



# Before You File

**How to Prepare for Filing a Miscellaneous  
Tariff Bill Petition or Comment**



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

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## ABBREVIATIONS AND ACRONYMS

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<b>Acronym</b>	<b>Term</b>
The Act	The American Manufacturing Competitiveness Act of 2016
AD	Antidumping
CAS	Chemical Abstract Services
CBI	Confidential business information
CBP or Customs	United States Customs and Border Protection
CROSS	Customs Rulings Online Search System
CVD	Countervailing Duty
Commerce	Department of Commerce
FAQ	Frequently asked question
HTS	Harmonized Tariff Schedule
INN	International Nonproprietary Name
IUPAC	International Union of Pure and Applied Chemistry
MSDS	Material safety data sheet
MTB	Miscellaneous tariff bill
MTBPS	Miscellaneous Tariff Bill Petition System
PDF	Portable document format
PMN	Premanufacture notice
USDA	United States Department of Agriculture
USITC	United States International Trade Commission


## INTRODUCTION

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### About This Guide

This guide will help you prepare a petition requesting a duty suspension or reduction, or a comment on a petition, with the United States International Trade Commission (Commission). After reading this guide, you should have a better understanding of:

- Your petition in the context of the miscellaneous tariff bill process
- What the Commission's role is in the miscellaneous tariff bill process
- How the Commission will collect petition and comment information<sup>1</sup>
- What you must know and have ready in order to properly file a petition or comment

This guide contains a list of frequently asked questions (FAQs). Anywhere you see a , please refer to the FAQs for the answer. (Note: if you are viewing this online, the text of the question is hyperlinked to the FAQs so that you can navigate to them easily by clicking on the question.)

This guide ends with a checklist that, while not exhaustive, should help you in preparing your petition materials and information in advance.

### Your Petition and the Miscellaneous Tariff Bill Process

Your petition is the first step in a process that may result in Congressional legislation that temporarily suspends or reduces the duty on an imported good. If the Commission finds that your petition is properly filed and the Commission determines that certain statutory requirements relating to your petition are met, it will forward your petition to Congress for possible incorporation into a “miscellaneous tariff bill” or “MTB.” Such a bill would, if enacted by Congress, create temporary provisions in chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) that provide for the temporary suspension or reduction of duties on the covered imported products

### How the American Manufacturing Competitiveness Act of 2016 Changed the Process

In the past, members of the public—usually business firms—would request that members of Congress introduce bills seeking to temporarily suspend or reduce tariffs on certain imports. Historically, the Commission and several other Federal agencies have reviewed and produced reports for Congress on each bill, and the House Ways and Means Committee and Senate Finance Committee (Committees) have then combined the individual bills meeting certain criteria into a single bill for Congress to consider.

The American Manufacturing Competitiveness Act of 2016 (the Act) establishes a new

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<sup>1</sup> This guide does not walk you through how to file a petition or comment in the MTB Petition System (e.g., with screenshots of the system). Rather, it addresses important things to know before you start the submission process.

procedure for the filing of requests for duty suspensions or reductions. Under the new procedure, likely beneficiaries—or their representatives—must now file a petition directly with the Commission. The Commission must publish the petitions received that meet the requirements set out in the Act and the Commission’s rules, provide opportunity for the public to file comments on the published petitions, and then submit preliminary and final reports to the Committees. The full text of the Act can be found at [https://www.usitc.gov/documents/mtbps/bills\\_114hr4923enr.pdf](https://www.usitc.gov/documents/mtbps/bills_114hr4923enr.pdf)

## ABOUT THE MTB PETITION SYSTEM

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### Creating an Account

To file a petition or a comment, you must first become a registered user of the MTB Petition System (MTBPS). Please note that credentials you may maintain 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 petition 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.<sup>2</sup> The Commission will send any system notifications (for example, a notice that your petition or 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 petition or comment using your user ID and password; however, you assume responsibility for any permitted use of your user ID and password.

### Submitting Your Petition

Not later than October 15 of the year in which the petition submission cycle is to begin, the Commission will publish a notice in the *Federal Register* soliciting petitions for temporary duty suspensions or reductions. Petitioners will have 60 days, beginning on the date the notice is published in the *Federal Register*, to submit their petitions. **Petitions filed after the close of the 60-day filing period will not be accepted.** To file a petition, go to the MTBPS website (<https://www.usitc.gov/mtbps>) and you will be guided through a series of screens requesting information. A petition must contain all the required information in order to be considered accepted for review.

**You must complete the petition submission process in one session.** You cannot save a partially complete petition and return to it at a later date. In addition, **you will not be able to edit or**

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<sup>2</sup> You must have and maintain a working email address to be a registered user.

