Sunset) Reviews of Antidumping and Countervailing Duty Orders*, 70 FR 62061 (October 28, 2005) (Commerce normally will conduct an expedited sunset review where respondent interested parties provide an inadequate response).



II. BACKGROUND

On May 29, 2009, the Department of Commerce (Commerce) published the *Order* in the *Federal Register*.⁵ On April 1, 2014, Commerce initiated the first sunset review of the *Order*,⁶ and on June 24, 2015, published a continuation of the *Order*.⁷ On May 1, 2020, Commerce published its initiation of the second sunset review of the *Order*.⁸ On May 18, 2020, Commerce received a timely and complete notice of intent to participate in the sunset review from domestic interested parties within the deadline specified in 19 CFR 351.218(d)(1)(i).⁹ Domestic interested parties claimed interested party status pursuant to section 771(9)(C) of the Tariff Act of 1930, as amended (the Act) as manufacturers in the United States of a domestic like product.¹⁰ On June 1, 2020, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed a timely and adequate substantive response.¹¹ Commerce did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), we deem that the respondent interested parties did not provide an adequate response to the notice of initiation and, therefore, Commerce conducted an expedited (120-day) sunset review of the *Order*.

III. SCOPE OF THE ORDER

The scope of the order includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend. The scope of the order also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate. The scope of the order does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product. The scope of the order includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate, which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively. Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under

⁵ See *Order*.

⁶ See *Initiation of Five-Year (Sunset) Review*, 79 FR 18279 (April 1, 2014).

⁷ See *Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Continuation of the Antidumping Duty Orders on Canada and the People's Republic of China, and Continuation of the Countervailing Duty Order on the People's Republic of China*, 80 FR 36318 (June 24, 2015).

⁸ See *Initiation of Five-Year (Sunset) Reviews*, 85 FR 25386 (May 1, 2020).

⁹ See Domestic Interested Parties' Letter, "Second Five-Year ("Sunset") Review of Antidumping And Countervailing Duty Orders on Citric Acid And Certain Citrate Salts from the People's Republic of China: Domestic Industry's Notice Of Intent To Participate," dated May 18, 2020 (Domestic Industry's Intent to Participate).

¹⁰ *Id.*

¹¹ See Domestic Industry's Substantive Response.

2918.15.5000 and 3824.90.9290 of the HTSUS, respectively. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.90.9290 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

IV. HISTORY OF THE *ORDER*

On May 29, 2009, Commerce published the antidumping duty order on citric acid and certain citrate salts from China.¹² In the *Order*, Commerce assigned the following weighted-average dumping margins:

<u>Exporter/Producer</u>	<u>Percent Margin</u>
<u>China:</u> ¹³	
TTCA Co., Ltd. (a.k.a. Shandong TTCA Biochemistry Co., Ltd.)/ TTCA Co., Ltd. (a.k.a. Shandong TTCA Biochemistry Co., Ltd.)	129.08
Yixing Union Biochemical Co., Ltd./Yixing Union Biochemical Co., Ltd.	94.61
Anhui BBCA Biochemical Co., Ltd./Anhui BBCA Biochemical Co., Ltd.	111.85
Anhui BBCA Biochemical Co., Ltd./China BBCA Maanshan Biochemical Corp.	111.85
A.H.A. International Co., Ltd./Yixing Union Biochemical Co., Ltd.	111.85
A.H.A. International Co., Ltd./Nantong Feiyu Fine Chemical Co., Ltd.	111.85
High Hope International Group Jiangsu Native Produce IMP & EXP Co., Ltd./ Yixing Union Biochemical Co., Ltd.	111.85
Huangshi Xinghua Biochemical Co., Ltd./Huangshi Xinghua Biochemical Co., Ltd.	111.85
Lianyungang JF International Trade Co., Ltd./TTCA Co., Ltd. (a.k.a Shandong TTCA Biochemistry Co., Ltd.)	111.85
Laiwu Taihe Biochemistry Co., Ltd./Laiwu Taihe Biochemistry Co., Ltd.	111.85
Lianyungang Shuren Scientific Creation Import & Export Co., Ltd./Lianyungang Great Chemical Industry Co., Ltd.	111.85
Penglai Marine Bio-Tech Co. Ltd./Penglai Marine Bio-Tech Co. Ltd.	111.85
RZBC Imp & Exp. Co., Ltd./RZBC Co., Ltd/ RZBC (Juxian) Co.,/RZBC Co., Ltd.	111.85
RZBC Imp & Exp. Co., Ltd./RZBC Co., Ltd./RZBC (Juxian) Co., Ltd. /RZBC (Juxian) Co., Ltd.	111.85
RZBC Imp & Exp. Co., Ltd./RZBC Co., Ltd./RZBC (Juxian) Co., Ltd. /	
Lianyungang Great Chemical Industry Co., Ltd.	111.85
Shihezi City Changyun Biochemical Co., Ltd./Shihezi City Changyun Biochemical Co., Ltd	111.85
Weifang Ensign Industry Co., Ltd./Weifang Ensign Industry Co., Ltd.	111.85
China-Wide Entity	156.87

