

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, DC

Investigation No. 731-TA-1465 (Final)

4th Tier Cigarettes from Korea

DETERMINATION

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports of 4th tier cigarettes from Korea, provided for in subheading 2402.20.80 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).^{2 3}

BACKGROUND

The Commission instituted this investigation effective December 18, 2019, following receipt of a petition filed with the Commission and Commerce by the Coalition Against Korean Cigarettes. The coalition members are Xcaliber International, Pryor, Oklahoma and Cheyenne International, Grover, North Carolina. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of 4th tier cigarettes from Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of August 3, 2020 (85 FR

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² 85 FR 79994 (December 11, 2020).

³ Vice Chair Randolph J. Stayin and Commissioner Rhonda K. Schmidlein dissenting.

46718). In light of the restrictions on access to the Commission building due to the COVID-19 pandemic, the Commission conducted its hearing through written testimony and video conference on December 3, 2020. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on January 25, 2021. The views of the Commission are contained in USITC Publication 5151 (January 2021), entitled *4th Tier Cigarettes from Korea: Investigation No. 731-TA-1465 (Final)*.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: January 25, 2021