

U.S. Import Injury Boomerang Filings: Import Sources

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This briefing is the second in a series that provides an overview of import injury filing trends in industries that have sought relief multiple times between 1995 and 2020 (i.e., “boomerang” industries/filings¹). With increasing interest in industries that file successive AD/CVD petitions, the series provides insight into various trends regarding boomerang filings. Over the period of study, these filings covered imports from a broad variety of sources with China as the most frequently named source. Second and further boomerang filings tend to name more sources than original filings do and the average difference in the number of sources named between the two types has grown.

Overview

As noted in the first briefing of the series,² U.S. industries and/or labor groups that believe they are injured by dumped and/or subsidized imports from specific sources/countries³ can petition the ITC and the Department of Commerce (“Commerce”) to commence antidumping (“AD”) and/or countervailing duty (“CVD”) investigations with respect to imports from those sources. These entities can file petitions with respect to goods imported from any source that are not already subject to the type of relief requested, which then starts a new investigation into subject imports from that source. A petition could be filed with respect to a new source not previously investigated, with respect to subject imports from a source that had previously been the subject of an AD or CVD investigation but are not currently under order, or with respect to goods that are under the other type of order (e.g., already under an AD-only order).⁴ As shown in the first EBOT, the frequency of boomerang petition filings in the United States has been increasing.

Import Sources

Between 1995 and 2020,⁵ there were a total of 344 filings of import injury petitions submitted to the ITC and Commerce; these filings resulted in the commencement of 1,122 investigations⁶ covering imports from 72 different sources. Of these, 124 filings of import injury petitions were boomerang filings, initiating 459 investigations across 61 sources (137 investigations stemming from 48 original filings and 322 investigations stemming from 76 subsequent boomerang filings). For original filings, on average 2.9 investigations were initiated per original filing during the 26-year period and generally has been declining since 2002. In contrast, the number of investigations initiated per subsequent boomerang filing has been increasing and averaged 4.2 investigations per subsequent filing. Indeed, out of the 344 filings, the 10 with the greatest number of countries named were all boomerang filings (2 original filings and 8 subsequent filings), each of which named 10 or more import sources.⁷

¹ “Boomerang” is meant as a neutral term chosen by the author to label the trend observed.

² See [Import Injury Boomerang Filings: Frequency and Timing](#). This first briefing provides definitions and background information related to what is presented in this briefing.

³ In nearly all cases, the relevant sources in this briefing are countries with the exception of Taiwan.

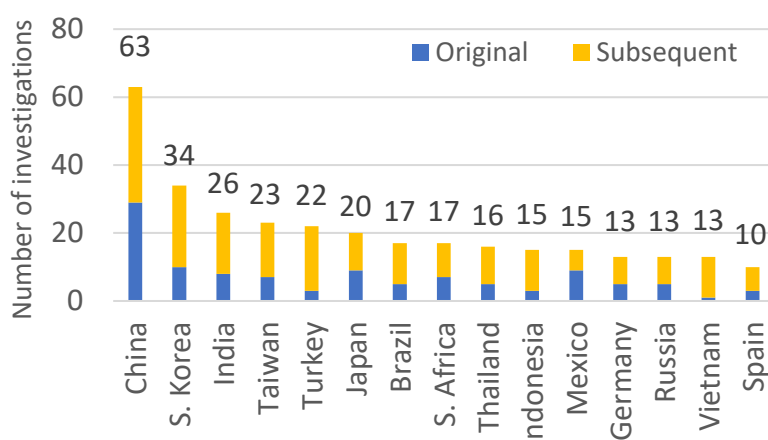
⁴ Only after a subsequent petition is filed on the same good does the first petition become a boomerang filing.

⁵ The data used in this briefing do not cover filings prior to the establishment of World Trade Organization or following the onset of the COVID-19 pandemic in the United States.

⁶ Each AD/CVD filing can contain multiple petitions, creating multiple AD/CVD investigations. Each country and allegation type (AD or CVD) receives a distinct investigation number at the ITC.

⁷ The fourth briefing in this series will provide more information regarding the circumstances under which subsequent boomerang filings are made.

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Figure 1. Top 15 countries named in boomerang filings, 1995-2020

Boomerang petition filings were submitted on as few as one, but as many as 20 countries. Eight of the countries most frequently named were located in Asia (including Turkey), with China (63), South Korea (34), and India (26) topping the list (figure 1). In contrast, 17 countries were named in only one boomerang petition (Armenia, Bahrain, Bosnia and Herzegovina, Cambodia, Croatia, Iceland, Ireland, Latvia, Luxembourg, Macedonia, New Zealand, Norway,

Singapore, Slovakia, Slovenia, Sweden, and Tunisia). Of the countries named at least 10 times, only Mexico was named more frequently in original filings than in subsequent filings – nine original and six subsequent.

Prevalence of China

As shown in figure 1, China was the country most frequently named in boomerang filings (63 times; in 29 of 48 original filings and 34 of 76 subsequent filings). Over the 26-year period, 44 of the 48 industries that filed boomerang petitions named China at least once. In fact, since 2007, it was named in 18 of the 20 original filings, and in 11 of these it was the only country named. For the 34 subsequent filings involving China, it was named 16 times as a new country, 10 times after a petition was withdrawn or a prior negative determination on China, 6 times for an expanded product (e.g., alloy magnesium was added to non-alloy magnesium) or new investigation type, and twice after termination of an AD order on China due to lack of domestic interest in continuing the order. There has been an increasing trend in filings concerning imports from numerous other countries subsequent to an original filing that named China and for which relief was granted. Indeed, in 2020 three subsequent filings involved industries seeking relief on imports from 18, 8, and 5 additional countries after having secured relief on imports from China.

A surge of petition filings involving imports from China occurred in 2007-09 after a rule change at Commerce in April 2007 that allowed filing CVD petitions on non-market economies. Prior to this, 1.7 boomerang filings per year named China as a subject country on average. In 2007, 2008, and 2009, however, there were 8, 5, and 4 boomerang filings, respectively, naming China. In fact, most simultaneous AD and CVD petition filings during 2007–13 sought relief from both dumped and subsidized imports from China (38 of 48 filings which had both AD and CVD components).⁸ However, only two industries that had AD relief already in place sought additional CVD relief with respect to imports from China after the rule change – glycine, which had AD duty relief since 1995, and mattresses, which sought CVD relief in 2020 after receiving AD duty relief in 2019.

The next EBOT in this series will focus on the industries that have sought AD/CVD relief multiple times.

Sources: Various USITC preliminary and final phase Title VII reports.

⁸ Therefore, before 2006 there were no CVD investigations with respect to China. The rule change occurred during the coated free sheet paper investigation that was filed in the fourth quarter of 2006.

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