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# Hughes Hubbard & Reed

## New Antidumping and Countervailing Duty Petitions on Vertical Metal File Cabinets from China

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**April 30, 2019** – On April 30, 2019, Hirsch Industries, LLC filed antidumping (“AD”) and countervailing (“CVD”) petitions with the U.S. Department of Commerce (“DOC”) and the U.S. International Trade Commission (“ITC”).

### Scope

The products covered by these investigations include freestanding vertical metal file cabinets, having extendable file storage elements (i.e., drawers), at least two of which must be of a size that permits hanging files of either letter or legal-sized documents, having a width of 25 inches or less, and having a height that is greater than its width (“vertical files”). Vertical files have bodies and drawers made primarily from steel or other metals and are designed primarily for document storage and retrieval.

The scope does not cover: (1) vertical file cabinets with bodies made of plastic, wood, or other non-metallic substances; (2) lateral file cabinets; 3) pedestal file cabinets; and (4) fire proof file cabinets.

### Potential Trade Impact

According U.S. import statistics, \$45,242,474 of the subject merchandise was imported into the United States in 2018.

Petitioner alleges dumping margins of 120.48 to 196.79 percent.

No specific subsidy margins are included in the petition.

## **Foreign Producers and Exporters of Subject Merchandise**

Attachment 1 provides a list of foreign producers of the subject merchandise, as identified by the petitioner.

## **U.S. Importers of Subject Merchandise**

Attachment 2 provides a list of U.S. importers of the subject merchandise, as identified by the petitioner.

## **Process**

Under U.S. law, a domestic industry can petition the government to initiate an AD investigation into the pricing of an imported product to determine whether it is sold in the United States at less than fair value (i.e., “dumped”). A domestic industry can also petition the initiation of a CVD investigation of alleged subsidization of foreign producers by a foreign government. Additional duties can be imposed if DOC determines that imported goods are “dumped” and/or subsidized and if the ITC also determines that the domestic industry is materially injured or threatened with such injury by reason of subject imports.

If the ITC and DOC make preliminary affirmative determinations, U.S. importers will be required to post cash deposits in the amount of the AD and/or CVD duties for all entries on or after the date DOC’s preliminary determination is published in the Federal Register. The preliminary AD/CVD rates can change in the final DOC determination, especially if foreign producers and their governments participate fully in the investigations. DOC generally assigns duties at the alleged dumping rates to exporters that fail to cooperate with the investigation.

## **Estimated Schedule of Investigations**

4/30/2019 – Petition filed  
6/14/2019 – ITC preliminary injury determination  
7/4/2019 – DOC preliminary CVD determination, if not postponed  
9/7/2019 – DOC preliminary CVD determination, if fully postponed  
9/17/2019 – DOC preliminary AD determination, if not postponed  
11/6/2019 – DOC preliminary AD determination, if fully postponed  
3/27/2020 – DOC final AD and CVD determinations, if both preliminary and final determinations are fully postponed  
5/18/2020 – ITC final injury determination, if DOC’s determinations are fully postponed  
6/1/2020 – AD/CVD orders published

If you have any questions about the petitions, please contact the experienced attorneys in HHR’s international trade group.

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