¹² See *Order*.

¹³ The cash deposit rate for all China companies named below, except for Yixing Union Biochemical Co., Ltd./Yixing Union Biochemical Co., Ltd., were modified to account for export subsidies.

Commerce has completed six administrative reviews¹⁴ (ARs), one sunset review,¹⁵ and four scope clarifications¹⁶ of the AD order on citric acid and certain citrate salts from China. In the second sunset review period, Commerce has completed three ARs and rescinded one. Specifically, in the 2012-2013 AR, Commerce calculated AD margins as high as 6.80 percent,¹⁷ and in the 2013-2014 AR, Commerce calculated margins as high as 6.61 percent.¹⁸ Commerce rescinded the 2014-2015 AR of the *Order* due to a lack of interest from the requestors of the review.¹⁹ In the 2015-2016 AR, Commerce found 15 companies to be a part of the China-wide entity, assigning the rate of 156.87 percent.²⁰ Commerce has not conducted any duty absorption reviews or new shipper reviews in the history of the *Order*.

The *Order* remains in effect for all manufacturers, producers, and exporters of citric acid and certain citrate salts from China.

V. LEGAL FRAMEWORK

In accordance with section 751(c)(1) of the Act, Commerce is conducting this sunset review to determine whether revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping. Sections 752(c)(1)(A) and (B) of the Act provide that, in making this determination, Commerce shall consider the weighted-average dumping margins determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the periods before and after the issuance of the *Order*.

¹⁴ See *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of the First Administrative Review of the Antidumping Duty Order*, 76 FR 77772 (December 14, 2011); see also *Citric Acid and Certain Citrate Salts from the People's Republic of China: Amended Final Results of the First Administrative Review of the Antidumping Duty Order*, 77 FR 9891 (February 21, 2012); *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 77 FR 74171 (December 13, 2012); *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011-2012*, 79 FR 101 (January 2, 2014); *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 65182 (November 3, 2014) (*AR4 Final Results*); *Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014*, 80 FR 77323 (December 14, 2015) (*AR5 Final Results*); *Citric Acid and Certain Citrate Salts from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015-2016*, 82 FR 27226 (June 14, 2017) (*AR7 Final Results*).

¹⁵ See *Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Final Results of Expedited First Sunset Reviews of the Antidumping Duty Orders*, 79 FR 45763 (August 6, 2014).

¹⁶ See *Notice of Scope Rulings*, 84 FR 36577 (July 29, 2019); see also *Notice of Scope Rulings*, 78 FR 32372 (May 30, 2013); *Notice of Scope Rulings*, 77 FR 9893 (February 21, 2012); and *Notice of Scope Rulings*, 76 FR 73596 (November 29, 2011).

¹⁷ See *AR4 Final Results*.

¹⁸ See *AR5 Final Results*.

¹⁹ Two producers of the subject merchandise, Laiwu Taihe Biochemistry Co., Ltd. (Taihe), and RZBC Co., Ltd., RZBC Import & Export Co., Ltd. and RZBC (Juxian) Co., Ltd. (collectively, RZBC), and the domestic interested parties (petitioners) requested an AR of the *Order* for the period of review May 1, 2014 through April 30, 2015. However, by July 31, 2015, both producers and the petitioners withdrew their request for an AR. Commerce thereby rescinded the review. See *Citric Acid and Certain Citrate Salts from the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2014-2015*, 80 FR 63196 (October 19, 2015).

