

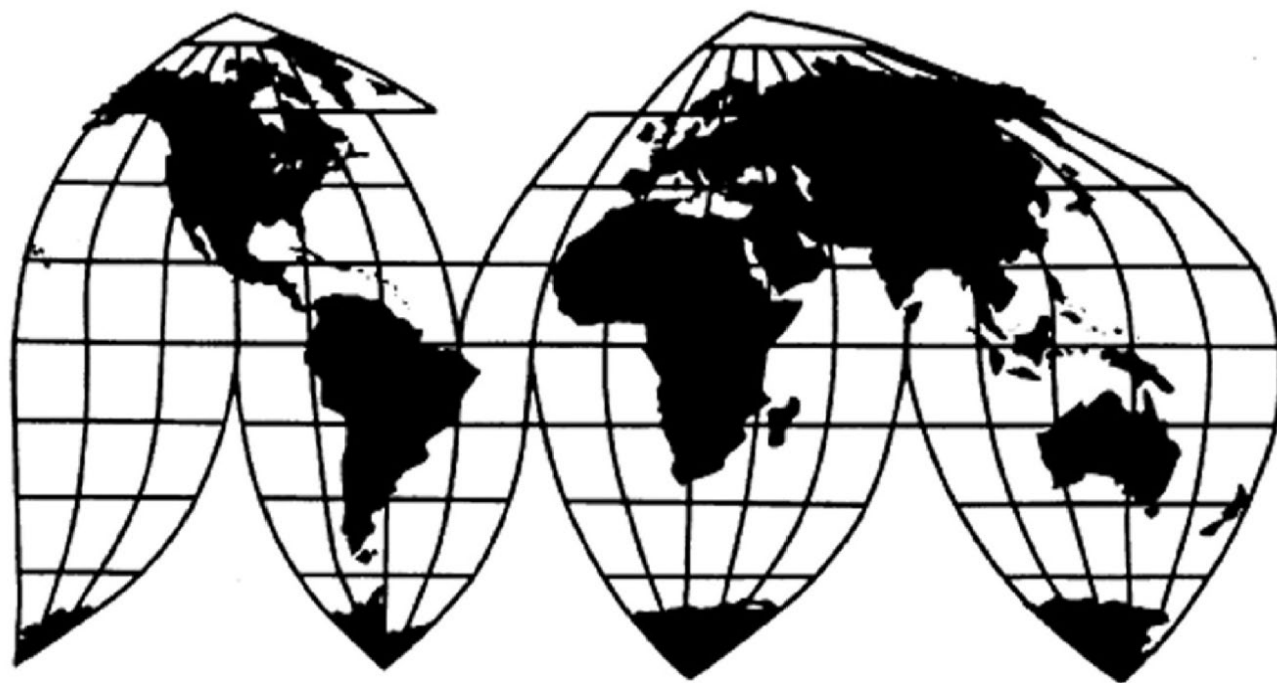
Sodium Nitrite from China and Germany

Investigation Nos. 701-TA-453 and 731-TA-1136–1137 (Third Review)

Publication 5582

January 2025

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701-TA-453 and 731-TA-1136-1137 (Third Review)

Sodium Nitrite from China and Germany

DETERMINATIONS

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping and countervailing duty orders on sodium nitrite from China and the antidumping duty order on sodium nitrite from Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

BACKGROUND

The Commission instituted these reviews on July 1, 2024 (89 FR 54536) and determined on October 4, 2024 that it would conduct expedited reviews (89 FR 85986, October 29, 2024).

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

² Commissioner Rhonda K. Schmidlein not participating.

Views of the Commission

Based on the record in these five-year reviews, we determine under section 751(c) of the Tariff Act of 1930, as amended (“the Tariff Act”), that revocation of the countervailing duty order on sodium nitrite from China and the antidumping duty orders on sodium nitrite from China and Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. Background

The Prior Proceedings. On November 8, 2007, General Chemical LLC (“General Chemical”), a domestic producer of sodium nitrite, filed petitions concerning imports of sodium nitrite from China and Germany.¹ In August 2008, the Commission determined that an industry in the United States was materially injured by reason of subsidized imports of sodium nitrite from China and dumped imports of sodium nitrite from China and Germany.² Commerce issued antidumping duty and countervailing duty orders on imports of sodium nitrite from China and an antidumping duty order on imports of sodium nitrite from Germany on August 27, 2008.³

The Commission instituted its first five-year reviews in July 2013. After conducting expedited reviews, the Commission reached affirmative determinations in January 2014.⁴ Commerce issued a continuation of the antidumping duty orders on February 12, 2014, and of the countervailing duty order on September 5, 2014.⁵

The Commission instituted its second five-year reviews in January 2019. After conducting expedited reviews, the Commission reached affirmative determinations in July

¹ *Sodium Nitrite from China and Germany*, Inv. Nos. 701-TA-453 and 731-TA-1136-1137 (Final), USITC Pub. 4029 at 3 (Aug. 2008) (“Original Determinations”).

² Original Determinations, USITC Pub. 4029 at 35.

³ *Sodium Nitrite From Germany and the People’s Republic of China: Countervailing Duty Order*, 73 Fed. Reg. 50595 (Aug. 27, 2008); *Sodium Nitrite From the Federal Republic of Germany and the People’s Republic of China: Antidumping Duty Orders*, 73 Fed. Reg. 50593 (Aug. 27, 2008).

⁴ *Sodium Nitrite from China and Germany*, Inv. Nos. 701-TA-453 and 731-TA-1136-1137 (Review), USITC Pub. 4451 (Jan. 2014) (“First Reviews”).

⁵ *Sodium Nitrite From Germany and the People’s Republic of China: Continuation of Antidumping Duty Orders*, 79 Fed. Reg. 8438 (Feb. 12, 2014); *Sodium Nitrite From the People’s Republic of China: Continuation of Countervailing Duty Order*, 79 Fed. Reg. 53016 (Sep. 5, 2014).

2019.⁶ Commerce issued a continuation of the antidumping duty orders and countervailing duty order on August 12, 2019.⁷

The Current Reviews. On July 1, 2024, Commission instituted these third five-year reviews of the countervailing duty order on sodium nitrite from China and the antidumping duty orders on sodium nitrite from China and Germany.⁸ On July 31, 2024, domestic interested party Chemtrade Chemicals US LLC (“Chemtrade”), a domestic producer of sodium nitrite, filed a response to the notice of institution.⁹ No respondent interested party responded to the notice of institution or otherwise participated in these reviews. On October 4, 2024, the Commission determined that the domestic interested party group response to its notice of institution was adequate, and that the respondent interested party group response was inadequate.¹⁰ Finding no other circumstances that would warrant conducting full reviews, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act.¹¹ Chemtrade filed comments pursuant to 19 C.F.R. § 207.61(d) arguing that the Commission should reach affirmative determinations in these expedited reviews.¹²

U.S. industry data in these reviews are based on information supplied by Chemtrade in its response to the notice of institution. Chemtrade is estimated to have accounted for *** percent of domestic production of sodium nitrite in 2023.¹³ U.S. import data and related information are based on Commerce’s official import statistics.¹⁴ Foreign industry data are based on information from the original investigations and prior reviews, information submitted by the domestic interested party in these expedited reviews, and publicly available information

⁶ *Sodium Nitrite from China and Germany*, Inv. Nos. 701-TA-453 and 731-TA-1136-1137 (Second Review), USITC Pub. 4936 (July 2019) (“Second Reviews”).

⁷ *Sodium Nitrite From Germany and the People’s Republic of China: Continuation of Antidumping and Countervailing Duty Orders*, 84 Fed. Reg. 39804 (Aug. 12, 2019).

⁸ *Sodium Nitrite From China and Germany; Institution of Five-Year Reviews*, 89 Fed. Reg. 54536 (July 1, 2024).

⁹ *Sodium Nitrite from China and Germany: Response to the Commission’s Notice of Institution*, EDIS Doc. No. 827929 (July 31, 2024) (“Domestic Interested Party’s Response”). Chemtrade is the successor firm to General Chemical. *Second Reviews*, USITC Pub. 4936 at 3 n.7.

¹⁰ *Explanation of Commission Determination on Adequacy*, EDIS Doc. No. 840819 (Jan. 10, 2025).

¹¹ *Explanation of Commission Determination on Adequacy*. Commissioner David S. Johanson voted to conduct full reviews of the orders. *Id.*

¹² *Domestic Interested Party’s Final Comments*, EDIS Doc. No. 840672 (Jan. 8, 2025).

¹³ *Domestic Interested Party’s Response* at 2.

¹⁴ Confidential Report, Memorandum INV-WW-115 (Sept. 23, 2024) (“CR”), Public Report, *Sodium Nitrite from China and Germany*, Inv. Nos. 701-TA-453 and 731-TA-1136-1137 (Third Review), USITC Pub. 5582 (Jan. 2025) (“PR”) at Tables I-6, I-7. Import data are compiled from official Commerce statistics for HTS statistical reporting number 2834.10.1000, which contains both in-scope and out-of-scope merchandise. *Id.*

compiled by the Commission.¹⁵ Additionally, one firm, ***, identified by Chemtrade as a top U.S. purchaser of sodium nitrite, responded to the Commission's adequacy phase questionnaire.¹⁶

II. Domestic Like Product and Industry

A. Domestic Like Product

In making its determination under section 751(c) of the Tariff Act, the Commission defines the "domestic like product" and the "industry."¹⁷ The Tariff Act defines "domestic like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle."¹⁸ The Commission's practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.¹⁹

Commerce has defined the imported merchandise within the scope of the orders under review as follows:

The merchandise subject to these orders is sodium nitrite in any form, at any purity level. In addition, the sodium nitrite covered by these orders may or may not contain an anti-caking agent. Examples of names commonly used to reference sodium nitrite are nitrous acid, sodium salt, anti-rust, diazotizing salts, erinitrit, and filmerine. The chemical composition of sodium nitrite is NaNO_2 and it is generally classified under subheading 2834.10.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). The American Chemical Society Chemical Abstract

¹⁵ CR/PR at I-16 n. 50-52, I-18 n. 53-55.

¹⁶ CR/PR at D-3.

¹⁷ 19 U.S.C. § 1677(4)(A).

¹⁸ 19 U.S.C. § 1677(10); *see, e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Dep't of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int'l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int'l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int'l Trade 1990), *aff'd*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

¹⁹ *See, e.g., Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

Service (CAS) has assigned the name “sodium nitrite” to sodium nitrite. The CAS registry number is 7632-00-0.²⁰

Sodium nitrite is an industrial chemical produced in both dry (flake, granular, or prilled) and liquid (solution) forms.²¹ Dry sodium nitrite is sold in bags, drums, and super sacks, and the liquid form is sold in tank trucks and rail cars.²² Sodium nitrite’s uses include the production of chemicals and organic dyes, as a corrosion inhibitor, in metal treatment, to improve the quality of manufactured rubber products, as a heat transfer salt, and as a food preservative.²³

In the original investigations and prior reviews, the Commission defined the domestic like product to be coextensive with Commerce’s scope.²⁴ In the current reviews, the record does not contain any new information suggesting that the pertinent product characteristics and uses of sodium nitrite have changed since the prior proceedings so as to warrant the Commission’s reconsideration of that definition. Chemtrade argues that the Commission should adopt the domestic like product definition from the prior proceedings.²⁵ Accordingly, we again define the domestic like product as consisting of all sodium nitrite, coextensive with the scope.

B. Domestic Industry

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of

²⁰ CR/PR at I-5; *Sodium Nitrite From the People’s Republic of China: Final Results of Expedited Third Sunset Reviews of the Countervailing Duty Order*, 89 Fed. Reg. 88967 (Nov. 12, 2024) and accompanying Issues and Decision Memorandum at 2, Case No. C-570-926, EDIS Doc. No. 840935 (Nov. 5, 2024); *Sodium Nitrite From Federal Republic of Germany and People’s Republic of China: Final Results of Expedited Third Sunset Reviews of Antidumping Duty Orders*, 89 Fed. Reg. 89597 (Nov. 13, 2024) and accompanying Issues and Decision Memorandum at 2, Case Nos. A-428-841 and A-570-925, EDIS Doc. No. 840935 (Nov. 5, 2024).

²¹ CR/PR at I-6. Prill is a granular product that is similar in form to tapioca (i.e., small spherical pieces that do not clump together or harden). *Id.*

²² CR/PR at I-6.

²³ CR/PR at I-7.

²⁴ Original Determinations, USITC Pub. 4029 at 7-8 (the definition of the domestic like product was not disputed in the original investigations); First Reviews, USITC Pub. 4451 at 4-5; Second Reviews, USITC Pub. 4936 at 5.

²⁵ Domestic Interested Party’s Response at 29.

the product.”²⁶ In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In each of the prior proceedings, the Commission defined the domestic industry to include all domestic producers of sodium nitrite. There were no related party or other domestic industry issues in any of the prior proceedings.²⁷

In these reviews, Chemtrade agrees with the Commission’s definition of the domestic industry from the prior proceedings.²⁸ There are no related parties or other domestic industry issues in these reviews.²⁹ Accordingly, consistent with our definition of the domestic like product, we again define the domestic industry as all U.S. producers of sodium nitrite.

III. Cumulation

A. Legal Standard

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows:

the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.³⁰

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.³¹ The Commission may exercise its

²⁶ 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

²⁷ Original Determinations, USITC Pub. 4029 at 8-9; First Reviews, USITC Pub. 4451 at 6-7; Second Reviews, USITC Pub. 4936 at 6.

²⁸ Domestic Interested Party’s Response at 29.

²⁹ Domestic Interested Party’s Response at Exhibit 1.

³⁰ 19 U.S.C. § 1675a(a)(7).