**correct a petition once it has been submitted.** Instead, you must withdraw the original petition and then file an edited or corrected petition. **All** petitions must be filed by the deadline. This includes petitions intended to edit or correct a petition that was filed on time but that was later withdrawn (see 19 CFR 220.9). Therefore, it is important that you use this document and refer to part 220 of the Commission’s rules to prepare your information and materials before you start to submit a petition.

## Avoiding Duplicative and Overlapping Petitions

### One Petition per Product

As part of the petition submission process, you must certify that petitioner has not previously filed a petition, during the current filing cycle, for:

- An identical product
- A product whose article description includes the product covered by the current petition, or
- A product that is included in the scope of the current petition

Petitions for products that are identical to or that overlap with those in a petition previously filed by the same petitioner will not be considered properly filed. Instead, the Commission generally will consider the earliest relevant pending petition that has been filed and not withdrawn to be the petition formally filed by the petitioner (see 19 CFR 220.7(b)).

### Consolidation of Petitions

What if someone else files a petition for the same product as the one you plan to file a petition for? The Commission may consolidate petitions filed by separate petitioners that cover identical or overlapping products (see 19 CFR 220.8). For example, you file a petition on item X and Company 2 also files a petition on item X. The Commission may consolidate these for purposes of the Commission’s analysis and recommendation. Given these issues, before filing a petition, you should carefully review the list of filed petitions as they are made available on the Commission’s website for identity or overlap with the petition you plan to file.

### Posting and Publication of Petitions

When the Commission receives a petition, we will assign it a unique identification (ID) number. This ID number will be used to reference the petition and must be used by those who wish to submit comments on the petition.

The Commission will publish the petitions received on its website not later than 30 days after the close of the 60-day period for filing petitions. The Commission may post many or most of

the petitions on its website earlier than that, but the publication date for purposes of the 45-day period for the filing of public comments will be the date of publication of a notice in the *Federal Register* requesting members of the public to submit comments on the petitions (see section 3(b)(3)(A)-(B) of the Act<sup>3</sup> and section 220.10(a) of our rules (see 19 CFR 220.10(a)).

### **If You Want to Submit a Comment**

As mentioned in the preceding paragraph, not later than 30 days after the close of the 60-day period for filing petitions, the Commission will publish a notice in the *Federal Register* that will direct members of the public to the Commission's website to view the published petitions. That notice will also solicit public comments on the published petitions. Comments will be accepted for 45 days beginning on the date the notice is published in the *Federal Register*. You may not submit a comment before this notice is published, and you may not submit a comment after close of the comment period. **Late comments will not be accepted.**

**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.**

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

As with the petition submission process, you will be guided through a series of screens to submit a comment. You must identify the petition on which you are filing a comment by referencing the Commission-assigned petition ID number. You must file a separate comment for each petition on which you wish to express your views.

### **Posting 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* notice directing members of the public to the Commission's website to view comments received.

### **Handling of Confidential Business Information**

Unless confidential business information (CBI) status is established for particular items of information, all information collected through the MTBPS will be made public and published on the Commission's website. You will be allowed to claim CBI status for particular items of information, if the information falls within the definition of CBI under the Commission's rules (see 19 CFR 201.6(a)).<sup>4</sup> This applies whether you are submitting a petition or comment. If the

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<sup>3</sup> Sec. 3(b)(3)(A) of the Act specifies that the Commission "shall publish on a publicly available website of the Commission—(i) the petitions and duty suspensions and reductions submitted . . . and (ii) the Commission disclosure forms."

<sup>4</sup> Please note that you will not be able to claim CBI status for Chemical Abstract Service (CAS) numbers.



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, and the information will be made available to the public when your petition or comment is posted to the Commission's website.

### Sharing of Information with Other Agencies

Note: **The Commission may share CBI included in your petition or comment** with officials at the Department of Commerce (Commerce), U.S. Customs and Border Protection (CBP or Customs), and the U.S. Department of Agriculture (USDA) so that Commerce can prepare a separate report under the Act.

## WHAT GOES INTO A PETITION

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This section describes, item by item, the information necessary to complete an MTB petition.

### Petitioner Information

You will be required to provide the petitioning company's name, address, and phone number.

You must also provide a contact name, title, and email address. **The contact person should be someone who is employed at the petitioning company and can speak about the substance of the petition should a member of our staff need to contact the petitioner.** The Commission will not post or publish the contact's email address.

 Who may file a petition?

