



Before You File a Comment

How to Prepare for Filing a Miscellaneous
Tariff Bill Comment



January 6, 2017

This information pertains to the process established by the American Manufacturing Competitiveness Act of 2016.

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INTRODUCTION

About This Guide

This guide extracts from and builds upon information in the *Before You File* guide issued by the U.S. International Trade Commission (Commission) on October 7, 2016. The *Before You File* guide explained how to file a petition or comment with the Commission requesting a suspension or reduction of duty on a product. This new guide will help you prepare a comment on such a petition. After reading this guide, you should have a better understanding of what you must know and have ready in order to properly file a comment.

ABOUT THE MTB PETITION SYSTEM

Creating an Account

To file a comment, you must first become a registered user of the MTB Petition System (MTBPS). Please note that credentials you may have already set up to access other Commission systems (e.g., EDIS) will not work to access the MTBPS. To register, you must create an account via the MTBPS website, <https://www.usitc.gov/mtbps>. This is true whether you're a company initiating the comment or an independent third party representing such a company.

The online registration process will require that you provide your name, telephone number, and email address of record.¹ The Commission will send any system notifications (for example, a notice that your comment submission has been received) to the email address you provide at registration.

You must choose a user ID and password when you register to serve as a unique form of authentication so you can access the MTBPS securely. You may permit another person to file a comment using your user ID and password; however, you assume responsibility for any use of your user ID and password that you permit.

Submitting Your Comment

On January 11, 2017, the Commission will publish a notice in the *Federal Register* inviting members of the public to submit comments to the Commission on the petitions for duty suspensions/reductions that the Commission will have published on its website as of that date. Comments may be filed by any member of the public, including individuals, companies, and other entities with an interest in the matter, as well as by the party filing the petition. Parties filing comments may object to a petition, support it, or take no position on it, and may use the comment to supply additional information. However, petitioners may not seek to change or

¹ You must have and maintain a working email address to be a registered user.

correct (amend) a petition through the comment process; comments seeking to amend a petition will not be accepted.

All comments must be submitted during the 45-day period that begins on January 11, 2017, and ends at 5:15 pm EST on Friday, February 24, 2017. Comments filed after the close of the 45-day filing period will not be accepted.

To file a comment, go to the MTBPS website (<https://www.usitc.gov/mtbps>), locate the petition on which you wish to file a comment, and select the option “Comment on Petition.” **You must file a separate comment for each petition** on which you wish to express your views. A comment must contain all the required information in order to be accepted for review.

You must complete the process of submitting a comment in one session. You cannot save a partially completed comment and return to it at a later date. In addition, you will not be able to edit or correct a comment once it has been submitted. Instead, you must withdraw the original comment and then file a new comment that includes your changes or corrections.

If you wish to support, object to, or otherwise comment on a petition, you must file your views with the Commission through the MTBPS during the 45-day formal comment period. You must file all comments by the deadline. This includes comments intended to edit or correct a comment that you filed earlier in the comment period but later withdrew (see 19 CFR 220.9).

You may also be contacted by Commission staff, or staff from other federal agencies, as they analyze the petitions. However, any information or views that you express through these contacts will not be considered a formal comment that you have filed with the Commission.

Handling of Confidential Business Information

All information collected through the MTBPS will be made public and published on the Commission’s website, with the following exception: you will be allowed to claim that some information is confidential business information (CBI), if the information falls within the definition of CBI under the Commission’s rules (see 19 CFR 201.6(a)).² That specific information will not be made public in that case.

However, if the information you submit qualifies as CBI but you fail to claim it as such, you will be considered to have waived your right to claim it as CBI. The information will therefore be made available to the public when your comment is posted to the Commission’s website.

Sharing of Confidential Business Information with Other Agencies

Note: The Commission may share CBI included in your comment with officials at the Department of Commerce (Commerce), U.S. Customs and Border Protection, and the U.S.

² Please note that you will not be able to claim CBI status for Chemical Abstract Service (CAS) numbers.

Department of Agriculture so that Commerce can prepare a separate report under the American Manufacturing Competitiveness Act of 2016.

Posting and Publication of Comments

The Commission may post comments to its website as they are received. After the close of the comment period, the Commission will publish a notice in the *Federal Register* directing members of the public to the Commission's website to view comments received.

Any comments you make will be made public, and the Commission will consider them in preparing its preliminary and final reports, unless they suffer from one of two problems: (1) you have failed to provide required information for the commenter type you selected, or (2) you are a petitioner and you tried to amend your petition. Please see the next section of this guide for more information.