³¹ 19 U.S.C. § 1677(7)(G)(i); see also, e.g., *Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int’l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate

discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

B. The Prior Proceedings and Party Arguments

The Original Investigations. The Commission found that there was a reasonable overlap of competition both among the subject imports from China and Germany, and between imports from each subject country and the domestic like product. The parties did not dispute the appropriateness of cumulation. Accordingly, the Commission cumulated subject imports from China and Germany for purposes of its material injury analysis.³²

The Prior Reviews. In the first and second reviews, the Commission found that imports from each subject country would not likely have no discernible adverse impact upon revocation of the orders.³³ The Commission also found that there would likely be a reasonable overlap of competition between the subject imports from China and Germany, and between the subject imports from each country and the domestic like product.³⁴ Further, it found that imports from China and Germany were likely to compete in the U.S. market under similar conditions of competition upon revocation of the orders.³⁵ Thus, in both of the prior reviews, the Commission exercised its discretion to cumulate the subject imports from China and Germany.³⁶

The Current Reviews. Chemtrade argues that the Commission should again cumulate imports from China and Germany.³⁷ It contends that the industries in China and Germany continue to ship sodium nitrite to the U.S. market and there is no indication of any change in the manner or conditions in which they compete with one another or the domestic industry.³⁸ It argues that if the orders were revoked, the subject imports would rapidly return through the same channels into the national market in discernible volumes and that U.S. producers would

subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

³² Original Determinations, USITC Pub. 4029 at 14.

³³ First Reviews, USITC Pub. 4451 at 7-9; Second Reviews, USITC Pub. 4936 at 7-9.

³⁴ First Reviews, USITC Pub. 4451 at 9-10; Second Reviews, USITC Pub. 4936 at 10-12.

³⁵ First Reviews, USITC Pub. 4451 at 10-11; Second Reviews, USITC Pub. 4936 at 12.

³⁶ First Reviews, USITC Pub. 4451 at 11; Second Reviews, USITC Pub. 4936 at 12.

³⁷ Domestic Interested Party Response at 10.

³⁸ Domestic Interested Party Response at 9.

compete with subject imports for sales to distributors and end users.³⁹ It claims that sodium nitrite is a fungible chemical commodity and that subject imports would compete with each other and the domestic like product in overlapping geographic markets, based on where subject imports entered the United States.⁴⁰

C. Analysis

The statutory threshold for cumulation is satisfied in these five-year reviews because all reviews were initiated on the same day, July 1, 2024.⁴¹

In addition, we consider the following issues in deciding whether to exercise our discretion to cumulate the subject imports: (1) whether imports from any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product; and (3) whether subject imports are likely to compete in the U.S. market under different conditions of competition.

1. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.⁴² Neither the statute nor the Uruguay Round Agreements Act (“URAA”) Statement of Administrative Action (“SAA”) provides specific guidance on what factors the Commission is to consider in determining that imports “are likely to have no discernible adverse impact” on the domestic industry.⁴³ With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

³⁹ Domestic Interested Party Response at 9.

⁴⁰ Domestic Interested Party Response at 9-10.

⁴¹ *Sodium Nitrite From China and Germany; Institution of Five-Year Reviews*, 89 Fed. Reg. 54536 (July 1, 2024); *Initiation of Five-Year (Sunset) Reviews*, 89 Fed. Reg. 54435 (July 1, 2024).

⁴² 19 U.S.C. § 1675a(a)(7).

⁴³ SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

Based on the record in these five-year reviews, we do not find that imports from China or Germany, considered individually, would likely have no discernible adverse impact on the domestic industry in the event of revocation of the relevant antidumping and countervailing duty orders.

China. In the original investigations, the quantity of subject imports from China totaled 519,000 pounds in 2005, 1.0 million pounds in 2006, and 1.6 million pounds in 2007.⁴⁴ The share of apparent U.S. consumption, by quantity, of subject imports from China was *** percent in 2005, *** percent in 2006, and *** percent in 2007.⁴⁵

In the first five-year reviews, there were 176,000 pounds of subject imports from China in 2012. General Chemical asserted that Chinese production capacity to produce sodium nitrite was massive compared to global demand, and that more than *** Chinese manufacturers claimed to be producing sodium nitrite.⁴⁶

In the second five-year reviews, subject import volume from China was 209,000 pounds in 2015 and 122,000 pounds in 2016.⁴⁷ There were no subject imports from China in 2013, 2014, 2017, or 2018.⁴⁸ Chemtrade asserted that there were over 40 Chinese producers of sodium nitrite with production capacity of up to *** metric tons (***) annually.⁴⁹ The Commission also observed that Global Trade Atlas (“GTA”) data indicated that in 2017, China was the world’s second largest exporter of nitrites, a category that included both subject merchandise and out-of-scope products, and its largest export markets for nitrites that year were India, South Korea, the United States, and Japan.⁵⁰

In these reviews, subject import volume from China was 362,000 pounds in 2023, equivalent to *** percent of apparent U.S. consumption that year.⁵¹ No subject imports from China entered the U.S. market from 2019 to 2022.⁵²

The record of these five-year reviews contains limited information concerning the sodium nitrite industry in China because no producer in China responded to the notice of

⁴⁴ Original Determinations, USITC Pub. 4029 at Table IV-2.

⁴⁵ Original Determinations, USITC Pub. 4029 at Table C-1; Original Investigations Confidential Report INV-FF-086, EDIS Doc. 306145 (July 28, 2008) at Table C-1.

⁴⁶ First Reviews, USITC Pub. 4451 at 8; Confidential Views of the Commission (Review), EDIS Doc. No. 526939 (Jan. 31, 2014) (“Confidential First Reviews”).

⁴⁷ Second Reviews, USITC Pub. 4936 at 8.

⁴⁸ Second Reviews, USITC Pub. 4936 at 8.

⁴⁹ Confidential Views of the Commission (Second Review), EDIS Doc. No. 683742 (July 31, 2019) (“Confidential Second Reviews”).

⁵⁰ Second Reviews, USITC Pub. 4936 at 8-9.

⁵¹ CR/PR at Table I-7.

⁵² CR/PR at Table I-6.

institution.⁵³ Chemtrade provided a list of 33 possible producers of sodium nitrite in China and submitted information from company websites indicating that three Chinese companies alone currently have the capacity to produce 320,000 tons of sodium nitrite annually.⁵⁴ GTA data show that in 2023, China was the second largest exporter of nitrites under HS subheading 2834.10, a category that includes both subject merchandise and out-of-scope products.⁵⁵

In the original investigations, subject imports from China undersold the domestic like product in 12 out of 13 instances, at margins ranging from *** to *** percent.⁵⁶ No product-specific pricing data concerning sodium nitrite from China were obtained in the first and second expedited reviews, or in these third expedited reviews.

In light of the foregoing, including the significant and increasing volume of subject imports from China in the original investigations, the continued presence of subject imports from China in the U.S. market during the period of review (“POR”), the large size and exports of the subject industry in China, and the underselling by subject imports from China during the original investigations, we find that subject imports from China would not likely have no discernible adverse impact on the domestic industry if the antidumping and countervailing duty orders covering these imports were revoked.

Germany. In the original investigations, the volume of subject imports from Germany totaled 7.7 million pounds in 2005, 10.2 million pounds in 2006, and 11.7 million pounds in 2007.⁵⁷ The share of apparent U.S. consumption held by subject imports from Germany, by quantity, rose from *** percent in 2005 to *** percent in 2006 and *** percent in 2007.⁵⁸ The capacity of the sole subject German producer, BASF AG (“BASF”), was *** pounds in each year of the period of investigation (“POI”). Its production was *** pounds in 2005, *** pounds in 2006, and *** pounds in 2007.⁵⁹ BASF exported *** percent of its total shipments in 2005, *** percent in 2006, and *** percent in 2007.⁶⁰

⁵³ CR/PR at I-16.

⁵⁴ CR/PR at I-16; Domestic Interested Party’s Response at 19, Exh. 8.

⁵⁵ CR/PR at Table I-10.

⁵⁶ Original Determinations, USITC Pub. 4029 at V-8, Table V-4; Original Investigations Confidential Report INV-FF-086, EDIS Doc. 306145 (July 28, 2008) at V-15, Table V-4.

⁵⁷ Original Determinations, USITC Pub. 4029 at Table IV-2.

⁵⁸ Original Determinations, USITC Pub. 4029 at Table C-1; Original Investigations Confidential Report INV-FF-086, EDIS Doc. 306145 (July 28, 2008) at Table C-1.

⁵⁹ Original Investigations Confidential Report INV-FF-086, EDIS Doc. 306145 (July 28, 2008) at Table VII-2.

⁶⁰ Original Investigations Confidential Report INV-FF-086, EDIS Doc. 306145 (July 28, 2008) at Table VII-2.

In the first five-year reviews, there were 7,000 pounds of subject imports from Germany in 2012.⁶¹ In General Chemical's response to the 2013 notice of institution, it stated that BASF was the largest producer of sodium nitrite outside of China and had a capacity of *** pounds.⁶²

In the second five-year reviews, subject imports from Germany entered the U.S. market intermittently, ranging in volumes between zero in 2017 and 2018 and 21,000 pounds in 2014.⁶³ Chemtrade claimed that BASF remained the largest producer of sodium nitrite outside of China and had a production capacity that was more than *** that of Chemtrade and that exceeded the demand for nitrites in the European Union ("EU").⁶⁴ According to GTA data, the Commission found, Germany was the world's largest exporter of nitrites, a category that included both subject and non-subject merchandise, in 2017.⁶⁵

In these reviews, subject import volume from Germany was 5,000 pounds in 2019, zero in 2020 and 2021, 3,000 pounds in 2022, and 39,000 pounds in 2023, equivalent to *** percent of apparent U.S. consumption that year.⁶⁶

The record of these five-year reviews contains limited information concerning the sodium nitrite industry in Germany because no producer in Germany responded to the notice of institution.⁶⁷ Chemtrade provided a list of 10 possible producers of sodium nitrite in Germany.⁶⁸ GTA data show that in 2023, Germany was the largest exporter of nitrites under HS subheading 2834.10, a category that includes both the subject merchandise and out-of-scope merchandise.⁶⁹

In the original investigations, subject imports from Germany undersold the domestic like product in 17 of 21 instances, with margins of underselling ranging from *** to *** percent.⁷⁰ No product-specific pricing data concerning sodium nitrite from Germany were obtained in the first or second expedited reviews, or in these third expedited reviews.

In light of the foregoing, including the significant and increasing volume of subject imports from Germany in the original investigations, the continued presence of subject imports from Germany in the U.S. market during the POR, the large size and exports of the subject

⁶¹ First Reviews, USITC Pub. 4451 at 8.

⁶² Confidential First Reviews at 11-12.

⁶³ Second Reviews, USITC Pub. 4936 at 9.

⁶⁴ Confidential Second Reviews at 13.

⁶⁵ Second Reviews, USITC Pub. 4926 at 9.

⁶⁶ CR/PR at Tables I-6, I-7.

⁶⁷ CR/PR at I-18.

⁶⁸ CR/PR at I-18.

⁶⁹ CR/PR at Table I-10.

⁷⁰ Original Determinations, USITC Pub. 4029 at V-8, Table V-4; Original Investigations Confidential Report INV-FF-086, EDIS Doc. 306145 (July 28, 2008) at V-15, Table V-4.

industry in Germany, and the underselling by subject imports from Germany during the original investigations, we find that subject imports from Germany would not likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

2. Likelihood of a Reasonable Overlap of Competition

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like product.⁷¹ Only a “reasonable overlap” of competition is required.⁷² In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.⁷³

Fungibility. In the original investigations, the Commission found that imports from each subject country were generally interchangeable with the domestic like product. It also found that different forms or grades of sodium nitrite were considered to be interchangeable, at least for certain end users or purchasers.⁷⁴ In the expedited first and second reviews, the Commission found that there was no new information to indicate that this degree of substitutability had changed.⁷⁵

In these five-year reviews, there is no new information in the record to indicate that the degree of fungibility between and among subject imports from China and Germany and the

⁷¹ The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are as follows: (1) the degree of fungibility between subject imports from different countries and between subject imports and the domestic like product, including consideration of specific customer requirements and other quality-related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and (4) whether subject imports are simultaneously present in the market with one another and the domestic like product. *See, e.g., Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int’l Trade 1989).

⁷² *See Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int’l Trade 1996); *Wieland Werke*, 718 F. Supp. at 52 (“Completely overlapping markets are not required.”); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (Ct. Int’l Trade 1994), *aff’d*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. *See, e.g., Live Cattle from Canada and Mexico*, Inv. Nos. 701-TA-386 and 731-TA-812-13 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff’d sub nom, Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int’l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-62 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

⁷³ *See generally Cheflene Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int’l Trade 2002).

⁷⁴ Original Determinations, USITC Pub. 4029 at 11-12.

