

New Antidumping and Countervailing Duty Petitions on Utility Scale Wind Towers from Canada, Indonesia, Korea, and Vietnam

Article By:

Douglas J. Heffner

Richard P. Ferrin

Jared A. Angle

The Wind Tower Trade Coalition (“petitioner”), on July 9, 2019, filed antidumping (AD) petitions on imports of certain utility scale wind towers from Canada, Indonesia, Korea, and Vietnam and countervailing duty (CVD) petitions on imports of certain utility scale wind towers from Canada, Indonesia, and Vietnam.

The U.S. AD law imposes special tariffs to counteract imports that are sold in the United States at less than “normal value.” The U.S. CVD law imposes special tariffs to counteract imports that are sold in the United States with the benefit of foreign government subsidies. For AD/CVD duties to be imposed, the U.S. government must determine not only that dumping and/or subsidies are occurring, but also that there is “material injury” (or threat thereof) by reason of the dumped and/or subsidized imports. Importers are liable for any potential AD/CVD duties imposed. In addition, these investigations could impact purchasers by increasing prices and/or decreasing supply of certain utility scale wind towers.

Scope

The merchandise covered by these petitions consists of certain wind towers, whether or not tapered, and sections thereof. Certain wind towers are designed to 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.

Merchandise covered by this investigation is currently classified in the HTSUS under subheading 7308.20.0020¹ or 8502.31.0000.² While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Alleged Dumping Margins

The petitioners allege the following dumping margins:

- Canada: 46.32 percent to 57.70 percent
- Indonesia: 27.23 percent to 38.58 percent
- Korea: 350.62 percent to 422.87 percent
- Vietnam: 79.96 percent to 109.86 percent

Estimated Schedule of Investigations

- July 9, 2019 – Petition is filed
- July 29, 2019 – DOC initiates investigation
- July 30, 2019 – ITC staff conference
- August 23, 2019 – Deadline for ITC preliminary injury determinations
- October 2, 2019 – Deadline for DOC preliminary CVD determination, if not postponed
- December 6, 2019 – Deadline for DOC preliminary CVD determination, if fully postponed
- December 16, 2019 – Deadline for DOC preliminary AD determination, if not postponed
- February 4, 2020 – Deadline for DOC preliminary AD determination, if fully postponed
- June 18, 2020 – Deadline for DOC final AD determinations, if both preliminary and final determinations are fully postponed

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- August 3, 2020 – Deadline for ITC final injury determinations, assuming fully postponed DOC deadlines

¹ Wind towers of iron or steel are classified under HTSUS 7308.20.0020 when imported separately as a tower or tower section(s).

² 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).

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