

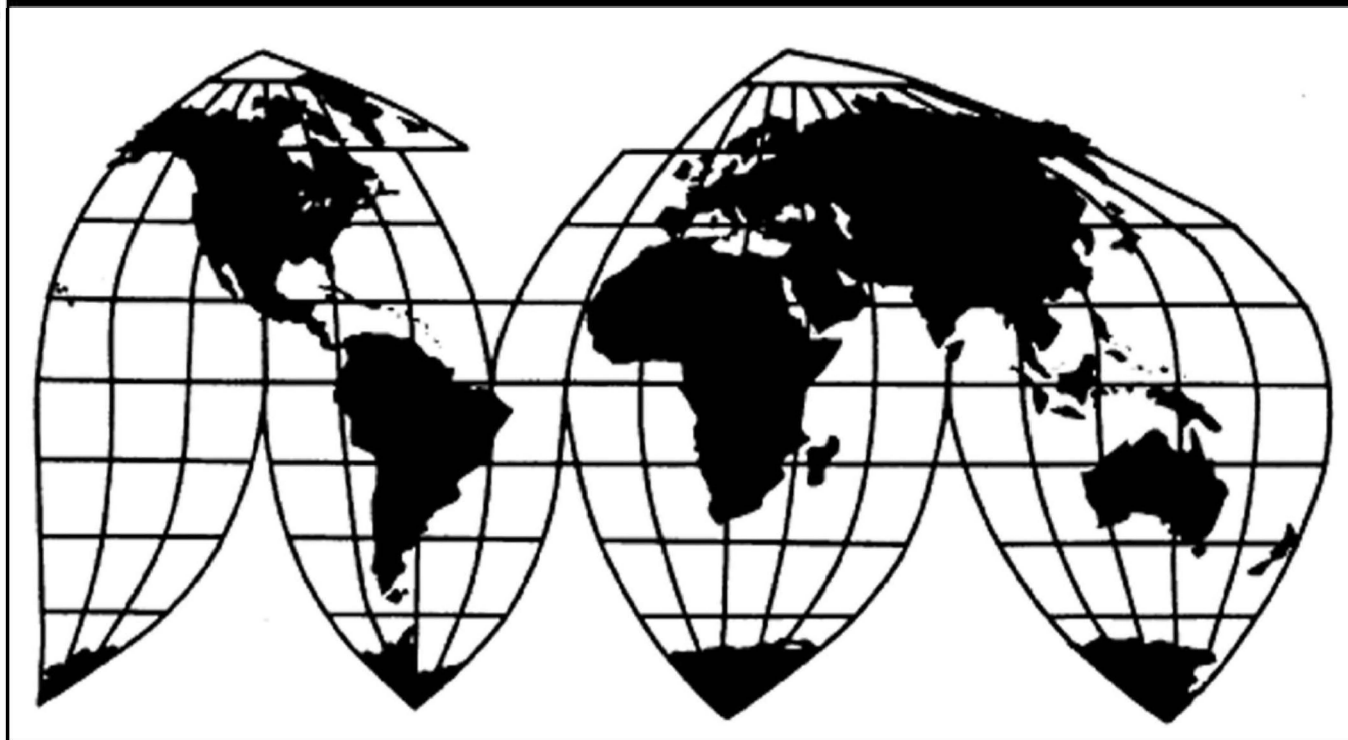
# **Polytetrafluoroethylene (PTFE) Resin from China and India**

Investigation Nos. 731-TA-1392-1393 (Final)

**Publication 4841**

**November 2018**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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## Polytetrafluoroethylene (PTFE) Resin from China and India

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Note.—Information that would reveal confidential operations of individual concerns may not be published. Such information is identified by brackets or by parallel lines in confidential reports and is deleted and replaced with asterisks in public reports.



## UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 731-TA-1392-1393 (Final)  
Polytetrafluoroethylene (PTFE) Resin from China and India

### DETERMINATION

On the basis of the record<sup>1</sup> developed in the subject investigations, 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 by reason of imports of polytetrafluoroethylene (PTFE) resin from China and India 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”).<sup>2 3 4</sup>

### BACKGROUND

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted these investigations effective September 28, 2017, following receipt of a petition filed with the Commission and Commerce by The Chemours Company FC LLC, Wilmington, Delaware. Effective February 28, 2018, the Commission established a general schedule for the conduct of the final phase of its investigation on PTFE resin, following a preliminary determination by Commerce that imports of subject PTFE resin were subsidized by the government of India. Notice of the scheduling of the final phase of the Commission’s investigations 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* on March 23, 2018 (83 FR 12815). The hearing was held in Washington, DC, on May 17, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission subsequently issued its final negative determination regarding subsidized imports of PTFE from India on July 6, 2018 (83 FR 32150, July 11, 2018). Following notification of final determinations by Commerce that imports of PTFE resin from China and India were being sold at LTFV within the meaning of section 735(b) of the ACT (19 U.S.C. 1673(a)), notice of the supplemental scheduling of the final phase of the Commission’s antidumping duty investigations was given by posting copies of the notice

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<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 83 FR 48590 and 83 FR 48594 (September 26, 2018).

<sup>3</sup> Whether the establishment of an industry in the United States is materially retarded is not an issue in these investigations.

<sup>4</sup> Commissioner Kearns did not participate in these investigations.

in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register on October 11, 2018 (83 FR 51501).



## VIEWS OF THE COMMISSION

Based on the record in the final phase of these investigations, we determine that an industry in the United States is not materially injured or threatened with material injury by reason of imports of polytetrafluoroethylene resin (“PTFE”) from China and India found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).<sup>1</sup>

### I. Background

The petitions in these investigations were filed on April 10, 2017, by The Chemours Company, a domestic producer of PTFE.<sup>2</sup>

Although the petitions for the antidumping and countervailing duty investigations of PTFE from China and India were filed on the same day, September 28, 2017, the investigation schedules became staggered when Commerce did not align its final countervailing duty determination concerning PTFE from India with its final determinations in the antidumping duty investigations, thereby necessitating an earlier final determination in the countervailing duty investigation involving PTFE from India.<sup>3</sup> The Commission made a negative determination on the basis of cumulated imports from China and India in its countervailing duty investigation of PTFE from India.<sup>4</sup>

Pursuant to the statutory provision on staggered investigations, the record for the investigations on all subject countries closed on June 15, 2018, at the same time as for the countervailing duty investigation on subject imports from India, except that the final Commerce antidumping duty determinations on subject imports from China and India and the parties’ final comments concerning those determinations have been added to the record.<sup>5</sup>

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<sup>1</sup> Commissioner Kearns is not participating in these investigations.

<sup>2</sup> For a general discussion of the background of these investigations, see *Polytetrafluoroethylene (“PTFE”) Resin from India*, Inv. No. 701-TA-588 (Final), USITC Pub. 4801 at 3-4 (July 2018) (“Final CVD Determination”). In that discussion, the Commission inadvertently omitted respondent party Jiangsu Meilan Chemical Co. Ltd. and inadvertently included Shandong Huafu Fluro-Chemical Co. Ltd. in its list of respondents. See *Notice of Incorrect Party Designation in Views of the Commission*, EDIS Doc. 650283 (July 13, 2018).

<sup>3</sup> See *Polytetrafluoroethylene Resin From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 83 Fed. Reg. 20035, 20037 (May 7, 2018); *Polytetrafluoroethylene Resin From the People’s Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 83 Fed. Reg. 20039, 20041 (May 7, 2018).

<sup>4</sup> *Final CVD Determination*, USITC Pub. 4801 at 1, 19-21.

<sup>5</sup> See 19 U.S.C. § 1677(7)(g)(iii).