⁷⁵ First Reviews, USITC Pub. 4451 at 9; Second Reviews, USITC Pub. 4936 at 11.

domestic like product has changed. Chemtrade contends that sodium nitrite is a fungible chemical commodity.⁷⁶

Channels of Distribution. In the original investigations, the Commission found that both domestically produced sodium nitrite and subject imports from China and Germany were sold to distributors and end users.⁷⁷ In the expedited first and second reviews, the Commission found that there was no new information to indicate that these channels of distribution had changed.⁷⁸

In these expedited five-year reviews, there is no new information on the record to indicate that the channels of distribution used by the domestic industry and imports from each subject country have changed. Chemtrade contends that subject imports from China and Germany and domestically produced sodium nitrite continue to be sold to distributors and end users.⁷⁹

Geographic Overlap. In the original investigations, General Chemical and German producer BASF reported selling their products ***, and importers of subject merchandise reported that they served six U.S. regions.⁸⁰ In the first five-year reviews, the Commission found that domestically produced sodium nitrite and subject imports from each source were sold to the same major chemical distributors and, thus, that subject imports served the same U.S. geographical markets as the domestic producers.⁸¹ In the second five-year reviews, the Commission found that subject imports from China entered through the western and eastern borders of entry, and that subject imports from Germany entered through the eastern border of entry.⁸² The Commission also found that domestically produced sodium nitrite and subject imports from each source were sold to the *** major chemical distributors and, thus, that subject imports served the same U.S. geographical markets as the domestic producers.⁸³

In these reviews, subject imports from China entered the United States in 2023 through northern, eastern, and western borders of entry. Subject imports from Germany entered the United States during 2019 and the 2022-23 period through northern and eastern borders of

⁷⁶ Domestic Interested Party Response at 9.

⁷⁷ Original Determinations, USITC Pub. 4029 at 13.

⁷⁸ First Reviews, USITC Pub. 4451 at 9; Second Reviews, USITC Pub. 4936 at 11.

⁷⁹ Domestic Interested Party's Response at 9.

⁸⁰ Confidential Views of the Commission (Final) at 13, EDIS Doc. No. 308441 (Aug. 20, 2008) ("Confidential Original Determinations").

⁸¹ First Reviews, USITC Pub. 4451 at 10.

⁸² Second Reviews, USITC Pub. 4936 at 11.

⁸³ Second Reviews, USITC Pub. 4936 at 11.

entry.⁸⁴ Chemtrade contends that domestically produced sodium nitrite was sold nationwide throughout the POR.⁸⁵

Simultaneous Presence in Market. In the original investigations, the Commission found that domestic shipments of sodium nitrite, subject imports from China, and subject imports from Germany were present in the U.S. market throughout the POI.⁸⁶ In the first five-year reviews, the record showed that subject imports from China and Germany were present in the market in each year of the POR.⁸⁷ In the second five-year reviews, the Commission found that even though subject imports from China and Germany entered the U.S. market intermittently during the POR, subject imports from both countries were present in the U.S. market in 2015 and 2016, and the domestic like product was present in the U.S. market throughout the POR.⁸⁸

In these five-year reviews, subject imports from China and Germany entered the U.S. market intermittently, but were both present in the U.S. market in 2023.⁸⁹ Chemtrade contends that domestically produced sodium nitrite was sold in the United States throughout the POR.⁹⁰

Conclusion. The record in these expedited reviews contains limited information concerning subject imports in the U.S. market during the period of review. There is no new information, however, suggesting a change in the considerations that led the Commission in its original determinations and prior five-year reviews to conclude that there would be a likely reasonable overlap of competition between and among imports from China and Germany and the domestic like product if the orders were revoked. In light of this, and in the absence of any contrary argument, we find that there would likely be a reasonable overlap of competition between and among subject imports from China and Germany and the domestic like product if the orders were revoked.

⁸⁴ CR/PR at I-14.

⁸⁵ Domestic Interested Party's Response at 9-10.

⁸⁶ Original Determinations, USITC Pub. 4029 at 13.

⁸⁷ First Reviews, USITC Pub. 4451 at 10.

⁸⁸ Second Reviews, USITC Pub. 4936 at 11-12.

⁸⁹ CR/PR at Table I-6.

⁹⁰ Domestic Interested Party's Response at 9-10.

3. Likely Conditions of Competition

In determining whether to exercise our discretion to cumulate the subject imports, we consider whether subject imports from China and Germany would likely compete under similar or different conditions in the U.S. market after revocation of the orders. In the first and second five-year reviews, the Commission found that the record did not indicate that there would likely be any significant differences in the conditions of competition between subject imports from China and Germany if the orders were revoked.⁹¹

In these third five-year reviews, the record contains limited current information about the sodium nitrite industries in China and Germany and the U.S. market for sodium nitrite. Based on the information available, and in the absence of any argument to the contrary, we find that imports from China and Germany are likely to compete under similar conditions of competition in the event of revocation of the orders.

4. Conclusion

Based on the record, we find that subject imports from China and Germany, considered individually, would not be likely to have no discernible adverse impact on the domestic industry if the orders under review were revoked. We also find that there would likely be a reasonable overlap of competition among subject imports from China and Germany and between the subject imports from each subject country and the domestic like product if the orders were revoked. Finally, we find that imports from each subject country are likely to compete in the U.S. market under similar conditions of competition should the orders be revoked. We therefore exercise our discretion to cumulate subject imports China and Germany for purposes of our analysis in these five-year reviews.

IV. Revocation of the Antidumping and Countervailing Duty Orders Would Likely Lead to Continuation or Recurrence of Material Injury Within a Reasonably Foreseeable Time

A. Legal Standards

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order “would be likely

⁹¹ First Reviews, USITC Pub. 4451 at 11; Second Reviews, USITC Pub. 4936 at 12.

to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”⁹² The SAA states that “under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”⁹³ Thus, the likelihood standard is prospective in nature.⁹⁴ The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.⁹⁵

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”⁹⁶ According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”⁹⁷

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute

⁹² 19 U.S.C. § 1675a(a).

⁹³ SAA at 883-84. The SAA states that “{t}he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” *Id.* at 883.

⁹⁴ While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

⁹⁵ See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), *aff’d mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion;” “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

⁹⁶ 19 U.S.C. § 1675a(a)(5).

⁹⁷ SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”⁹⁸ It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).⁹⁹ The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination.¹⁰⁰

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.¹⁰¹ In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.¹⁰²

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.¹⁰³

⁹⁸ 19 U.S.C. § 1675a(a)(1).

⁹⁹ 19 U.S.C. § 1675a(a)(1). Commerce has made no duty absorption findings concerning sodium nitrite from China and Germany. *See generally* Issues and Decision Memorandum, Case No. C-570-926, EDIS Doc. No. 840935 (Nov. 5, 2024); Issues and Decision Memorandum, Case Nos. A-428-841 and A-570-925, EDIS Doc. No. 840935 (Nov. 5, 2024).

¹⁰⁰ 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

¹⁰¹ 19 U.S.C. § 1675a(a)(2).

¹⁰² 19 U.S.C. § 1675a(a)(2)(A-D).

¹⁰³ *See* 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.¹⁰⁴ All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.¹⁰⁵

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the sodium nitrite industry in China and Germany. There also is limited information on the sodium nitrite market in the United States during the POR. Accordingly, for our determinations, we rely as appropriate on the facts available from the prior proceedings and the limited new information on the record in these third five-year reviews.

B. Conditions of Competition and the Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”¹⁰⁶ The following conditions of competition inform our determinations.

termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

¹⁰⁴ 19 U.S.C. § 1675a(a)(4).

¹⁰⁵ The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

¹⁰⁶ 19 U.S.C. § 1675a(a)(4).

1. Demand Conditions

The Prior Proceedings. In the original investigations, the Commission found that demand for sodium nitrite was driven by the production of downstream products. The demand for sodium nitrite in the U.S. market was lower in 2007 than in 2005, as some end users had moved offshore.¹⁰⁷ Available data indicated that apparent U.S. consumption declined from *** pounds in 2005 to *** pounds in 2007.¹⁰⁸

In the first five-year reviews, the Commission found that demand continued to be driven by the production of downstream products. Apparent U.S. consumption of sodium nitrite declined to *** pounds in 2012, although General Chemical reported that no end users had exited the U.S. market since 2007.¹⁰⁹ The Commission also found that demand continued to be driven by the production of downstream products.¹¹⁰

In the second five-year reviews, the Commission found that demand continued to be driven by the production of downstream products.¹¹¹ It also found that apparent U.S. consumption was *** pounds in 2018, above that of 2012 but below that of 2007 and 2005.¹¹²

The Current Reviews. Chemtrade contends that demand for sodium nitrite continues to be driven by the production of downstream products in the United States.¹¹³ Purchaser *** reported that ***.¹¹⁴ Available data indicate that apparent U.S. consumption was *** pounds in 2023, which was lower than reported apparent U.S. consumption in 2007 and 2018 but higher than that in 2012.¹¹⁵

2. Supply Conditions

Prior Proceedings. In the original investigations, the Commission found there were two domestic producers during the POI, General Chemical and Repauno. In 2006, General Chemical's parent company acquired Repauno and closed its production facility, removing a

¹⁰⁷ Original Determinations, USITC Pub. 4029 at 15-16.

¹⁰⁸ Confidential Original Determinations at 21-22.

¹⁰⁹ First Reviews, USITC Pub. 4451 at 13; Confidential First Reviews at 20-21.

¹¹⁰ First Reviews, USITC Pub. 4451 at 13; Confidential First Reviews at 20-21.

¹¹¹ Second Reviews, USITC Pub. 4936 at 16.

¹¹² Confidential Second Reviews at 24.

¹¹³ Domestic Interested Party's Response at 10.

¹¹⁴ CR/PR at D-3.

¹¹⁵ CR/PR at Table I-7. The data for the domestic industry are only for Chemtrade, which estimates it accounts for *** percent of domestic production. CR/PR at I-9. Thus, apparent consumption may be understated.

significant portion of the domestic industry's capacity.¹¹⁶ The domestic industry was the largest source of sodium nitrite in the U.S. market during the POI, accounting for *** percent of apparent U.S. consumption in 2007.¹¹⁷ Cumulated subject imports were the second largest source of sodium nitrite, accounting for *** percent of apparent U.S. consumption in 2007.¹¹⁸ The Commission found that nonsubject imports were not an important presence in the market, accounting for *** percent or less of apparent U.S. consumption throughout the POI.¹¹⁹

In the first five-year reviews, the Commission found that General Chemical remained the primary producer of sodium nitrite in the United States. A second firm, SABIC Innovative Chemicals US, LLC ("SABIC"), began producing sodium nitrite in the United States after issuance of the orders.¹²⁰ In 2012, domestically produced sodium nitrite accounted for the largest share of apparent U.S. consumption, at *** percent; cumulated subject imports accounted for the smallest, at *** percent; and nonsubject imports accounted for the second largest, at *** percent.¹²¹ The Commission found that the largest supplier of nonsubject imports of sodium nitrite since issuance of the orders had been India.¹²²

In the second five-year reviews, Chemtrade, the responding domestic producer, was the parent entity of Chemtrade Solutions LLC, the successor-in-interest to General Chemical; Chemtrade produced sodium nitrite at the same manufacturing facility previously used by General Chemical.¹²³ Chemtrade was the primary domestic producer of sodium nitrite and accounted for approximately *** percent of U.S. production, while SABIC accounted for approximately *** percent of U.S. production.¹²⁴ In 2018, the domestic industry accounted for *** percent of apparent U.S. consumption, and nonsubject imports for *** percent.¹²⁵ Cumulated subject imports maintained only a small presence in the U.S. market. India was again the largest supplier of nonsubject imports during the POR.¹²⁶ Chemtrade asserted that German producer BASF had acquired two of Chemtrade's end-user customers, and that Univar

¹¹⁶ Original Determinations, USITC Pub. 4029 at 18.

¹¹⁷ Confidential Original Determinations at 25.

¹¹⁸ Confidential Original Determinations at 24.

¹¹⁹ Confidential Original Determinations at 25.

¹²⁰ First Reviews, USITC Pub. 4451 at 14-15.

¹²¹ Confidential First Reviews at 22.

¹²² First Reviews, USITC Pub. 4451 at 15.

¹²³ Second Reviews, USITC Pub. 4936 at 16.

¹²⁴ Second Reviews, USITC Pub. 4936 at 16.

¹²⁵ Confidential Second Reviews at 25.

¹²⁶ Second Reviews, USITC Pub. 4936 at 17.

and Brenntag, distributors of Chinese chemicals in the United States, had expanded their U.S. operations.¹²⁷

The Current Reviews. The domestic industry, consisting of Chemtrade and SABIC, was the largest source of sodium nitrite in the U.S. market in 2023, accounting for *** percent of apparent U.S. consumption.¹²⁸ Chemtrade remained the largest domestic producer.¹²⁹ Responding purchaser *** reported that ***.¹³⁰

Cumulated subject imports were the smallest source of sodium nitrite in the U.S. market in 2023, accounting for *** percent of apparent U.S. consumption.¹³¹

Nonsubject imports were the second largest source of sodium nitrite in the U.S. market in 2023, accounting for *** percent of apparent U.S. consumption.¹³² The largest sources of nonsubject imports during the POR were India, Russia, and Canada.¹³³ Russia and India became subject to U.S. antidumping and countervailing duty orders in 2022 and 2023, respectively.¹³⁴

3. Substitutability and Other Conditions

Prior Proceedings. In the original investigations, the Commission found that there was a relatively high degree of substitution between subject imports from China and Germany and the domestic like product of the same grade or form. Purchasers reported quality and price as the most important factors in their purchasing decisions and also reported that they often purchased the lowest-priced product.¹³⁵

In the first and second reviews, there was no new information on the record to suggest that these conditions had changed since the prior proceeding.¹³⁶ Therefore, in both reviews, the Commission found that sodium nitrite from China and Germany and the domestic like product of the same grade or form were generally substitutable and that price was an important factor in purchasing decisions.¹³⁷

¹²⁷ Second Reviews, USITC Pub. 4936 at 18.

¹²⁸ CR/PR at Table I-7. The data for the domestic industry are only for Chemtrade, which estimates it accounts for *** percent of domestic production. CR/PR at I-9. Thus, the domestic industry's market share may be understated.

¹²⁹ CR/PR at I-9.

¹³⁰ CR/PR at D-3.

¹³¹ CR/PR at Table I-7.

¹³² CR/PR at Table I-7.