²⁰ See *AR7 Final Results*.

In accordance with the guidance provided in the legislative history accompanying the URAA, specifically the SAA, the House Report, and the Senate Report,²¹ Commerce’s likelihood determinations will be made on an order-wide, rather than company-specific, basis.²² In addition, Commerce normally will determine that revocation of an AD order is likely to lead to continuation or recurrence of dumping where: (a) dumping continued at any level above *de minimis* after the issuance of the order; (b) imports of the subject merchandise ceased after issuance of the order; or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.²³

In addition, as a base period of import volume comparison, it is Commerce’s practice to use the one-year period immediately preceding the initiation of the investigation, rather than the level of pre-order import volumes, as the initiation of an investigation may dampen import volumes and, thus, skew comparison.²⁴ Also, when analyzing import volumes for second and subsequent sunset reviews, Commerce’s practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.²⁵

Alternatively, Commerce normally will determine that revocation of an antidumping duty order is not likely to lead to continuation or recurrence of dumping where dumping margins declined or were eliminated after issuance of the order and import volumes remained steady or increased.²⁶ Pursuant to section 752(c)(4)(A) of the Act, a dumping margin of zero or *de minimis* shall not by itself require Commerce to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at LTFV.²⁷

Further, section 752(c)(3) of the Act states that Commerce shall provide to the International Trade Commission (ITC) the magnitude of the margin of dumping likely to prevail if the order were revoked. Generally, Commerce selects the dumping margin from the final determination in the investigation, as this is the only calculated rate that reflects the behavior of exporters without the discipline of an order in place.²⁸ However, in certain circumstances, a more recently calculated rate may be more appropriate (*e.g.*, “if dumping margins have declined over the life of

²¹ See Uruguay Round Agreements Act (URAA), specifically the Statement of Administrative Action, H.R. Doc. 103-316, vol. 1 (1994) (SAA); see also House Report, H. Rep. No. 103-826, pt. 1 (1994) (House Report); and Senate Report, S. Rep. No. 103-412 (1994) (Senate Report).

²² See SAA at 879; see also House Report at 56.

²³ See SAA at 889-90; see also House Report at 63-64; Senate Report at 52 for a description of our practice; and *Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871, 18872 (April 16, 1998) (*Sunset Policy Bulletin*).

²⁴ See, *e.g.*, *Stainless Steel Bar from Germany; Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007), and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

²⁵ See *Ferrovandium from the People’s Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014), and accompanying IDM.

²⁶ See SAA at 889-90; see also House Report at 63; and Senate Report at 52.

²⁷ See *Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007), and accompanying IDM at Comment 1.

²⁸ See SAA at 890; see also *Sunset Policy Bulletin* at section II.B.1.; and *Persulfates from the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying IDM.

an order and imports have remained steady or increased, Commerce may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review.”²⁹

On February 14, 2012, Commerce announced it was modifying its practice in sunset reviews such that it will not rely on weighted-average dumping margins that were calculated using the zeroing methodology.³⁰ In the *Final Modification for Reviews*, Commerce stated that “only in the most extraordinary circumstances” would it rely on margins other than those calculated and published in prior determinations.³¹ Commerce further stated that apart from the “most extraordinary circumstances,” it did not anticipate needing to recalculate dumping margins in the vast majority of future sunset determinations, and instead would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins that were not affected by the WTO-inconsistent methodology, such as dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of total adverse facts available, and dumping margins where no offsets were denied because all comparison results were positive.”³²

Finally, pursuant to section 752(c)(4)(A) of the Act, a dumping margin of zero or *de minimis* shall not by itself require Commerce to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at LTFV.³³

Below we address the comments submitted by the domestic interested parties.

