

ITC Inv. Nos. Inv. No. 701-TA-685  
and 731-TA-1599-1606

DOC Case No. A-122-869, A-428-851,  
A-580-915, A-421-816, A-583-870,  
A-489-848, A-412-827  
Investigations

November 30, 2023

David S. Johanson  
Chairman  
U.S. International Trade Commission  
500 E St. SW  
Washington, D.C. 20436

Marisa Lago  
Under Secretary of Commerce for International Trade  
U.S. Department of Commerce, International Trade Administration  
1401 Constitution Ave., NW  
Washington, D.C. 20230

Re: Antidumping Investigations of Tin Mill Products

Dear Chairman Johanson and Under Secretary Lago:

As you continue your antidumping duty investigations into tin mill products from eight countries, including key U.S. allies and partners, the undersigned organizations remain concerned that the imposition of new tariffs is not supported by market dynamics, including the reason for subject imports. The imposition of duties without merit would degrade the role of a fair trade remedy process in protecting U.S. manufacturers, while leading to higher consumer costs and the loss of thousands of good American manufacturing jobs in the can and consumer product manufacturing industries.

As organizations that represent a wide range of domestic manufacturing, agriculture and consumer interests, we believe in the fair and transparent enforcement of U.S. trade remedy law. The International Trade Commission's and Department of Commerce's rigorous analysis of the facts in this case is critical not only to protect domestic manufacturers and workers, but also U.S. consumers who would be gravely impacted by cost increases on everyday food, beverage, household and personal care products.

The ubiquitous nature of tin mill steel products underscores the importance of conducting this investigation to the utmost level of scrutiny. Even marginal tariff duty rates could lead to substantial impacts on domestic can and consumer product manufacturers, negatively impacting their ability to compete with foreign imports of finished cans and consumer products. That is because the reason for subject tin mill imports is not cost, but the quantity and quality specifications required of downstream tin mill product users.

Domestic tin mill steel producers currently have the capacity to supply only approximately 50 percent of total U.S. demand. Certain types and widths of steel required by U.S. can manufacturers, including two-piece can steel, are not available in sufficient commercial quantities from domestic suppliers. To meet demand, can manufacturers and their customers, including America's food, beverage, household goods and personal care product manufacturers, have procured imported tin mill products from allied countries like Canada, the Netherlands, Germany and the United Kingdom.

Commerce's preliminary determination of zero dumping duties on five of the eight countries in the petition is consistent with our experience of what is happening in the tin mill steel market. Can manufacturers require specific standards to ensure that tin mill steel for food cans is made to meet quality specifications to preserve brand reputation, food safety and shelf stability. Certain types of steel required within the can industry (drawn-and-ironed and certain steels for two-piece and EZ Open cans), currently are only sourced through imports. Low preliminary duty levels on Canada and Germany should be further examined in this light, as we believe there is substantial product differentiation and reason for subject imports apart from cost.

Our country's trade remedy tools serve a critical role in protecting domestic manufacturers and agricultural interests. Importantly, though, the statutory and apolitical process serves as a mechanism to ensure that petitions have real merit and that the Commission and Commerce can investigate industry concerns to better understand what is happening and why. In this case, we believe a negative injury determination is warranted due to the many non-cost reasons for subject imports, further substantiated by the already zero and/or low preliminary determination of dumping duties set in August.

Such a finding would not only recognize the facts of this investigation but protect nearly 40,000 U.S. manufacturing jobs and ensure that U.S. consumers do not incur grocery cost increases up to 30 percent. Thank you for your continued attention to this matter and your commitment to a thorough and transparent investigation.

### **SUPPORTING ORGANIZATIONS**

American Coatings Association  
American Frozen Food Institute  
American Fruit and Vegetable Processors and Growers Coalition  
American Pulse Association  
Agriculture Transportation Coalition  
Beer Institute  
California League of Food Producers  
Can Manufacturers Institute  
Consumer Brands Association  
Corn Refiners Association  
Farmers for Free Trade  
FMI – The Food Industry Association  
Household & Commercial Products Association  
Independent Bakers Association  
Midwest Food Products Association  
Meat Institute  
National Confectioners Association  
National Foreign Trade Council  
National Retail Federation  
National Turkey Federation  
Pet Food Institute  
Refrigerated Foods Association  
Retail Industry Leaders Association (RILA)  
Shelf-Stable Food Processors Association  
SNAC International  
Southeastern Food Processors Association  
US Dry Bean Council  
USA Dry Pea and Lentil Council