¹³³ CR/PR at Table I-6.

¹³⁴ CR/PR at I-20, Table I-2.

¹³⁵ Original Determinations, USITC Pub. 4029 at 11.

¹³⁶ First Reviews, USITC Pub. 4451 at 16; Second Reviews, USITC Pub. 4936 at 17.

¹³⁷ First Reviews, USITC Pub. 4451 at 16; Second Reviews, USITC Pub. 4936 at 17.

The Current Reviews. The record of these reviews contains no new information indicating that the degree of substitutability between the domestic like product and imports of sodium nitrite from each subject country or the importance of price has changed since the prior proceedings. Chemtrade contends that the degree of substitutability and the importance of price have not changed.¹³⁸ Accordingly, we again find that sodium nitrite from China and Germany and the domestic like product of the same grade or form are generally substitutable and that price is an important factor in purchasing decisions.

Effective September 24, 2018, sodium nitrite originating in China became subject to an additional 10 percent *ad valorem* duty under section 301 of the Trade Act of 1974, which was increased to 25 percent *ad valorem* on May 10, 2019.¹³⁹

C. Likely Volume of Subject Imports

The Prior Proceedings. In the original investigations, the Commission found that cumulated subject imports increased during the POI while apparent U.S. consumption decreased. Cumulated subject imports increased from 8.2 million pounds in 2005 to 11.2 million pounds in 2006 and 13.3 million pounds in 2007.¹⁴⁰ The share of apparent U.S. consumption held by cumulated subject imports increased from *** percent in 2005 to *** percent in 2006 and *** percent in 2007.¹⁴¹ The Commission also observed that the overall volume shipped and the market share held by the domestic industry decreased during the period. It found that the increasing volume of cumulated subject imports took market share away from the domestic industry.¹⁴² Nonsubject imports were not an important presence in the market.¹⁴³ The Commission concluded that the increase in cumulated subject imports was significant, both on an absolute basis and relative to consumption.¹⁴⁴

In the first five-year reviews, the Commission found that the orders had a disciplining effect on the volume of subject imports, which decreased significantly following the imposition of the orders in 2008.¹⁴⁵ Cumulated subject imports fell from 13.3 million pounds in 2007 to 5.2 million pounds in 2008 and were at greatly reduced quantities thereafter. In 2012, total

¹³⁸ Domestic Interested Party's Response at 12-13.

¹³⁹ CR/PR at I-5.

¹⁴⁰ Original Determinations, USITC Pub. 4029 at 23.

¹⁴¹ Confidential Original Determinations at 31-34.

¹⁴² Original Determinations, USITC Pub. 4029 at 24-25.

¹⁴³ Original Determinations, USITC Pub. 4029 at 24.

¹⁴⁴ Original Determinations, USITC Pub. 4029 at 24-25.

¹⁴⁵ First Reviews, USITC Pub. 4451 at 16.

cumulated subject imports were 183,000 pounds.¹⁴⁶ The Commission found that the United States remained an attractive export market to the sodium nitrite industries in China and Germany, given that imports of sodium nitrite from each subject country had remained in the U.S. market since imposition of the orders.¹⁴⁷ Moreover, the Commission found that existing barriers to importation of the subject merchandise into countries other than the United States created further incentives for the subject producers to direct exports to the U.S. market should the orders be revoked.¹⁴⁸ In light of these factors, the Commission found that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption in the United States, would be significant if the orders were revoked.¹⁴⁹

In the second reviews, the Commission found that the orders had a disciplining effect on the volume of subject imports. During the POR, cumulated subject imports entered the U.S. market intermittently, in annual volumes ranging from a low of zero pounds in 2017 and 2018, to a high of 213,000 pounds in 2015.¹⁵⁰ The Commission found that the substantial production capacity, export orientation, and varied export markets of the subject industries suggested that they had the ability to export significant volumes of cumulated subject merchandise to the United States after revocation.¹⁵¹ It noted that Chemtrade had argued that the U.S. market remained attractive to subject producers due to the relatively higher prices available there, and that producers in both subject countries maintained access to distribution networks in the United States.¹⁵² The Commission also found that antidumping duty measures imposed by India on imports of sodium nitrite from China and the EU, including Germany, would make the U.S. market relatively more attractive in the event of revocation.¹⁵³ Consequently, it found that, upon revocation, subject producers of sodium nitrite were likely to direct significant volumes of subject imports to the United States in light of their high production capacity, export orientation, and evidence that the U.S. market remained attractive to these producers.¹⁵⁴ Accordingly, the Commission found that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption in the United States, would likely be significant if the orders were revoked.¹⁵⁵

¹⁴⁶ First Reviews, USITC Pub. 4451 at 16.

¹⁴⁷ First Reviews, USITC Pub. 4451 at 17.

¹⁴⁸ First Reviews, USITC Pub. 4451 at 17-18.

¹⁴⁹ First Reviews, USITC Pub. 4451 at 18.

¹⁵⁰ Second Reviews, USITC Pub. 4936 at 19.

¹⁵¹ Second Reviews, USITC Pub. 4936 at 19.

¹⁵² Second Reviews, USITC Pub. 4936 at 19.

¹⁵³ Second Reviews, USITC Pub. 4936 at 19.

¹⁵⁴ Second Reviews, USITC Pub. 4936 at 19-20.

¹⁵⁵ Second Reviews, USITC Pub. 4936 at 20.

The Current Reviews. In these reviews, the record indicates that the orders have had a disciplining effect on the volume of subject imports. During the POR, the volume of cumulated subject imports declined from 5,000 pounds in 2019 to zero pounds in 2020 and 2021, then increased to 3,000 pounds in 2022 and 401,000 pounds in 2023, equivalent to *** percent of apparent U.S. consumption that year.¹⁵⁶

The record in these five-year reviews contains limited information on the subject industries in China and Germany. The information available, however, indicates that subject producers have the means to increase their exports of sodium nitrite to the U.S. market to significant levels if the orders were revoked. As previously discussed, Chemtrade has identified 33 possible producers of sodium nitrite in China and 10 possible producers of sodium nitrite in Germany.¹⁵⁷

The information available indicates that the subject industries in China and Germany continue to possess substantial capacity. Information from company websites submitted by Chemtrade indicates that three Chinese companies alone currently have the capacity to produce 320,000 tons of sodium nitrite annually.¹⁵⁸ According to information from BASF's website submitted by Chemtrade, BASF continues to manufacture sodium nitrite in its ISO 9001 certified facility in Germany and has the ability to supply "sodium nitrite in various grades, all meeting highest standards regarding quality and purity."¹⁵⁹ Chemtrade claims that sodium nitrite producers in China and Germany have an incentive to operate their chemical plants continuously and at high rates of capacity utilization to maximize their return on investment and avoid the costs associated with stopping and resuming production.¹⁶⁰

The information available also indicates that subject producers in China and Germany are significant exporters. According to GTA data concerning exports of nitrites under HS subheading 2834.10, which includes both subject merchandise and out-of-scope products, China's exports of such merchandise were 80.6 million dry pounds and Germany's exports of

¹⁵⁶ CR/PR at Tables I-6, I-7.

¹⁵⁷ CR/PR at I-16, I-18.

¹⁵⁸ Domestic Interested Party's Response at 19, Exh. 8. Specifically, Chinese producer Linyi Luguang Chemical Co., Ltd. has an annual capacity of 150,000 tons of sodium nitrite; Chinese producer YingFengYuan Industrial Group has an annual capacity of 80,000 tons of sodium nitrite; and Chinese producer Shijiazhuang FengShan Chemical Co., Ltd. has an annual output of 90,000 tons of sodium nitrite. *Id.*

¹⁵⁹ Domestic Interested Party's Response at 18-19, Exh. 7.

¹⁶⁰ Domestic Interested Party's Response at 19.

such merchandise were 96.2 million dry pounds in 2023.¹⁶¹ GTA data also show that in 2023, Germany was the largest and China was the second largest exporter of nitrites.¹⁶²

Available information also indicates that the U.S. market remains attractive to subject producers. As discussed above, cumulated subject imports maintained a presence in the U.S. market throughout much of the POR, accounting for *** percent of apparent U.S. consumption in 2023, thereby maintaining distribution networks and customers in the United States. GTA data indicates that the United States was the eighth largest destination market for Chinese exports of nitrites, including subject merchandise and out-of-scope products, in 2023.¹⁶³ BASF's ownership of two U.S. end users of sodium nitrite, and the presence of global distributors and traders of chemicals such as Univar and Brenntag in the U.S. market, would also facilitate the subject producers' increased exports to the United States after revocation.¹⁶⁴ Chemtrade argues that the relatively higher sodium nitrite prices available in the U.S. market would give subject producers an economic incentive to increase their exports to the United States if the orders were revoked.¹⁶⁵

Given the foregoing, including the significant and increasing volume of cumulated subject imports during the original investigations, the continued presence of cumulated subject imports in the U.S. market during the POR, the subject industries' large capacity and exports, and the attractiveness of the U.S. market to subject producers, we find that the volume of cumulated subject imports would likely be significant, both in absolute terms and relative to consumption in the United States, if the orders were revoked.¹⁶⁶

¹⁶¹ CR/PR at Tables I-8, I-9.

¹⁶² CR/PR at Table I-10.

¹⁶³ CR/PR at Table I-8.

¹⁶⁴ Domestic Interested Party's Response at 20, Exhs. 9-10.

¹⁶⁵ Domestic Interested Party's Response at 20.

¹⁶⁶ Although subject imports from China are currently subject to a 25 percent *ad valorem* duty under Section 301, the current record (including information from the responding purchaser) does not indicate that this duty would prevent subject imports from entering the U.S. market at significant levels if the order were revoked. *See generally* Domestic Interested Party's Response; CR/PR at D-3-4. Given the Chinese industry's large capacity and exports, the continued presence of subject imports from China in the U.S. market despite the imposition of the Section 301 duties, and the attractiveness of the U.S. market, we find that the section 301 duties would not likely prevent subject imports from China from increasing to significant levels if the orders were revoked.

The record of these expedited reviews does not contain information concerning inventories of the subject merchandise. The record also indicates that sodium nitrite from China and Germany are not currently subject to antidumping or countervailing duty measures outside the United States. *Id.* at I-20. India's antidumping duty order on imports of sodium nitrite from China was terminated in 2022. *Id.*

D. Likely Price Effects

The Prior Proceedings. In the original investigations, the Commission found that subject imports significantly undersold the domestic like product during the POI at large margins. Subject imports undersold the domestic like product in 25 of 26 quarterly pricing comparisons for product 1 (technical grade sodium nitrite), with margins of underselling ranging from *** percent to *** percent.¹⁶⁷ Subject imports undersold the domestic like product in four of eight quarterly pricing comparisons for product 2 (food-grade sodium nitrite), with margins of underselling ranging from *** percent to *** percent.¹⁶⁸ The data showed significant underselling by the subject imports whether the sales were to distributors or to end users.¹⁶⁹

The Commission did not find that subject imports had significant price suppressing or depressing effects on the domestic like product. It instead found that low-priced subject imports displaced significant volumes of domestically produced sodium nitrite. For these reasons, the Commission concluded that there had been significant price underselling by the increasing volumes of subject imports that had adversely affected the domestic industry by taking market share during a time of decreasing demand.¹⁷⁰

In the first five-year reviews, the Commission again found price to be an important factor in purchasing decisions of sodium nitrite.¹⁷¹ It found that the significant underselling observed during the original investigations would likely recur if the antidumping and countervailing duty orders were revoked.¹⁷² In turn, this underselling would likely cause the domestic industry to choose between two strategies: maintain prices, but lose sales to subject imports, as was the case in the original investigations, or cut prices to meet those of the subject imports.¹⁷³ In conclusion, the Commission found that the likely significant volume of cumulated imports of sodium nitrite from China and Germany would likely undersell the domestic like product to a significant degree and have significant effects on the domestic industry's prices or sales volumes.¹⁷⁴

In the second five-year reviews, based on the high degree of substitutability between sodium nitrite from different sources and the importance of price in purchasing decisions, the Commission found that the significant underselling observed during the original investigations

¹⁶⁷ Confidential Original Determinations at 40.

¹⁶⁸ Confidential Original Determinations at 40.

¹⁶⁹ Original Determinations, USITC Pub. 4029 at 27.

¹⁷⁰ Original Determinations, USITC Pub. 4029 at 28.

¹⁷¹ First Reviews, USITC Pub. 4451 at 19.

¹⁷² First Reviews, USITC Pub. 4451 at 19.

¹⁷³ First Reviews, USITC Pub. 4451 at 19.

¹⁷⁴ First Reviews, USITC Pub. 4451 at 19.

would likely recur if the orders were revoked.¹⁷⁵ It also found that, in light of the likely underselling, the domestic industry would likely need to choose between maintaining prices while losing market share to subject imports, or cutting prices to meet those of the subject imports.¹⁷⁶ The Commission therefore concluded that the significant volume of low-priced cumulated subject imports that was likely after revocation would likely depress or suppress prices for the domestic like product and/or take sales and market share from the domestic industry.¹⁷⁷

The Current Reviews. As discussed in section IV.B.3 above, we continue to find that subject imports and the domestic like product are generally substitutable, and that price is an important factor in purchasing decisions.

The record in these expedited reviews does not contain recent product-specific pricing information. Given the substitutability of subject imports and the domestic like product, the importance of price to purchasing decisions, and the significant underselling by subject imports in the original investigations, we find that, if the orders were revoked, the likely significant volume of cumulated subject imports would likely undersell the domestic like product to a significant degree, as during the original investigations, as a means of gaining market share. Absent the discipline of the orders, the likely significant volume of low-priced cumulated subject imports would force the domestic industry to lower prices or forego needed price increases, thereby depressing or suppressing prices for the domestic like product to a significant degree, or else lose sales and market share to cumulated subject imports. Consequently, we find that if the orders were revoked, cumulated subject imports would likely have significant adverse price effects.