## II. No Material Injury or Threat of Material Injury by Reason of Subject Imports

Section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), provides that the Commission must make its material injury determinations in these investigations on the basis of the same record as that in the countervailing duty investigation regarding imports from India.<sup>6</sup> Therefore, in these investigations, we adopt the findings and analyses in our determination and views regarding subsidized subject imports from India with respect to the issues of domestic like product, domestic industry, cumulation, conditions of competition, material injury by reason of cumulated subject imports, and threat of material injury by reason of cumulated subject imports.<sup>7</sup>

Accordingly, we determine that the domestic industry producing PTFE is not materially injured or threatened with material injury by reason of subject imports from China and India that Commerce determined were sold in the U.S. market at LTFV.<sup>8 9</sup>

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<sup>6</sup> 19 U.S.C. § 1677(7)(G)(iii).

<sup>7</sup> See *Final CVD Determination*, USITC Pub. 4801.

<sup>8</sup> Pursuant to Section 771(24) of the Tariff Act, imports from a subject country of merchandise corresponding to a domestic like product that account for less than 3 percent of all such merchandise imported into the United States during the most recent 12 months for which data are available preceding the filing of the petition shall generally be deemed negligible. 19 U.S.C. § 1677(24)(A)(i).

During the 12-month period prior to the filing of the petitions (September 2016 through August 2017), subject imports from China accounted for \*\*\* percent of the quantity of total imports and subject imports from India accounted for \*\*\* percent, which are above the applicable 3 percent individual subject country statutory negligibility threshold. Confidential Report (“CR”), INV-QQ-065 (June 11, 2018) at Table IV-3, Public Report (“PR”) at Table IV-3. Accordingly, we find that subject imports from China and India are not negligible.

<sup>9</sup> The statute additionally instructs the Commission to consider the “magnitude of the dumping margin” in an antidumping proceeding as part of its consideration of the impact of imports. 19 U.S.C. § 1677(7)(C)(iii)(V). In its final determinations, Commerce found dumping margins of 54.41 percent to 218.88 percent for subject imports from China and 22.78 percent for subject imports from India. *Polytetrafluoroethylene Resin from the People’s Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 83 Fed. Reg. 48,590, 48,591 (Sept. 26, 2018); *Polytetrafluoroethylene Resin from India: Final Affirmative Determination of Sales at Less Than Fair Value*, 83 Fed. Reg. 48,594, 48,595 (Sept. 26, 2018).

We take into account for our analysis that Commerce has found that all subject imports are being sold in the United States at LTFV. Our analysis of pricing of the cumulated subject imports, and the lack of significant price effects by those imports, described in sections V.D. and V.E. of our opinion in the countervailing duty investigation on PTFE from India, see *Final CVD Determination*, USITC Pub. 4801 at 28-35, is particularly probative to our assessment of the impact of subject imports on the domestic industry’s condition.

In its final comments in the antidumping duty investigations, petitioner Chemours contends that the dumping margins Commerce has found indicate that subject producers are willing to sell in the U.S. market at below cost and consequently are inconsistent with the logic the Commission used in its causation analysis in the countervailing duty determination. See Petitioner Supplemental Comments at 3-5. Chemours overlooks the Commission findings that, notwithstanding being unfairly traded, cumulated subject imports did not take market share from the domestic industry during the period of (continued...)

### III. Conclusion

For the reasons stated above, we determine that an industry in the United States is neither materially injured nor threatened with material injury by reason of imports of China and India that are sold in the United States at LTFV.

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investigation and were not likely to do so in the imminent future. *See Final CVD Determination*, USITC Pub. 4801 at 28, 32-33, 37-39.



## PART I: INTRODUCTION

### BACKGROUND

These investigations result from petitions filed with the U.S. Department of Commerce (“Commerce”) and the U.S. International Trade Commission (“USITC” or “Commission”) by The Chemours Company FC LLC (“Chemours”), Wilmington, Delaware, on September 28, 2017, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and less-than-fair-value (“LTFV”) imports of polytetrafluoroethylene (“PTFE”) resin<sup>1</sup> from China and India. The following tabulation provides information relating to the background of these investigations.<sup>2</sup>