VI. DISCUSSION OF THE ISSUES

A. Likelihood of Continuation or Recurrence of Dumping

Domestic Interested Parties’ Comments:

- Commerce will normally determine that the revocation of an AD order is likely to lead to a continuation or recurrence of dumping where: a) dumping continued at any level above *de minimis* after the issuance of the order; b) imports of the subject merchandise have ceased after the issuance of the order; c) dumping was eliminated after the issuance of the order, and import volumes for the subject merchandise significantly declined.
- Since the first sunset review, dumping margins have increased for every producer and exporter except for one entity.
- Commerce should conclude that, following a revocation of the *Order*, dumping would continue to occur because dumping has continued to occur since the issuance of the *Order*.
- The *Order* should not be revoked because imports of the subject merchandise have

²⁹ See SAA at 890-91; see also *Sunset Policy Bulletin* at section II.B.2.

³⁰ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings: Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

³¹ *Id.*

³² *Id.* at 8109.

³³ See *Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007), and accompanying IDM.

declined significantly following the issuance of the *Order*, and annual imports have remained at less than one-tenth of their pre-*Order* levels. Therefore, Commerce should conclude that dumping would likely continue or recur if the order were revoked.

Commerce's Position:

Consistent with the legal framework laid out above and in section 752(c)(1)(A) of the Act, we first considered the weighted-average dumping margins determined in the investigations and any subsequent reviews. As stated above, in the investigation, Commerce found dumping margins above *de minimis*. In the subsequent reviews conducted with respect to the *Order* in the second sunset review period, Commerce continued to find dumping margins above *de minimis* during the administrative review period. According to the SAA and the House Report, “if companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed.”³⁴

As noted above in the “History of the *Order*” section, Commerce found dumping margins above *de minimis* after issuance of the *Order*. In the first sunset review, Commerce found dumping rates above *de minimis* for all companies between 94.61 and 156.87 percent.³⁵ In the fourth AR, Commerce calculated a margin of 6.80 percent for Yixing-Union Biochemical Co., Ltd and 3.08 percent for Laiwu Taihe Biochemistry Co., Ltd.³⁶ In the fifth AR, Commerce calculated a margin of 0.00 percent for RZBC Import & Export Co., Ltd and 6.61 percent for Laiwu Taihe Biochemistry Co., Ltd.³⁷ In the seventh AR, Commerce found 15 companies, including the mandatory respondent Laiwu Taihe Biochemistry Co., Ltd. (Taihe), to be a part of the China-wide entity with a rate of 156.87 percent, and two companies to have had no shipment of subject merchandise during the period of review.³⁸ Other than RZBC Import & Export Co., Ltd., each of the companies reviewed after the issuance of the *Order* were assessed at above *de minimis* rates and, therefore, it is likely to assume that dumping would continue if the order were removed or terminated.

Pursuant to section 752(c)(1)(B) of the Act, we also considered the volume of imports of subject merchandise for the one-year period immediately before the initiation of the investigation as a base period for comparison to the sunset review period, in determining whether revocation of the *Order* is likely to lead to continuation or recurrence of dumping.³⁹ Commerce examined import volumes from the ITC’s Trade Dataweb for the period 2015 through 2019 to the import volume in the year immediately preceding the initiation period, *i.e.*, 2007.

In this case, the volume of imports has decreased overall since the issuance of the *Order*. The import volumes for citric acid and certain citrate salts from the China for the years 2015, 2018,

³⁴ See SAA at 889; *see also* House Report at 63-64.

³⁵ See *Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Continuation of the Antidumping Duty Orders on Canada and the People's Republic of China, and Continuation of the Countervailing Duty Order on the People's Republic of China*, 80 FR 36318 (June 24, 2015) and accompanying Issues and Decisions Memo at 3.

³⁶ See *AR4 Final Results*.

³⁷ See *AR5 Final Results*.

³⁸ See *AR7 Final Results*.

³⁹ See, *e.g.*, *Stainless Steel Bar from Germany; Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007) and accompanying IDM at Comment 1.

and 2019 reached 7,935 metric tons, 7,217 metric tons, and 5,101 metric tons, respectively.⁴⁰ Import volumes dropped in 2016 and 2017 to 3,278 metric tons and 3,886 metric tons, respectively.⁴¹ By contrast, the import volume for 2007, the year immediately preceding the initiation of the investigation, was 81,697 metric tons.⁴² Although import volumes between 2015 and 2018 did not decrease consistently, import volumes remained below pre-*Order* import levels each year. Given the decrease in import volumes, it is unlikely that Chinese producers and exporters of citric acid and certain citrate salts would be able to sell at pre-*Order* volumes without dumping. Accordingly, Commerce determines that dumping is likely to continue if the *Order* were to be revoked.