E. Likely Impact

The Prior Proceedings. In the original investigations, the Commission found that the domestic industry was performing poorly in 2005, and many of the domestic industry's performance indicators worsened significantly between 2005 and 2006 as the volume of low-priced cumulated subject imports increased.¹⁷⁸ It found that while the closure of a production facility at the end of 2006 led to some improvements in performance indicators, these were at the expense of other indicators, and that the domestic industry experienced declining U.S.

¹⁷⁵ Second Reviews, USITC Pub. 4936 at 21.

¹⁷⁶ Second Reviews, USITC Pub. 4936 at 21.

¹⁷⁷ Second Reviews, USITC Pub. 4936 at 21.

¹⁷⁸ Original Determinations, USITC Pub. 4029 at 29.

shipments and net sales as subject imports continued to increase between 2006 and 2007.¹⁷⁹ The domestic industry's production, capacity, and U.S. shipments decreased over the POI.¹⁸⁰ Net sales also fell, although the cost of goods sold ("COGS") to net sales ratio improved.¹⁸¹

The Commission found that the domestic industry's operating income improved over the POI, as did its ratio of operating income to net sales.¹⁸² It found that, in an industry where production facilities needed to operate continuously at high capacity utilization rates, the domestic industry lost sales to subject imports and, as a result, experienced decreases in U.S. shipments and production levels.¹⁸³ The Commission concluded that, given the significant volume and significant increase in the volume of cumulated subject imports, decreasing apparent U.S. consumption, significant underselling by subject imports, confirmed lost sales and lost revenues, and decreases in the domestic industry's output, the subject imports had a significant impact on the domestic industry.¹⁸⁴

In the expedited first reviews, General Chemical maintained that the orders had a positive impact on its output, market share, investment, and operating performance.¹⁸⁵ The limited information on the record in those reviews was insufficient to enable the Commission to determine whether the domestic industry was vulnerable.¹⁸⁶ The Commission found that, should the orders be revoked, the likely significant volume of subject imports that would likely undersell the domestic like product would likely have a significant impact on the production, shipments, sales, market share, and revenues of the domestic industry.¹⁸⁷ It found that these declines would likely have a direct adverse impact on the domestic industry's profitability.¹⁸⁸

During the first reviews, the Commission also considered the role of nonsubject imports, which had been present in increasing quantities in the U.S. market since the orders were first

¹⁷⁹ Original Determinations, USITC Pub. 4029 at 29.

¹⁸⁰ Original Determinations, USITC Pub. 4029 at 30-31. The Commission found that the domestic industry's decrease in production capacity and temporary increase in capacity utilization between 2006 and 2007 were due, at least in part, to General Chemical's closure of the Repauno facility. *Id.*

¹⁸¹ Original Determinations, USITC Pub. 4029 at 31.

¹⁸² Original Determinations, USITC Pub. 4029 at 29. The Commission concluded that the improvements achieved by the domestic industry in its operating income and its ratio of operating income to net sales followed Chemtrade's acquisition of Repauno and came at the expense of other indicators, principally capacity and employment. *Id.*

¹⁸³ Original Determinations, USITC Pub. 4029 at 32.

¹⁸⁴ Original Determinations, USITC Pub. 4029 at 32.

¹⁸⁵ First Reviews, USITC Pub. 4451 at 21.

¹⁸⁶ First Reviews, USITC Pub. 4451 at 21. Commissioner Pinkert found that the domestic industry was not vulnerable to the continuation or recurrence of material injury in the event of revocation of the orders. *Id.* at 21 n.126.

¹⁸⁷ First Reviews, USITC Pub. 4451 at 21.

¹⁸⁸ First Reviews, USITC Pub. 4451 at 21.

imposed.¹⁸⁹ It found that, as the domestic industry was able to increase its share of the U.S. market despite increased nonsubject imports, any increase in subject imports upon revocation would likely be, at least in substantial part, at the expense of the domestic industry.¹⁹⁰ The Commission concluded that if the antidumping and countervailing duty orders were revoked, cumulated subject imports from China and Germany would likely have a significant impact on the domestic industry within a reasonably foreseeable time.¹⁹¹

In the expedited second reviews, the limited information available was insufficient for the Commission to make a finding on whether the domestic industry was vulnerable to the continuation or recurrence of material injury if the orders were revoked.¹⁹² The Commission found that if the orders were revoked, the likely significant volume of subject imports that would likely significantly undersell the domestic like product would likely have a significant impact on the domestic industry.¹⁹³

The Commission also considered the role of nonsubject imports, which had further increased their presence in the U.S. market since the first reviews.¹⁹⁴ It found that, because the domestic industry supplies the majority of the U.S. market and subject imports would likely compete head-to-head with the domestic like product upon revocation, the likely increase in subject imports would likely take market share away from the domestic industry as well as from nonsubject imports.¹⁹⁵ It concluded that revocation of orders would likely have a significant adverse impact on domestic producers within a reasonably foreseeable time.¹⁹⁶

The Current Reviews. The record in these expedited reviews contains limited information concerning the domestic industry's performance since the last reviews.¹⁹⁷

The information available indicates that the domestic industry's performance was generally weaker in 2023 than in the last years of the periods examined in the prior proceedings. The industry's capacity in 2023, at *** pounds, was higher than in prior

¹⁸⁹ First Reviews, USITC Pub. 4451 at 21-22.

¹⁹⁰ First Reviews, USITC Pub. 4451 at 22.

¹⁹¹ First Reviews, USITC Pub. 4451 at 22.

¹⁹² Second Reviews, USITC Pub. 4936 at 22.

¹⁹³ Second Reviews, USITC Pub. 4936 at 22-23.

¹⁹⁴ Second Reviews, USITC Pub. 4936 at 23.

¹⁹⁵ Second Reviews, USITC Pub. 4936 at 23.

¹⁹⁶ Second Reviews, USITC Pub. 4936 at 23.

¹⁹⁷ The data for the domestic industry in these third reviews and the first and second reviews are only for Chemtrade, which accounted for an estimated *** percent of domestic production in each proceeding. CR/PR at I-9.

proceedings, but its production, at *** pounds, and capacity utilization, at ***, were lower than in the prior proceedings.¹⁹⁸

In 2023, the domestic industry's U.S. shipments were lower by quantity, at *** pounds, but higher by value, at \$***, than in the prior proceedings.¹⁹⁹ Its market share was lower, at *** percent, than in the prior proceedings.²⁰⁰ The average unit value ("AUV") of the industry's U.S. shipments was higher in 2023, at \$*** per pound, than in the prior proceedings.²⁰¹ In 2023, the domestic industry's net sales value was higher than in prior proceedings, at \$***, as was its COGS to net sales ratio, at *** percent.²⁰² The domestic industry's gross profit, at \$***, was lower in 2023 than in 2012 and 2018 but higher than in 2007, and its operating income, at ***, and operating income margin, at *** percent, were both lower in 2023 than in the prior proceedings.²⁰³ Based on this information, including the industry's low capacity utilization and market share, its high COGS to net sales ratio, and its operating ***, we find the domestic industry vulnerable to the continuation or recurrence of material injury should the orders be revoked.

Based on the information available on the record, we find that revocation of the orders would likely result in a significant volume of cumulated subject imports that would likely undersell the domestic like product to a significant degree. Given the general substitutability of cumulated subject imports and the domestic like product and the importance of price to

¹⁹⁸ CR/PR at Table I-5. In 2007, the domestic industry's capacity, production, and capacity utilization were *** pounds, *** pounds, and *** percent, respectively. *Id.* In 2012, its capacity was essentially the same, but its production and capacity utilization increased to *** pounds and *** percent, respectively. *Id.* In 2018, capacity decreased to *** pounds but production and capacity utilization increased to *** pounds and *** percent, respectively. *Id.*

¹⁹⁹ CR/PR at Table I-5. In 2007, the domestic industry's U.S. shipments were *** pounds by quantity and \$*** by value. *Id.* In 2012, the domestic industry's U.S. shipments by quantity decreased to *** pounds but increased by value to \$***. *Id.* In 2018, its U.S. shipments decreased by both quantity and value, to *** pounds and \$***, respectively. *Id.*

²⁰⁰ CR/PR at Table I-7. The domestic industry's market share was *** percent in 2007, *** percent in 2012, and *** percent in 2018. *Id.*

²⁰¹ CR/PR at Table I-5. In 2007, the domestic industry's AUV was \$*** per pound, which increased to \$*** per pound in 2012, before decreasing to \$*** per pound in 2018. *Id.*

²⁰² CR/PR at Table I-5. In 2007, the domestic industry's net sales value was \$*** and its COGS to net sales ratio was *** percent. *Id.* In 2012, its net sales value increased to \$*** and its COGS to net sales ratio decreased to *** percent. *Id.* In 2018, the domestic industry's net sales value decreased to \$*** and its COGS to net sales ratio increased to *** percent. *Id.*

²⁰³ CR/PR at Table I-5. In 2007, the domestic industry's gross profit, operating income, and operating income margin were \$***, \$***, and *** percent, respectively. *Id.* In 2012, its gross profit, operating income, and operating income margin all increased, to \$***, \$***, and *** percent, respectively. *Id.* In 2018, the domestic industry's gross profit, operating income, and operating income margin all decreased, to \$***, \$***, and *** percent, respectively. *Id.*

purchasing decisions, the significant volumes of low-priced cumulated subject imports that are likely after revocation would likely capture sales and market share from the domestic industry and/or force domestic producers to lower their prices or forgo needed price increases in order to maintain their sales, thereby depressing or suppressing prices for the domestic like product to a significant degree. The likely significant volume of subject imports and their adverse price effects would negatively affect the domestic industry's capacity, production, capacity utilization, shipments, and market share, which would in turn negatively impact the industry's profitability and employment, as well as its ability to raise capital and make and maintain necessary capital investments. Consequently, we conclude that if the orders were revoked, cumulated subject imports would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports. Nonsubject imports have increased their presence in the U.S. market since the prior reviews, accounting for *** percent of apparent U.S. consumption in 2023 as compared to *** percent in 2018.²⁰⁴ Nevertheless, the record provides no indication that the presence of nonsubject imports would prevent subject imports from entering the U.S. market in significant quantities or adversely affecting domestic prices after revocation of the orders. Given that cumulated subject imports and the domestic like product are generally substitutable, and that price is important in purchasing decisions, the significant volume of low-priced subject imports that we have found likely after revocation would likely take market share from the domestic industry, as well as from nonsubject imports, and/or force domestic producers to either lower prices or forgo price increases to retain market share. Consequently, we find that any future effects of nonsubject imports would be distinct from the likely effects attributable to cumulated subject imports, and that nonsubject imports would not prevent subject imports from having a significant impact on the domestic industry.

We recognize that apparent U.S. consumption was *** percent lower in 2023 than in 2018.²⁰⁵ Chemtrade argues that U.S. demand for sodium nitrite has not changed significantly since the original investigations but responding purchaser *** reported that ***.²⁰⁶ To the extent that demand remains weak or declines, the significant volume of low-priced cumulated subject imports that is likely after revocation would exacerbate the effects of weak or declining demand on the domestic industry.

²⁰⁴ CR/PR at Table I-7.

²⁰⁵ CR/PR at Table I-7.

²⁰⁶ Domestic Interested Party's Response at 10; CR/PR at D-3.

V. Conclusion

For the above reasons, we determine that revocation of the countervailing duty order on sodium nitrite from China and the antidumping duty orders on sodium nitrite from China and Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Information obtained in these reviews

Background

On July 1, 2024, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ that it had instituted reviews to determine whether revocation of the antidumping and countervailing duty orders on sodium nitrite from China and the antidumping duty order on sodium nitrite from Germany would be likely to lead to continuation or recurrence of material injury.² All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.^{3 4} Table I-1 presents information relating to the background and schedule of this proceeding:

Table I-1
Sodium nitrite: Information relating to the background and schedule of this proceeding

Effective date	Action
July 1, 2024	Notice of initiation by Commerce (89 FR 54435, July 1, 2024)
July 1, 2024	Notice of institution by Commission (89 FR 54536, July 1, 2024)
October 4, 2024	Commission’s vote on adequacy
November 12 and 13, 2024	Commerce’s results of its expedited reviews
January 31, 2025	Commission’s determinations and views

¹ 19 U.S.C. 1675(c).

² 89 FR 54536, July 1, 2024. In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of five-year reviews of the subject antidumping and countervailing duty orders. 89 FR 54435, July 1, 2024. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission’s website (www.usitc.gov).

³ As part of their response to the notice of institution, interested parties were requested to provide company-specific information. Information regarding responses to the notice of institution is presented in app. B. Summary data compiled in the original investigations are presented in app. C.

⁴ Interested parties were also requested to provide a list of three to five leading purchasers in the U.S. market for the domestic like product and the subject merchandise. Presented in app. D are the responses received from purchaser surveys transmitted to the purchasers identified in this proceeding.

