

United States International Trade Commission (USITC) Vacates Suspension of Carbon and Alloy Steel Products Investigation

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In May, the United States International Trade Commission (USITC) instituted its investigation of *Certain Carbon and Alloy Steel Products*, Inv. No. 337-TA-1002, based on alleged violations of Section 337 by the Chinese steel industry, including antitrust, false designation of origin, and trade secret claims. As we reported in a [previous blog](#), however, ALJ Lord determined, *sua sponte*, to suspend the investigation on the grounds that it “comes at least ‘in part’ within the purview of the antidumping and countervailing duty laws.”

On review of the ALJ’s decision, USITC has determined to vacate the suspension and continue the investigation. According to USITC’s opinion, even if the alleged unfair acts and methods of competition “may come in part within the purview of the United States antidumping or countervailing duty laws” (an issue USITC did not reach), there was at most a “tangential [relationship] between proceedings at the Department of Commerce and this investigation,” and suspension therefore would not “achieve efficiencies or avoid undue burdens that would outweigh the benefits gained by continuing the investigation.” USITC particularly noted that there are “no overlapping antidumping or countervailing duty investigations pending before the U.S. Department of Commerce . . . and no indication that any such proceedings will be commenced.” In these circumstances, USITC found suspension contraindicated by Section 337’s legislative history, which USITC read to “clearly indicate[] that the Commission should not suspend its section 337 investigations merely because of a hypothetical possibility of some overlap in the future.”

USITC’s opinion does not appear to address or modify the target date for completion of the investigation, which is currently set at October 2, 2017.

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National Law Review, Volume VI, Number 239

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