B. Magnitude of the Dumping Margins Likely to Prevail

Domestic Interested Parties' Comments:

- In determining the magnitude of the dumping margin likely to prevail in the event of revocation and that should be reported to the ITC, the SAA and Commerce's *Sunset Policy Bulletin* state that the agency will normally select the dumping margins established in the investigation, because they are the only calculated rates that reflect the behavior of exporters without the discipline of an order or suspension agreement in place.⁴³
- The conclusions that Commerce made in the first sunset review regarding the most appropriate margin to provide the ITC are the same: The original dumping margins represent the best evidence of the behavior of Chinese exporters absent the order, as adjusted to take into account the Section 129 Proceeding in July 2015.⁴⁴
- Accordingly, the dumping margins that should be reported to the ITC are the margins from the investigations, specifically those mentioned above between 94.61 percent and 156.87 percent,⁴⁵ as they were adjusted by the Section 129 proceeding to eliminate "double counting" attributable to export subsidies.⁴⁶

Commerce's Position:

Pursuant to section 752(c)(3) of the Act, Commerce shall provide to the ITC the magnitude of the margin of dumping that is likely to prevail if an AD order were revoked. In non-market economy (NME) cases, for companies not investigated specifically and which were not found to be eligible for a separate rate, or for companies that did not begin shipping until after the order was issued, Commerce normally will provide a margin based on the NME-entity rate from the investigation.⁴⁷ Commerce's preference is to select a weighted-average dumping margin from the LTFV investigation because it is the only calculated rate that reflects the behavior of the

⁴⁰ See Domestic Industry's Substantive Response at 6 (citing import data from the ITC's Trade DataWeb). These import volumes are based on the following HTSUS numbers: 2918.14.0000; 2918.15.1000; and 2918.15.5000.

⁴¹ *Id.*

⁴² See Domestic Industry's Substantive Response at 6 (citing import data from the ITC's Trade DataWeb).

⁴³ *Id.* at 6 and 7 (citing the SAA at 890; and *Sunset Policy Bulletin*, 63 FR 18873).

⁴⁴ See *Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act*, 80 FR 45184, 45190 (July 29, 2015).

⁴⁵ See Domestic Industry's Substantive Response at 6 and 7 (citing the *Sunset Policy Bulletin*, 63 FR 18873).

⁴⁶ *Id.* at 7.

⁴⁷ See, e.g., *Non-Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 73 FR 39656 (July 10, 2008).

producers and exporters without the discipline of an order or suspension agreement in place.⁴⁸ Under certain circumstances, however, Commerce may select a more recent rate to report to the ITC.

Consistent with Commerce's practice, we considered the dumping margins from the LTFV investigation to be the best evidence of the exporters' behavior in the absence of an order. Moreover, the rates from the LTFV do not involve the zeroing methodology, because those margins were adjusted in July 2015 in accordance with the Section 129 proceeding in order to eliminate potential "double counting" attributable to export subsidies. After the adjustments for export subsidies, the China entity-wide weighted-average dumping margin remained the same as the margin that Commerce determined before adjustments were made.⁴⁹

VII. FINAL RESULTS OF SUNSET REVIEW

For the reasons stated above, we determine that revocation of the *Order* on citric acid and certain citrate salts from China would likely lead to continuation or recurrence of dumping. We also determine that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 156.87 percent.

VIII. RECOMMENDATION

Based on our analysis of the substantive response received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final result of this sunset review in the *Federal Register* and notify the ITC of our determination.

Agree

Disagree

8/11/2020

X



Signed by: JEFFREY KESSLER

Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

⁴⁸ *Id.*

⁴⁹ See *Implementation of Determinations Under Section 129 of the Uruguay Agreements Act*, 80 FR 45184, 45190 (July 29, 2015).