The original investigations

The original investigations resulted from petitions filed on November 8, 2007 with Commerce and the Commission by General Chemical LLC, Parsippany, New Jersey.⁵ On July 8, 2008, Commerce determined that imports of sodium nitrite from China and Germany were being sold at less than fair value (“LTFV”)⁶ and imports of sodium nitrite from China were being subsidized by the Government of China.⁷ The Commission determined on August 20, 2008 that the domestic industry was materially injured by reason of LTFV imports of sodium nitrite from China and Germany and subsidized imports of sodium nitrite from China.⁸ On August 27, 2008, Commerce issued its antidumping duty orders with a final weighted-average dumping margin of 190.74 percent on imports of sodium nitrite from China and final weighted-average dumping margins ranging from 150.82 to 237.00 percent on imports of sodium nitrite from Germany.⁹ On August 27, 2008, Commerce issued its countervailing duty order on imports of sodium nitrite from China with a net subsidy rate of 169.01 percent.¹⁰

The first five-year reviews

On October 21, 2013, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on sodium nitrite from China and Germany and the countervailing duty order on sodium nitrite from China.¹¹ On November 19, 2013, Commerce determined that revocation of the antidumping duty orders on sodium nitrite from China and Germany would be likely to lead to continuation or recurrence of dumping¹² and, on November 20, 2013, Commerce determined that revocation of the countervailing duty order on sodium nitrite from China would be likely to lead to continuation or recurrence of subsidization.¹³ On January 29, 2014, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.¹⁴ Following affirmative determinations in the

⁵ Sodium Nitrite from China and Germany, Inv. Nos. 701-TA-453 and 731-TA-1136-1137 (Final), USITC Publication 4029, August 2008 (“Original publication”), p. I-1.

⁶ 73 FR 38984 (China) and 73 FR 38986 (Germany), July 8, 2008.

⁷ 73 FR 38981, July 8, 2008.

⁸ 73 FR 50345, August 26, 2008.

⁹ 73 FR 50593, August 27, 2008.

¹⁰ 73 FR 50595, August 27, 2008.

¹¹ 78 FR 68474, November 14, 2013.

¹² 78 FR 69368, November 19, 2013.

¹³ 78 FR 69646, November 20, 2013.

¹⁴ 79 FR 6628, February 4, 2014.

five-year reviews by Commerce and the Commission, effective February 12, 2014, Commerce issued a continuation of the antidumping duty orders on imports of sodium nitrite from China and Germany¹⁵ and, effective September 5, 2014, Commerce issued a continuation of the countervailing duty order on imports of sodium nitrite from China.¹⁶

The second five-year reviews

On April 12, 2019, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on sodium nitrite from China and Germany and the countervailing duty order on sodium nitrite from China.¹⁷ On June 11, 2019, Commerce determined that revocation of the antidumping duty orders on sodium nitrite from China and Germany would be likely to lead to continuation or recurrence of dumping¹⁸ and that revocation of the countervailing duty order on sodium nitrite from China would be likely to lead to continuation or recurrence of subsidization.¹⁹ On July 31, 2019, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.²⁰ Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective August 12, 2019, Commerce issued a continuation of the antidumping duty orders on imports of sodium nitrite from China and Germany and the countervailing duty order on imports of sodium nitrite from China.²¹

¹⁵ 79 FR 8438, February 12, 2014.

¹⁶ 79 FR 53016, September 5, 2014.

¹⁷ 84 FR 25828, June 4, 2019.

¹⁸ 84 FR 27086, June 11, 2019.

¹⁹ 84 FR 27084, June 11, 2019.

²⁰ 84 FR 38058, August 5, 2019.

²¹ 84 FR 39804, August 12, 2019.

Previous and related investigations

The Commission has conducted a number of import relief investigations on sodium nitrite, as presented in table I-2.

Table I-2
Sodium nitrite: Previous and related Commission proceedings and current status

Date	Number	Country	ITC original determination	Current status
2022	701-TA-679	India	Affirmative	Order effective February 27, 2023
2022	701-TA-680	Russia	Affirmative	Order effective August 22, 2022
2022	731-TA-1585	India	Affirmative	Order effective February 27, 2023
2022	731-TA-1586	Russia	Affirmative	Order effective November 3, 2022

Source: U.S. International Trade Commission publications and Federal Register notices.

Note: “Date” refers to the year in which the investigation was instituted by the Commission.

Commerce’s five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the orders on imports of sodium nitrite from China and Germany with the intent of issuing the final results of these reviews based on the facts available not later than October 29, 2024.²² Commerce publishes its Issues and Decision Memoranda and its final results concurrently, accessible upon publication at <https://access.trade.gov/public/FRNoticesListLayout.aspx> and subsequently on the Commission’s Electronic Document Information System (“EDIS”). Issues and Decision Memoranda contain complete and up-to-date information regarding the background and history of the order, including scope rulings, duty absorption, changed circumstances reviews, and anticircumvention, as well as any decisions that may have been pending at the issuance of this report. Any foreign producers/exporters that are not currently subject to the antidumping and/or countervailing duty orders on imports of sodium nitrite from China and Germany are noted in the sections titled “The original investigations” and “U.S. imports,” if applicable.

²² Letter from Jill E. Pollack, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Nannette Christ, Director of Investigations, August 21, 2024.

The product

Commerce's scope

Commerce has defined the scope as follows:

The merchandise subject to these orders is sodium nitrite in any form, at any purity level. In addition, the sodium nitrite covered by these orders may or may not contain an anti-caking agent. Examples of names commonly used to reference sodium nitrite are nitrous acid, sodium salt, anti-rust, diazotizing salts, erinitrit, and filmerine. The chemical composition of sodium nitrite is NaNO_2 and it is generally classified under subheading 2834.10.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). The American Chemical Society Chemical Abstract Service (CAS) has assigned the name "sodium nitrite" to sodium nitrite. The CAS registry number is 7632-00-0.²³

U.S. tariff treatment

Sodium nitrite is currently imported under Harmonized Tariff Schedule of the United States ("HTS") statistical reporting number 2834.10.1000. The general rate of duty is 5.5 percent ad valorem for HTS subheading 2834.10.10.²⁴ Decisions on the tariff classification and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

Effective September 24, 2018, sodium nitrite originating in China was subject to an additional 10 percent ad valorem duty under section 301 of the Trade Act of 1974. Effective May 10, 2019, the section 301 duty for sodium nitrite was increased to 25 percent.²⁵

²³ 84 FR 39804, August 12, 2019.

²⁴ USITC, HTS (2024) Basic Revision 4, Publication 5521, June 2024, pp. 28-21.

²⁵ 83 FR 47974, September 21, 2018; 84 FR 20459, May 9, 2019. See also HTS heading 9903.88.03 and U.S. notes 20(e) and 20(g) to subchapter III of chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2024) Basic Revision 4, Publication 5521, June 2024, pp. 99-III-34.

Description and uses²⁶

Sodium nitrite (NaNO_2) is an industrial chemical sold in solid or liquid form. It is a white to pale straw-colored crystalline, granular, or flake solid that is hygroscopic (i.e., very soluble in water) but relatively insoluble in most organic solvents.²⁷ In an acid medium, sodium nitrite reacts with organic alcohols and amines to form organic nitrites such as amyl nitrite. Pure sodium nitrite melts at about 271°C and it begins to decompose at about 320°C into sodium oxide, nitrogen oxides, and nitrogen. Sodium nitrite is an active oxidizing agent and can also function as a reducing agent toward powerful oxidizing agents such as dichromate, permanganate, chlorate, and chlorine. In the presence of acids, sodium nitrite forms nitrous acid.

Sodium nitrite is produced in both dry (flake, granular, or prill) and liquid (solution) forms. Dry sodium nitrite is sold in bags, drums, and super sacks, and the liquid form is sold in tank trucks and rail cars. Granular sodium nitrite is a powder that may or may not be treated with an anti-caking agent. If not treated, the sodium nitrite will harden over time into a solid brick-like mass that must be broken up. Other dry forms, such as granular, prill, and briquette, are made of particles of sufficient size to avoid sticking together and, therefore, do not need anti-caking agent. The flake form is sodium nitrite that has been fed through a compactor and then is broken into flakes by a screen.²⁸ Prill is a granular product that is similar in form to tapioca (i.e., small spherical pieces that do not clump together or harden).

Sodium nitrite is also sold in varying grades depending on end-use application, including: (1) granular free-flowing food grade; (2) granular free-flowing technical grade; (3) high-purity flake; (4) high-purity granular; (5) crystal reagent quality; (6) high-purity special granular; (7) pure liquor; and (8) tech liquor, a solution with sodium nitrate.²⁹ During the original investigations, the prill form of sodium nitrite sold in the U.S. market was produced in China.

²⁶ Unless otherwise noted, this information is based on Sodium Nitrite from China and Germany, Investigation Nos. 701-TA-453 and 731-TA-1136-1137 (Second Review), USITC Publication 4936, July 2019 (“Second review publication”), pp. I-5-I-6.

²⁷ When dissolved in water it forms a clear to slightly yellowish solution.

²⁸ Because of this additional processing, flakes may be slightly more expensive than the granular product.

²⁹ Food grade is required to meet higher quality standards (notably for the level of heavy metals); to be in compliance with the Food Chemical Codex and current Good Manufacturing Practice (cGMP); and to be registered with the U.S. Food and Drug Administration. “Tech liquor” is a mixture of roughly two-thirds sodium nitrite and one-third sodium nitrate. Sodium Nitrite from Russia, Investigation Nos. 701-TA-680 (Final), USITC Publication 5342, August 2022, pp. I-8, I-10.

Sodium nitrite is used in a wide range of industrial applications. Table I-3 details the major end uses of sodium nitrite, the forms used by each end use, and the application process.

Table I-3
Sodium nitrite: End-use applications, forms used, and application process

End Uses	Possible forms used	Application Process
***	***	***
***	***	***
***	***	***
***	***	***
***	***	***
***	***	***

Source: Investigation Nos. 701-TA-453 and 731-TA-1136-1137 (Final): Sodium Nitrite from China and Germany, Confidential Report, INV-FF-086, July 28, 2008, as revised in INV-FF-093, August 7, 2008, and INV-FF-100, August 10, 2008 (“Original confidential report”), p. I-10.

Many industrial applications of sodium nitrite are based on its oxidizing properties and its decomposition in an acid solution to nitrous acid. Some of the principal applications of sodium nitrite are in the production of chemicals and dyes including azo,³⁰ food, and textile dyes.³¹ Sodium nitrite is used with metals for coating, detinning, plating, and corrosion inhibition. It is also used by the rubber industry in synthetic rubber and blowing compounds. In addition, sodium nitrite is used in heat transfer salts. It is used in wastewater treatment to control odor and to inhibit the growth of bacteria. Finally, sodium nitrite is used in meat curing as a food preservative. In the medical field, sodium nitrite is an antidote to cyanide poisoning

³⁰ Azo dyes are synthetic compounds containing an azo bond: C–N=N–C. As of 2020, it is estimated that up to 70 percent of all dyes used in industry are azo dyes. Benkhaya, M'rabet, El Harfi, "Classifications, Properties, Recent Synthesis and Applications of Azo Dyes," *Heliyon*, 6(1), January 2020, <https://doi.org/10.1016%2Fj.heliyon.2020.e03271>.

³¹ “Food grade” sodium nitrite is certified as complying with the Food Chemical Codex (FCC) and current Good Manufacturing Practice (cGMP). “Food grade” sodium nitrite may or may not contain an anti-caking agent and may or may not be sold in prill form. Sodium Nitrite from Russia, Investigation Nos. 701-TA-680 (Final), USITC Publication 5342, August 2022, pp. I-8, I-30.

and as such is used in cyanide antidote kits. Other medical applications for sodium nitrite include the possible use for treatment for stroke victims to increase blood flow to the heart and other muscles. Food grade sodium nitrite can be used for industrial applications.³² In most applications, sodium nitrite is used as a liquid solution which either the seller or the purchaser makes by mixing solid product with water.

Manufacturing process³³

The industrial manufacturing process to produce sodium nitrite relies on the formation of liquid ammonia (NH_3) and caustic soda (sodium hydroxide, or NaOH) or soda ash (sodium carbonate, or Na_2CO_3). Liquid ammonia is oxidized with air at a high temperature in a catalytic bed to form nitrogen oxides (NO and NO_2). The nitric oxides enter an absorption tower where they react with either soda ash or caustic soda solutions to form a sodium nitrite solution.³⁴ When caustic soda is used, the liquid formed at this stage is sufficiently concentrated and pure to be sold directly to some customers for certain uses. However, if soda ash is used during the manufacturing process, the resultant liquid is diluted (i.e., not highly concentrated) and must go through several steps to remove water, and thereby increase the sodium nitrite concentration.

Additional processing is required to remove water to produce dry sodium nitrite. Processing in an evaporator-crystallizer followed by centrifugation yields crystals that are then either dried to reduce moisture to less than 0.2 percent (for high purity product); dried and blended with an anti-caking agent (which increases flowability of the powder); or further dried, compacted into a thin cake, and flaked.³⁵ Food grade NaNO_2 undergoes additional testing to certify that the product meets specific quality standards—including detecting if heavy metals are present.

³² Sodium Nitrite from Russia, Investigation Nos. 701-TA-680 (Final), USITC Publication 5342, August 2022, p. I-9.

³³ Unless otherwise noted, this information is based on second review publication, pp. I-6-I-7.

³⁴ Soda ash and caustic soda serve as the sodium source in the production reaction.

³⁵ If customers want the product in liquid form and NaNO_2 was produced via the soda ash route, the crystals are dissolved in water as heat is applied. The solutions are then diluted to the customer's specifications—40 percent sodium nitrite concentration is the common standard.