REQUIRED INFORMATION

Commenter Information

If you file a comment on a petition, you must first list the name, address, and phone number of the individual or entity submitting the comment ("entities" may be companies, governmental entities, etc.). The Commission will not post or publish the home address and telephone of an individual who submits a comment if the person filing the comment indicates that the address and phone number are for a personal residence.

Comments that are not filed by an individual must also list a name, title, and email address for a contact person. The Commission will not post or publish the contact's email address.

Comments may be filed by any member of the public, including individuals, firms, organizations, unions, associations, government agencies at any level, and purchasers. You must indicate which **one** of the following is filing the comment:

- U.S. producer of a product that is identical, like, or directly competitive with the subject of the petition;
- U.S. importer of a product that is identical, like, or directly competitive with the subject of the petition;
- Trade association or group;
- Government entity; or
- Other.

Your choice determines the information you will be required to provide. For example, if you do not identify yourself properly as a U.S. producer and, therefore, do not provide the

information required of a U.S. producer, your comment will not be considered. **Please review your choice for accuracy.**

Please remember that while petitioners may comment on their own petitions, **petitioners cannot use the comment to amend their petition.**

Independent Representative Information

The Commission recognizes that commenters may retain outside assistance to file a comment (e.g., a lawyer or consultant). If you are an independent third party filing a comment on behalf of the commenting company, you must indicate that you are an “independent representative” and list your name, firm/organization affiliation, phone number, and email address. The Commission will not post or publish your email address.

U.S. Producer Information

If you identify yourself as a U.S. producer of a product that is identical to, like, or directly competitive with the product that is the subject of the petition, you must provide the information listed below.

You will be able to claim CBI status for certain data in this section. However, **you must check a box in each instance in the system to indicate that the data is CBI in order to protect the data** supplied. Failure to indicate they are CBI constitutes a waiver of CBI status, and the data will be made publicly available when the petition is posted to the Commission’s website.

- State whether the product you manufacture is **identical to, like, or directly competitive with** the product covered by the petition.

According to section 220.2(h) of the Commission’s rules, an “**identical**” article means a domestic article that has the same inherent or intrinsic characteristics and is classified in the same HTS rate line as the article that is the subject of a petition for duty suspension or reduction.

A “**like**” article means a domestic article that is substantially identical in inherent or intrinsic characteristics (i.e., materials from which made, appearance, quality, texture, etc.) to the article that is the subject of a petition for duty suspension or reduction.

A “**directly competitive**” article means a domestic article which, although not substantially identical in its inherent or intrinsic characteristics, is substantially equivalent for commercial purposes, that is, adapted to the same uses and essentially interchangeable therefor as the article that is the subject of a petition for duty suspension or reduction.

- You will need to be able to briefly describe any like or directly competitive product. Be sure that the description includes an explanation of how it is like or directly competitive.
- State whether the product is commercially available. **Commercially available**, in this context, would generally mean the product is "sold in the marketplace" or available for purchase from a U.S. producer or firm by any person wishing to purchase the product. If all production of the product is captive (e.g., consumed by the domestic producer in the production of another product) or the product is not available in the marketplace (e.g., perhaps because it is under patent protection), please indicate that.
- State whether you produced the product in the last 12 months. If you indicate that you have not produced the product in the last 12 months, you must state the year in which it was last produced or in which production is expected to begin. If production is planned, your comment text and/or comment attachment should provide additional information supporting your claim of planned production.
- If the product is a chemical, list the CAS number(s), IUPAC/systematic name, and/or Colour Index number. Please see the Commission's [Before You File](#) guide, issued October 7, 2016, for an explanation of these terms.

U.S. Importer Information

If you identify your firm as a U.S. importer, you will be asked to list the leading source country(s) from which your product is imported. You may enter no more than 20 country names.

Reason for Comment

You must indicate the reason for your comment, selecting from one the following three choices. (Please note that while examples are included below for each reason, they are not the sum total of possibilities; you may have a different scenario.)

- **You object to the request for a duty suspension or reduction** (e.g., if you are a [domestic producer](#) of a product that is identical to, like, or directly competitive with the product covered by the petition; or if you are an importer of a like or directly competitive product).
- **You support the request** for a duty suspension or reduction (e.g., if you are an [importer](#) of an identical product and as such would be a beneficiary).
- **Take no position/Provide other comment.**

Comment Text

Your comment must be short—2,500 characters or less. You must enter your comment in the text box provided. You may tag this text as CBI.

Attachments

You may upload additional information. Things to note about comment attachments:

- You are permitted to upload one attachment.
- It must be no more than five pages in length.
- It must be a PDF file no more than 25 megabytes in size.
- It must not contain active, embedded web links.
- **It must not contain CBI, or be labeled in any way as CBI** (including in headers, footnotes, etc.).