<b>Effective date</b>	<b>Action</b>
<b>September 28, 2017</b>	Petitions filed with Commerce and the Commission; institution of the Commission's investigations (82 FR 46284, October 4, 2017)
<b>October 18, 2017</b>	Commerce's notices of initiation (82 FR 49587 and 82 FR 49592, October 26, 2017)
<b>November 13, 2017</b>	Commission's preliminary determinations (82 FR 53521, November 16, 2018)
<b>February 28, 2018</b>	Commerce's preliminary countervailing duty determination concerning India (83 FR 9842, March 8, 2018); scheduling of final phase of Commission investigations (83 FR 12815, March 23, 2018)
<b>April 30, 2018</b>	Commerce's preliminary antidumping duty determinations concerning China and India (83 FR 20039 and 83 FR 20035, May 7, 2018)
<b>May 17, 2018</b>	Commission's hearing
<b>May 14, 2018</b>	Commerce's final CVD determination (83 FR 23422, May 21, 2018)
<b>June 22, 2018</b>	Commission's vote on CVD

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<sup>1</sup> See the section entitled “The Subject Merchandise” in *Part I of Polytetrafluoroethylene Resin from China and India, Investigation Nos. 701-TA-588 and 731-TA-1392-1393 (Final)*, USITC Publication 4801, July 2018 for a complete description of the merchandise subject in this proceeding.

<sup>2</sup> Pertinent *Federal Register* notices are referenced in appendix A, and may be found at the Commission's website ([www.usitc.gov](http://www.usitc.gov)).

<b>July 6, 2018</b>	Commission's views on CVD
<b>September 26, 2018</b>	Commerce's final antidumping duty determinations concerning China and India (83 FR 48594 and 83 FR 48590, September 26, 2018)
<b>October 31, 2018</b>	Commission's vote AD
<b>November 13, 2018</b>	Commission's views AD

The information contained in this report is intended to be used in conjunction with data presented in the Commission's report on *Polytetrafluoroethylene Resin from China and India (Final)*, USITC Publication 4801, July 2018, and its corresponding confidential version contained in memorandum No. INV-QQ-065, Investigation Nos. 701-TA-588 and 731-TA-1392-1393 (Final): *China and India*). No new information except for Commerce's final determinations concerning PTFE resin from China and India, and party comments<sup>3</sup> thereon is included in the record for this proceeding.

## NATURE AND EXTENT OF SALES AT LTFV

### Sales at LTFV

On September 26, 2018, Commerce published a notice in the *Federal Register* of its final determination of sales at LTFV with respect to imports from China<sup>4</sup> and India.<sup>5</sup> Tables I-1 and I-2 present Commerce's dumping margins.

**Table I-1**  
**PTFE resin: Commerce's final weighted-average LTFV margins with respect to imports from China**

Exporter	Producer	Final dumping margin (percent)
Daikin Fluorochemicals (China) Co., Ltd.	Daikin Fluorochemicals (China) Co., Ltd.	91.65
Shandong Dongyue Polymer Material Co., Ltd.	Shandong Dongyue Polymer Material Co., Ltd.	54.41
Hangzhou Fine Fluorotech Co., Ltd.	Qingdao Orientalfion New Materials Co., Ltd.	77.13
Hangzhou Fine Fluorotech Co., Ltd.	Zhejiang Juhua Co., Ltd. Fluor-Polymeric Plant	77.13
Shanghai Huayi 3f New Materials Sales Co., Ltd.	Shanghai 3f New Materials Co., Ltd.	77.13
China-Wide Entity		218.88

Source: 83 FR 48590, September 26, 2018.

<sup>3</sup> Party comments were filed on behalf of Chemours, AGC Chemicals, and PTFE Processors Alliance.

<sup>4</sup> *Polytetrafluoroethylene Resin From China: Final Affirmative Determination of Sales at Less Than Fair Value*, 83 FR 48590, September 26, 2018.

<sup>5</sup> *Polytetrafluoroethylene Resin From India: Final Affirmative Determination of Sales at Less Than Fair Value*, 83 FR 48594, September 26, 2018.