The industry in the United States

U.S. producers

During the final phase of the original investigations, the Commission received a U.S. producer questionnaire from one firm, which accounted for all production of sodium nitrite in the United States during 2007.³⁶ During the first and second five-year reviews, the domestic interested party provided a list of two known and currently operating U.S. producers of sodium nitrite. One responding firm in the first and second five-year reviews accounted for approximately *** percent of production of sodium nitrite in the United States during 2012 and 2018.³⁷

In response to the Commission’s notice of institution in these current reviews, the domestic interested party provided a list of two known and currently operating U.S. producers of sodium nitrite. Chemtrade, the one firm providing U.S. industry data in response to the Commission’s notice of institution, accounted for approximately *** percent of production of sodium nitrite in the United States during 2023.³⁸

Recent developments

Table I-4 presents events in the U.S. industry since the Commission’s last five-year reviews.³⁹

Table I-4
Sodium nitrite: Developments in the U.S. industry

Item	Firm	Event
Manufacturing Change	Chemtrade	In 2018, Chemtrade switched anti-caking agent from Petro AG to silicon dioxide to meet food grade requirements in markets other than the United States and Mexico.

Source: Sodium Nitrite from Russia, Investigation Nos. 701-TA-680 (Final), USITC Publication 5342, August 2022, p. I-9.

³⁶ Original publication, pp. I-3, III-1.

³⁷ Investigation Nos. 701-TA-453 and 731-TA-1136-1137 (Review): Sodium Nitrite from China and Germany, Confidential Report, INV-LL-102, December 2, 2013 (“First review confidential report”), p. I-15; Investigation Nos. 731-TA-453 and 731-TA-1136-1137 (Second Review): Sodium Nitrite from China and Germany, Confidential Report, INV-RR-017, March 26, 2019 (“Second review confidential report”), p. I-11.

³⁸ Domestic interested party’s response to the notice of institution, July 31, 2023, exh. 1.

³⁹ For recent developments, if any, in tariff treatment, please see “U.S. tariff treatment” section.

U.S. producers' trade and financial data

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution in the current five-year reviews. Table I-5 presents a compilation of the trade and financial data submitted from all responding U.S. producers in the original investigations and subsequent five-year reviews.

Table I-5
Sodium nitrite: Trade and financial data submitted by U.S. producers, by period

Quantity in 1,000 pounds; value in 1,000 dollars; unit value in dollars per pound; ratio in percent

Item	Measure	2007	2012	2018	2023
Capacity	Quantity	***	***	***	***
Production	Quantity	***	***	***	***
Capacity utilization	Ratio	***	***	***	***
U.S. shipments	Quantity	***	***	***	***
U.S. shipments	Value	***	***	***	***
U.S. shipments	Unit value	***	***	***	***
Net sales	Value	***	***	***	***
COGS	Value	***	***	***	***
COGS to net sales	Ratio	***	***	***	***
Gross profit or (loss)	Value	***	***	***	***
SG&A expenses	Value	***	***	***	***
Operating income or (loss)	Value	***	***	***	***
Operating income or (loss) to net sales	Ratio	***	***	***	***

Source: For 2007, 2012, and 2018, data are compiled using data submitted in the Commission's original investigations and first and second five-year reviews, respectively. For the year 2023, data are compiled using data submitted by the domestic interested party. Domestic interested party's response to the notice of institution, July 31, 2024, exh. 1.

Note: For a discussion of data coverage, please see "U.S. producers" section.

Definitions of the domestic like product and domestic industry

The domestic like product is defined as the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is defined as the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. Under the related parties provision, the Commission may exclude a U.S. producer from the domestic industry for purposes of its injury determination if “appropriate circumstances” exist.⁴⁰

In its original determinations and its expedited first and second five-year review determinations, the Commission defined a single domestic like product consisting of sodium nitrite, regardless of form or grade, coextensive with Commerce’s scope, and it defined a single domestic industry consisting of all U.S. sodium nitrite producers.⁴¹

U.S. importers

During the final phase of the original investigations, the Commission received U.S. importer questionnaires from 11 firms that imported sodium nitrite from China and Germany. These firms’ imports accounted for *** percent of U.S. imports of sodium nitrite from China and *** percent of U.S. imports of sodium nitrite from Germany during 2007.⁴² Import data presented in the original investigations are based on official Commerce statistics, adjusted to exclude incorrectly classified imports from Canada, Chile, Greece, Japan, the Netherlands, and Norway.⁴³

Although the Commission did not receive responses from any respondent interested parties in its first five-year reviews, the domestic interested party provided in its response to the Commission’s notice of institution a list of *** firms that may have imported sodium nitrite from China and Germany.⁴⁴ Import data presented in the first five-year reviews are based on official Commerce statistics, adjusted to exclude imports from Canada, Chile, Greece, Japan, the Netherlands, and Norway that were found to have been incorrectly classified in the original investigations.⁴⁵

⁴⁰ Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

⁴¹ 89 FR 54536, July 1, 2024.

⁴² Original confidential report, p. IV-1.

⁴³ Original publication, p. IV-1.

⁴⁴ First review confidential report, pp. I-18-I-19.

⁴⁵ First review publication, table I-5.

Although the Commission did not receive responses from any respondent interested parties in its second five-year reviews, the domestic interested party provided in its response to the Commission's notice of institution a list of 11 firms that may have imported sodium nitrite from China and Germany.⁴⁶ Import data presented in the second five-year reviews are based on official Commerce statistics.⁴⁷

The Commission similarly did not receive responses from any respondent interested parties in these current reviews. In its response to the Commission's notice of institution, the domestic interested party provided a list of 18 potential U.S. importers of sodium nitrite.⁴⁸

U.S. imports

Table I-6 presents the quantity, value, and unit value of U.S. imports from subject sources (China and Germany), as well as U.S. imports of sodium nitrite from nonsubject sources covered by existing antidumping and countervailing duty orders (India (2023) and Russia (2022)), U.S. imports from the other top nonsubject source (Canada), and U.S. imports from all other nonsubject sources combined.

⁴⁶ Second review publication, p. I-10.

⁴⁷ Second review publication, table I-3.

⁴⁸ Domestic interested party's response to the notice of institution, July, 31, 2024, exh. 1.

Table I-6
Sodium nitrite: U.S. imports, by source and period

Quantity in 1,000 pounds; value in 1,000 dollars; unit value in dollars per pound

U.S. imports from	Measure	2019	2020	2021	2022	2023
China	Quantity	---	---	---	---	362
Germany	Quantity	5	---	---	3	39
Subject sources	Quantity	5	---	---	3	401
India	Quantity	10,356	12,864	15,438	8,731	22,881
Russia	Quantity	298	1,969	1,173	---	---
Canada	Quantity	38	327	1,801	490	140
All other sources	Quantity	4	3	7	0	58
Nonsubject sources	Quantity	10,696	15,163	18,418	9,221	23,079
All import sources	Quantity	10,701	15,163	18,418	9,225	23,480
China	Value	---	---	---	---	198
Germany	Value	36	---	---	24	158
Subject sources	Value	36	---	---	24	355
India	Value	3,920	4,708	6,268	5,958	14,914
Russia	Value	97	623	437	---	---
Canada	Value	13	106	567	167	177
All other sources	Value	19	12	40	6	94
Nonsubject sources	Value	4,048	5,449	7,313	6,131	15,186
All import sources	Value	4,084	5,449	7,313	6,155	15,541
China	Unit value	---	---	---	---	0.55
Germany	Unit value	6.88	---	---	7.08	4.04
Subject sources	Unit value	6.88	---	---	7.08	0.89
India	Unit value	0.38	0.37	0.41	0.68	0.65
Russia	Unit value	0.33	0.32	0.37	---	---
Canada	Unit value	0.34	0.32	0.32	0.34	1.26
All other sources	Unit value	4.37	4.30	6.15	19.86	1.64
Nonsubject sources	Unit value	0.38	0.36	0.40	0.66	0.66
All import sources	Unit value	0.38	0.36	0.40	0.67	0.66

Source: Compiled from official Commerce statistics for HTS statistical reporting number 2834.10.1000, accessed July 16, 2024.

Note: Because of rounding, figure may not add to total shown.

Note: Data shown as "0" represent values greater than zero, but less than "500" pounds or dollars. Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Cumulation considerations⁴⁹

In assessing whether imports should be cumulated in five-year reviews, the Commission considers, among other things, whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product. Additional information concerning geographical markets and simultaneous presence in the market is presented below.

Imports from Germany were reported in 10 of the 60 months between 2019 and 2023 (i.e., 2 months in 2019, 1 month in 2022, and 7 months in 2023). There were no reported U.S. imports of sodium nitrite from Germany during 2020-21. There were similarly no reported U.S. imports of sodium nitrite from China during 2019-22. In 2023, imports from China were reported in 4 of the 12 months.

All imports from China entered the United States in 2023 through northern (Detroit, Michigan), eastern (Charlotte, North Carolina, and New York, New York), and western (Los Angeles, California) borders of entry. All imports from Germany entered the United States during 2019 and 2022-23 through northern (Detroit, Michigan) and eastern (Buffalo, New York; Charleston, South Carolina; New York, New York; and Savannah, Georgia) borders of entry.

Apparent U.S. consumption and market shares

Table I-7 presents data on U.S. producers' U.S. shipments, U.S. imports, apparent U.S. consumption, and market shares.

⁴⁹ Unless otherwise noted, this information is based on official U.S. import statistics for HTS statistical reporting number 2834.10.1000.

Table I-7
Sodium nitrite: Apparent U.S. consumption and market shares, by source and period

Quantity in 1,000 pounds; value in 1,000 dollars; shares in percent

Source	Measure	2007	2012	2018	2023
U.S. producers	Quantity	***	***	***	***
China	Quantity	1,626	176	---	362
Germany	Quantity	11,723	7	---	39
Subject sources	Quantity	13,349	183	---	401
Nonsubject sources	Quantity	629	5,836	10,198	23,079
All import sources	Quantity	13,979	6,019	10,198	23,480
Apparent U.S. consumption	Quantity	***	***	***	***
U.S. producers	Value	***	***	***	***
China	Value	476	110	---	198
Germany	Value	2,680	19	---	158
Subject sources	Value	3,155	129	---	355
Nonsubject sources	Value	113	2,454	3,843	15,186
All import sources	Value	3,269	2,583	3,843	15,541
Apparent U.S. consumption	Value	***	***	***	***
U.S. producers	Share of quantity	***	***	***	***
China	Share of quantity	***	***	***	***
Germany	Share of quantity	***	***	***	***
Subject sources	Share of quantity	***	***	***	***
Nonsubject sources	Share of quantity	***	***	***	***
All import sources	Share of quantity	***	***	***	***
U.S. producers	Share of value	***	***	***	***
China	Share of value	***	***	***	***
Germany	Share of value	***	***	***	***
Subject sources	Share of value	***	***	***	***
Nonsubject sources	Share of value	***	***	***	***
All import sources	Share of value	***	***	***	***

Source: For the years 2007, 2012, and 2018, data are compiled using data submitted in the Commission's original investigations and first and second five-year reviews. For the year 2023, U.S. producers' U.S. shipments are compiled from the domestic interested party's response to the Commission's notice of institution and U.S. imports are compiled using official Commerce statistics under HTS statistical reporting number 2834.10.1000, accessed July 16, 2024.

Note: Share of quantity is the share of apparent U.S. consumption by quantity in percent; share of value is the share of apparent U.S. consumption by value in percent. Zeroes, null values, and undefined calculations are suppressed and shown as "---".

Note: For a discussion of data coverage, please see "U.S. producers" and "U.S. importers" sections.

The industry in China

Producers in China

During the final phase of the original investigations, the Commission did not receive any foreign producer/exporter questionnaires from China.⁵⁰ Although the Commission did not receive responses from any respondent interested parties in its first and second five-year reviews, the domestic interested party provided a list of nine possible producers of sodium nitrite in China in the first five-year reviews and 14 possible producers of sodium nitrite in China in the second five-year reviews.⁵¹

The Commission again did not receive responses from any respondent interested parties in these five-year reviews. In its response to the Commission's notice of institution in these current reviews, the domestic interested party provided a list of 33 possible producers of sodium nitrite in China.⁵²

Recent developments

There were no major developments in the Chinese industry since the continuation of the orders identified by the domestic interested party in this proceeding and no relevant information from outside sources was found.

⁵⁰ Original publication, p. VII-2.

⁵¹ First review confidential report, pp. I-29-I-30; Second review confidential report, p. I-21.

⁵² Domestic interested party's response to the notice of institution, July, 31, 2024, exh. 1.

Exports

Table I-8 presents export data for nitrites (2834.10), a category that includes sodium nitrites and out-of-scope products, from China (by export destination in descending order of quantity for 2023).

Table I-8
Nitrites: Quantity of exports from China, by destination and period

Quantity in 1,000 dry pounds

Destination market	2019	2020	2021	2022	2023
South Korea	19,498	16,376	19,579	13,528	14,739
India	24,423	3,807	20,577	21,278	10,029
Japan	8,426	7,906	8,675	10,274	7,551
Taiwan	7,007	5,631	7,349	5,542	5,474
Indonesia	3,784	3,457	5,492	5,164	4,776
Saudi Arabia	1,226	1,130	1,841	3,232	4,411
Thailand	2,724	2,522	3,434	3,699	4,095
United States	11,076	8,596	6,153	7,194	4,031
United Arab Emirates	2,216	1,775	2,332	2,945	3,463
Brazil	1,755	600	450	2,697	2,886
All other markets	18,869	10,235	9,176	16,717	19,097
All markets	101,004	62,034	85,058	92,270	80,553

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 2834.10, accessed August 1, 2024. These data may be overstated as HS subheading 2834.10 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to totals shown.