**Table I-2**

**PTFE resin: Commerce's final weighted-average LTFV margins with respect to imports from India**

<b>Exporter/Producer</b>	<b>Estimated-weighted average dumping margin (percent)</b>
Gujarat Fluorochemicals Limited	22.78
All others	22.78

Source: 83 FR 48594, September 26, 2018.





**APPENDIX A**

***FEDERAL REGISTER* NOTICES**



The Commission makes available notices relevant to its investigations and reviews on its website, [www.usitc.gov](http://www.usitc.gov). In addition, the following tabulation presents, in chronological order, *Federal Register* notices issued by the Commission and Commerce during the current proceeding.

Citation	Title	Link
82 FR 46284 October 4, 2017	<i>Polytetrafluoroethylene (PTFE) Resin From China and Indi; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-10-04/pdf/2017-21342.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-10-04/pdf/2017-21342.pdf</a>
82 FR 49587 October 26, 2017	<i>Polytetrafluoroethylene Resin From India and the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigations</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-10-26/pdf/2017-23307.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-10-26/pdf/2017-23307.pdf</a>
82 FR 49592 October 26, 2017	<i>Polytetrafluoroethylene Resin From India: Initiation of Countervailing Duty Investigation</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-10-26/pdf/2017-23308.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-10-26/pdf/2017-23308.pdf</a>
82 FR 57727 December 7, 2017	<i>Polytetrafluoroethylene Resin From India: Postponement of Preliminary Determinations in the Countervailing Duty Investigation</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2017-12-07/pdf/2017-26382.pdf">https://www.gpo.gov/fdsys/pkg/FR-2017-12-07/pdf/2017-26382.pdf</a>
83 FR 8423 February 27, 2018	<i>Polytetrafluoroethylene Resin From India and the People’s Republic of China: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-02-27/pdf/2018-03921.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-02-27/pdf/2018-03921.pdf</a>
83 FR 12815 March 8, 2018	<i>Polytetrafluoroethylene (PTFE) Resin From China and India, Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-03-23/pdf/2018-05965.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-03-23/pdf/2018-05965.pdf</a>
83 FR 9842 March 8, 2018	<i>Polytetrafluoroethylene Resin From India: Preliminary Affirmative Countervailing Duty Determination</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-03-08/pdf/2018-04658.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-03-08/pdf/2018-04658.pdf</a>
83 FR 20039 May 7, 2018	<i>Polytetrafluoroethylene Resin from the People’s Republic of China: Preliminary Affirmative Determination of Sales of Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-05-07/pdf/2018-09632.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-05-07/pdf/2018-09632.pdf</a>
83 FR 20035 May 7, 2018	<i>Polytetrafluoroethylene Resin from India: Preliminary Affirmative Determination of Sales of Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-05-07/pdf/2018-09633.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-05-07/pdf/2018-09633.pdf</a>
83 FR 23422 May 21, 2018	<i>Polytetrafluoroethylene Resin From India: Final Affirmative Countervailing Duty Determination</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-05-21/pdf/2018-10780.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-05-21/pdf/2018-10780.pdf</a>

83 FR 48590 September 26, 2018	<i>Polytetrafluoroethylene Resin From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-09-26/pdf/2018-20846.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-09-26/pdf/2018-20846.pdf</a>
83 FR 48594 September 26, 2018	<i>Polytetrafluoroethylene Resin From India: Final Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.gpo.gov/fdsys/pkg/FR-2018-09-26/pdf/2018-20847.pdf">https://www.gpo.gov/fdsys/pkg/FR-2018-09-26/pdf/2018-20847.pdf</a>

**APPENDIX C**  
**SUMMARY DATA**

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**Table C-1**  
**PTFE: Summary data concerning the U.S. market, 2015-17**

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**Table C-2**  
**PTFE: Summary data concerning the U.S. market including data on U.S. fillers/processors operations, 2015-17**

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Table C-2--Continued

PTFE: Summary data concerning the U.S. market including data on U.S. fillers/processors operations, 2015-17

(Quantity=1,000 pounds dry weight; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per pound dry weight; Period changes=percent--exceptions noted)

	Reported data			Period changes		
	Calendar year			Calendar year		
	2015	2016	2017	2015-17	2015-16	2016-17
Consolidated U.S. producers' and fillers' / processors':						
Export shipments:						
Quantity.....	***	***	***	***	***	***
Value.....	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***
Ending inventory quantity.....	***	***	***	***	***	***
Inventories/total shipments (fn1).....	***	***	***	***	***	***
Channels of distribution:						
Share US shipments sold to distributors.....	***	***	***	***	***	***
Share US shipments sold to fillers / processors.....	***	***	***	***	***	***
Share US shipments sold to other end users.....	***	***	***	***	***	***
Production workers.....	***	***	***	***	***	***
Hours worked (1,000s).....	***	***	***	***	***	***
Wages paid (\$1,000).....	***	***	***	***	***	***
Hourly wages (dollars per hour).....	***	***	***	***	***	***
Net sales:						
Quantity.....	29,694	28,963	33,499	12.8	(2.5)	15.7
Value.....	238,249	212,974	249,488	4.7	(10.6)	17.1
Unit value.....	\$8.02	\$7.35	\$7.45	(7.2)	(8.4)	1.3
Cost of goods sold (COGS).....	201,289	188,373	201,345	0.0	(6.4)	6.9
Gross profit or (loss).....	36,960	24,601	48,143	30.3	(33.4)	95.7
SG&A expenses.....	37,323	33,825	40,302	8.0	(9.4)	19.1
Operating income or (loss).....	(363)	(9,224)	7,841	fn2	2,441.0	fn2
Net income or (loss).....	(3,233)	(13,381)	3,131	fn2	313.9	fn2
Capital expenditures.....	6,840	8,642	7,184	5.0	26.3	(16.9)
Unit COGS.....	\$6.78	\$6.50	\$6.01	(11.3)	(4.1)	(7.6)
Unit SG&A expenses.....	\$1.26	\$1.17	\$1.20	(4.3)	(7.1)	3.0
Unit operating income or (loss).....	\$(0.01)	\$(0.32)	\$0.23	fn2	2,505.2	fn2
Unit net income or (loss).....	\$(0.11)	\$(0.46)	\$0.09	fn2	324.3	fn2
COGS/sales (fn1).....	84.5	88.4	80.7	(3.8)	4.0	(7.7)
Operating income or (loss)/sales (fn1).....	(0.2)	(4.3)	3.1	3.3	(4.2)	7.5
Net income or (loss)/sales (fn1).....	(1.4)	(6.3)	1.3	2.6	(4.9)	7.5

Notes:

Note.--Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent.

fn1.--Reported data are in percent and period changes are in percentage points.

fn2.--Undefined.

fn3.--The quantity for U.S. producers' U.S. shipments reflects the quantity of PTFE chemically manufactured in the United States; The value for U.S. producers' U.S. shipments reflects the value of PTFE chemically manufactured in the United States plus the additional value added to imported PTFE by U.S. fillers / processors. The average unit values presented for U.S. producers' U.S. shipments excludes the value added to imported PTFE. In measuring consumption and market share this methodology avoids reclassifying and/or double counting merchandise already reported once as an import.

Source: Compiled from official U.S. import statistics using HTS statistical reporting numbers 3904.61.0010 and 3904.61.0090 and data submitted in response to Commission questionnaires.



**Table C-3**  
**Granular PTFE: Summary data concerning the U.S. market, 2015-17**

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**Table C-4**  
**Fine powder PTFE: Summary data concerning the U.S. market, 2015-17**

\* \* \* \* \*

**Table C-5**  
**Dispersion PTFE: Summary data concerning the U.S. market, 2015-17**

\* \* \* \* \*

**Table C-6**  
**PTFE: Summary data concerning the U.S. market including data on U.S. fillers/processors operations but excluding \*\*\*, 2015-17**

\* \* \* \* \*