The industry in Germany

Producers in Germany

During the final phase of the original investigations, the Commission received a foreign producer/exporter questionnaire from one firm, which accounted for all production of sodium nitrite in Germany during 2007.⁵³ Although the Commission did not receive responses from any respondent interested parties in its first or second five-year reviews, the domestic interested party provided a list of five firms in Germany believed to have either produced or exported sodium nitrite during the first five-year reviews and a list of 10 firms in Germany believed to have either produced or exported sodium nitrite during the second five-year reviews.⁵⁴

The Commission again did not receive responses from any respondent interested parties in these five-year reviews. In its response to the Commission's notice of institution in these current reviews, the domestic interested party provided a list of 10 possible producers of sodium nitrite in Germany.⁵⁵

Recent developments

There were no major developments in the German industry since the continuation of the orders identified by the domestic interested party in this proceeding and no relevant information from outside sources was found.

⁵³ Original publication, p. VII-4.

⁵⁴ First review publication, p. I-22; Second review publication, p. I-14.

⁵⁵ Domestic interested party's response to the notice of institution, July 30, 2024, exh. 1.

Exports

Table I-9 presents export data for nitrites (2834.10), a category that includes sodium nitrites and out-of-scope products, from Germany (by export destination in descending order of quantity for 2023).

Table I-9
Nitrites: Quantity of imports from Germany, by destination and period

Quantity in 1,000 dry pounds

Destination market	2019	2020	2021	2022	2023
Netherlands	39,466	19,698	15,931	51,298	41,425
France	6,997	9,066	8,274	8,947	8,962
United Kingdom	8,720	6,448	3,243	8,209	5,046
Austria	2,239	2,885	3,925	6,858	4,856
Brazil	5,411	6,278	7,426	9,798	4,392
Belgium	6,050	2,046	2,217	2,498	3,674
Spain	4,118	3,791	4,260	4,035	3,120
South Africa	2,272	2,047	2,805	1,957	2,826
Sweden	1,471	1,316	1,991	1,822	1,975
Italy	1,858	1,924	2,136	1,955	1,686
All other markets	33,124	28,529	39,518	27,737	18,258
All markets	111,726	84,027	91,727	125,114	96,220

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 2834.10, accessed August 1, 2024. These data may be overstated as HS subheading 2834.10 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to totals shown. Mirror import data of nitrites from Germany for each of the destination markets are presented as Germany does not report its exports to Global Trade Atlas.

Third-country trade actions

An antidumping investigation was initiated by the Indian Ministry of Commerce on April 11, 1999, and an antidumping duty order implemented in India on December 19, 2000, on imports of sodium nitrite from China.⁵⁶ The antidumping duty rates imposed were \$72.95 per metric ton on imports of sodium nitrite originating in or exported from China.⁵⁷ The antidumping duty order was terminated on August 24, 2022.⁵⁸

The global market

Table I-10 presents global export data for nitrites (2834.10), a category that includes sodium nitrite and out-of-scope products (by source in descending order of quantity for 2023). Germany and China were the first and second largest sources of global exports of nitrites during 2019-23, respectively. India, the third largest source of global exports of nitrites, and Russia became subject to U.S. antidumping and countervailing duty orders in 2023 and 2022, respectively.⁵⁹

⁵⁶ WTO, “Trade Remedies Data Portal— ORIGINAL INVESTIGATION 39-01-1999-1/1,” <https://trade-remedies.wto.org/en/antidumping/investigations/measures/ind-39-01-1999-11-1>, accessed August 6, 2024.

⁵⁷ Sunset review of anti-dumping duty imposed on the imports of sodium nitrite originating in or exported from China PR, F. No. 15/06/2016-DGAD.

⁵⁸ WTO, “Trade Remedies Data Portal— ORIGINAL INVESTIGATION 39-01-1999-1/1,” <https://trade-remedies.wto.org/en/antidumping/investigations/measures/ind-39-01-1999-11-1>, accessed August 6, 2024.

⁵⁹ See table I-2 for further information.

Table I-10
Nitrites: Quantity of global exports by country and period

Quantity in 1,000 dry pounds

Exporting country	2019	2020	2021	2022	2023
Germany	111,726	84,027	91,727	125,114	96,220
China	101,004	62,034	85,058	92,270	80,553
India	31,515	35,065	38,473	33,874	46,687
United States	25,683	23,422	29,502	36,118	38,072
Netherlands	1,749	2,769	2,950	2,607	11,062
Malaysia	1,657	1,570	2,631	2,069	5,303
South Africa	1,516	1,383	951	1,271	2,202
France	---	---	1,684	1,690	1,604
Zambia	729	1,099	310	168	1,093
Sweden	1,110	1,170	1,116	1,013	1,055
Russia	16,345	88,076	32,505	15,811	1,034
All other exporters	17,017	11,761	12,329	6,500	6,361
All exporters	310,052	312,375	299,236	318,505	291,245

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 2834.10, accessed August 1, 2024. These data may be overstated as HS subheading 2834.10 may contain products outside the scope of these reviews.

Note: Because of rounding, figures may not add to total shown. Exports from Russia are estimated based on other countries' import data as Russia stopped reporting export data in 2022. German exports are estimated based on other countries' import data as Germany does not report its exports to Global Trade Atlas. Zeroes, null values, and undefined calculations are suppressed and shown as "---".

APPENDIX A
FEDERAL REGISTER NOTICES

The Commission makes available notices relevant to its investigations and reviews on its website, 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
89 FR 54435 July 1, 2024	Initiation of Five-Year (Sunset) Reviews	https://www.govinfo.gov/content/pkg/FR-2024-07-01/pdf/2024-14459.pdf
89 FR 54536 July 1, 2024	Sodium Nitrite From China and Germany; Institution of Five-Year Reviews	https://www.govinfo.gov/content/pkg/FR-2024-07-01/pdf/2024-14454.pdf

APPENDIX B
RESPONSES TO THE NOTICE OF INSTITUTION

Responses to the Commission’s notice of institution

Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews. It was filed on behalf of Chemtrade Chemicals US LLC (“Chemtrade”), a domestic producer of sodium nitrite (referred to herein as “domestic interested party”).

A complete response to the Commission’s notice of institution requires that the responding interested party submit to the Commission all the information listed in the notice. Responding firms are given an opportunity to remedy or explain deficiencies in their responses and to provide clarifying details where appropriate. A summary of the number of responses and estimates of coverage for each is shown in table B-1.

Table B-1
Sodium nitrite: Summary of responses to the Commission’s notice of institution

Interested party type	Number	Coverage
U.S. producer	1	***%

Note: The U.S. producer coverage figure presented is the domestic interested party’s estimate of its share of total U.S. production of sodium nitrite during 2023. Domestic interested party’s response to the notice of institution, July 31, 2024, exh. 1.

Party comments on adequacy

The Commission received party comments on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews from the domestic interested party. The domestic interested party requests that the Commission conduct expedited reviews of the orders on sodium nitrite from China and Germany.¹

¹ Domestic interested party’s comments on adequacy, September 6, 2024, p. 2.

Company-specific information

Table B-2
Sodium nitrite: Response checklist for U.S. producers

Yes = provided response; no = did not provide a response; NA = not available; Not Known = information was not known

Item	Chemtrade
Nature of operation	Yes
Statement of intent to participate	Yes
Statement of likely effects of revoking the order	Yes
U.S. producer list	Yes
U.S. importer/foreign producer list	Yes
List of 3-5 leading purchasers	Yes
List of sources for national/regional prices	Not Known
Trade/financial data	Yes
Changes in supply/demand	Yes
Complete response	Yes

APPENDIX C

SUMMARY DATA COMPILED IN PREVIOUS PROCEEDINGS

Table C-1

Sodium nitrite: Summary data concerning the U.S. market, 2005-07, January-March 2007, and January-March 2008

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

Item	Reported data					Period changes			Jan.-Mar. 2007-08
	2005	2006	2007	January-March 2007	2008	2005-07	2005-06	2006-07	
U.S. consumption quantity:									
Amount	***	***	***	***	***	***	***	***	***
Producers' share (1)	***	***	***	***	***	***	***	***	***
Importers' share (1):									
China	***	***	***	***	***	***	***	***	***
Germany	***	***	***	***	***	***	***	***	***
Subtotal (subject)	***	***	***	***	***	***	***	***	***
Other sources	***	***	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***	***	***
U.S. consumption value:									
Amount	***	***	***	***	***	***	***	***	***
Producers' share (1)	***	***	***	***	***	***	***	***	***
Importers' share (1):									
China	***	***	***	***	***	***	***	***	***
Germany	***	***	***	***	***	***	***	***	***
Subtotal (subject)	***	***	***	***	***	***	***	***	***
Other sources	***	***	***	***	***	***	***	***	***
Total imports	***	***	***	***	***	***	***	***	***
U.S. imports from:									
China:									
Quantity	519	1,044	1,626	683	742	213.2	101.1	55.7	8.6
Value	122	245	476	174	255	289.2	100.8	93.9	46.3
Unit value	\$0.24	\$0.24	\$0.29	\$0.26	\$0.34	24.3	-0.2	24.5	34.8
Ending inventory quantity . .	***	***	***	***	***	***	***	***	***
Germany:									
Quantity	7,717	10,175	11,723	2,648	3,015	51.9	31.9	15.2	13.9
Value	1,627	2,072	2,680	571	744	64.7	27.3	29.3	30.3
Unit value	\$0.21	\$0.20	\$0.23	\$0.22	\$0.25	8.4	-3.4	12.2	14.4
Ending inventory quantity . .	***	***	***	***	***	***	***	***	***
Subject sources:									
Quantity	8,236	11,219	13,349	3,331	3,757	62.1	36.2	19.0	12.8
Value	1,750	2,318	3,155	745	999	80.4	32.5	36.2	34.1
Unit value	\$0.21	\$0.21	\$0.24	\$0.22	\$0.27	11.3	-2.8	14.4	18.8
Ending inventory quantity . .	***	***	***	***	***	***	***	***	***
All other sources:									
Quantity	132	359	629	93	132	375.8	171.2	75.4	42.9
Value	17	69	113	21	99	550.5	296.3	64.2	371.0
Unit value	\$0.13	\$0.19	\$0.18	\$0.23	\$0.75	36.7	46.1	-6.4	229.7
Ending inventory quantity . .	***	***	***	***	***	***	***	***	***
All sources:									
Quantity	8,368	11,578	13,979	3,424	3,890	67.0	38.4	20.7	13.6
Value	1,767	2,387	3,269	766	1,098	85.0	35.1	37.0	43.3
Unit value	\$0.21	\$0.21	\$0.23	\$0.22	\$0.28	10.7	-2.4	13.4	26.1
Ending inventory quantity . .	***	***	***	***	***	***	***	***	***

Table continued on next page.

Table C-1-Continued

Sodium nitrite: Summary data concerning the U.S. market, 2005-07, January-March 2007, and January-March 2008

(Quantity=1,000 pounds, value=1,000 dollars, unit values, unit labor costs, and unit expenses are per pound; period changes=percent, except where noted)

Item	Reported data					Period changes			Jan.-Mar. 2007-08
	2005	2006	2007	January-March 2007	2008	2005-07	2005-06	2006-07	
U.S. producers ¹ :									
Average capacity quantity . . .	***	***	***	***	***	***	***	***	***
Production quantity	***	***	***	***	***	***	***	***	***
Capacity utilization (1)	***	***	***	***	***	***	***	***	***
U.S. shipments:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Export shipments:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Ending inventory quantity . . .	***	***	***	***	***	***	***	***	***
Inventories/total shipments (1)	***	***	***	***	***	***	***	***	***
Production workers	***	***	***	***	***	***	***	***	***
Hours worked (1,000s)	***	***	***	***	***	***	***	***	***
Wages paid (\$1,000s)	***	***	***	***	***	***	***	***	***
Hourly wages	***	***	***	***	***	***	***	***	***
Productivity (pounds per hour	***	***	***	***	***	***	***	***	***
Unit labor costs	***	***	***	***	***	***	***	***	***
Net sales:									
Quantity	***	***	***	***	***	***	***	***	***
Value	***	***	***	***	***	***	***	***	***
Unit value	***	***	***	***	***	***	***	***	***
Cost of goods sold (COGS) . . .	***	***	***	***	***	***	***	***	***
Gross profit or (loss)	***	***	***	***	***	***	***	***	***
SG&A expenses	***	***	***	***	***	***	***	***	***
Operating income or (loss) . . .	***	***	***	***	***	***	***	***	***
Capital expenditures	***	***	***	***	***	***	***	***	***
Unit COGS	***	***	***	***	***	***	***	***	***
Unit SG&A expenses	***	***	***	***	***	***	***	***	***
Unit operating income or (los:	***	***	***	***	***	***	***	***	***
COGS/sales (1)	***	***	***	***	***	***	***	***	***
Operating income or (loss)/	***	***	***	***	***	***	***	***	***
sales (1)	***	***	***	***	***	***	***	***	***

- (1) "Reported data" are in percent and "period changes" are in percentage points.
- (2) Less than 0.05 percent.
- (3) Less than \$0.005 but positive.
- (4) Not applicable or not meaningful.

Note.-- Because of rounding, figures may not add to the totals shown. Unit values and shares are calculated from the unrounded figures.

Source: Compiled from data submitted in response to Commission questionnaires.

APPENDIX D
PURCHASER QUESTIONNAIRE RESPONSES

As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. A response was received from the domestic interested party and it provided contact information for the following four firms as top purchasers of sodium nitrite: ***. Purchaser questionnaires were sent to these four firms and one firm (***) provided responses, which are presented below.

1. Have there been any significant changes in the supply and demand conditions for sodium nitrite products that have occurred in the United States or in the market for sodium nitrite in China and/or Germany since January 1, 2019?

Purchaser	Yes / No	Changes that have occurred
***	***	***

***	***	***
-----	-----	-----

2. Do you anticipate any significant changes in the supply and demand conditions for sodium nitrite in the United States or in the market for sodium nitrite in China and/or Germany within a reasonably foreseeable time?

Purchaser	Yes / No	Anticipated changes
***	***	***