### Independent Representative Information

The Commission recognizes that petitioners may retain outside assistance to file a petition (e.g., a lawyer, trade association, or consultant). If you are an independent third party filing a petition on a company's behalf, you must state 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.

 May an association file a petition on behalf of multiple of my members?

### Information for the Legislative Text

Certain information you input into the MTBPS will be used to generate "legislative text." This text is a draft legal description of **the product that is the subject of your petition** (called "your product" in this guide). The draft text describes your product as it would appear in HTS chapter 99, which lists the products subject to temporary tariff modifications. This or similar legislative text will be included in the miscellaneous tariff bill prepared by the Committees for consideration by Congress.

## Format

Once you have entered the necessary information, the MTBPS will show you what your proposed formatted legislative text will look like (see the example below). Some information that appears in the legislative text is not described in this section (e.g., the *proposed* 9902 number or proposed expiration date); you are not responsible for providing this information.

“	9902.06.02	2-Imidazolidinone, 1-(2-aminoethyl)-, reaction product with oxirane, ((2-propenyloxy)methyl)- (CAS No. 90412-00-3) (provided for in subheading 2933.29.90)	Article Description language			On or before 12/31/2007	”
			CAS No., applicable for chemicals				
HTS No., can be multiple		Free	No change	No change	Requested Rate of Duty		

## The HTS Number(s) (in Chapters 1–97) That Apply

This is the HTS 8-digit subheading describing your product **in its condition when imported** into the customs territory of the United States. (As discussed below, the 8-digit subheading normally lists its physical characteristics at the time of importation.) More than one HTS 8-digit subheading may apply to your product. List all HTS numbers that are known to apply.<sup>5</sup> But do not attempt to alter the classification of your product in HTS chapters 1–97 by listing an inappropriate HTS subheading number(s) in the MTBPS.

🔗 Where can I find information about what HTS number(s) apply to my product?

## The Rate of Duty You Are Requesting

This is the temporary general duty rate you are requesting for your product. If you are requesting a temporary duty suspension, the system will automatically consider your requested rate to be zero percent (or “Free” for purposes of the legislative text). If you are requesting a temporary duty reduction, you must provide the reduced ad valorem rate you are requesting as a percentage figure, to the nearest tenth of a percent. If the general rate of duty applicable to your product is given in the HTS as a compound rate, you must provide the estimated “ad valorem equivalent” duty rate. The general duty rate that you request, along with import data, may be used to calculate the estimated annual revenue loss that the Commission must include in its preliminary report. In its final report, the Commission must also determine that the estimated annual revenue

<sup>5</sup> If your petition covers an article that is treated as a set or a “combination good” for tariff purposes and is constructively segregated (so that each item in the set is separately classified) by CBP upon importation, list all HTS numbers that cover the separate items in the set or combination of goods.

loss in a calendar year from the requested duty suspension or reduction does not exceed \$500,000.

- ❓ Where can I find information about what rate(s) of duty currently apply to my product?
- ❓ What is an ad valorem rate?
- ❓ What if the HTS lists the general duty rate that applies to my product as “Free”?
- ❓ What if the HTS lists the special duty rate that applies to my product as “Free”?
- ❓ What if my product is already included in the HTS’s Pharmaceutical Appendix or its Dye Intermediates Appendix?
- ❓ What if I know that, given the general duty rate I am proposing, the estimated annual revenue loss to the United States will exceed \$500,000?

#### **The Chapter 99 Number for Temporary Suspensions or Reductions of Duties**

This is the HTS tariff rate line in chapter 99 listing an imported good that is subject to a temporary duty suspension or reduction. Provide this 8-digit number if your product was previously granted a temporary duty suspension or reduction in subchapter II of chapter 99. New provisions proposed as additions to the HTS will be numbered after our review is complete.

- ❓ Where can I find information about what chapter 99 number may apply to my product?

#### **The Article Description**

The article description should be formatted as shown on page six of this guide and include: the language that describes your product as it would in appear in HTS chapter 99, all applicable HTS subheading number(s), and any standard identification numbers or names (e.g., CAS number(s) for chemicals).

The article description language needs to be **clear and administrable by CBP** and should be a verbal snapshot listing the discernable physical characteristics of your product at the time of importation, with any units of measurement expressed in metric terms.

A few tips for writing clear and administrable language:

- If your product covers an entire 8- or 10-digit tariff category, use that provision’s description as a starting point.

❓ How can I find my product's 8- or 10-digit tariff category description?

- If CBP has used particular wording to describe your product in a ruling, consider that language as a starting point.

❓ Where can I locate a Customs ruling that may apply to my product?

- Use terms that appear and are defined elsewhere in the HTS, whenever possible, rather than new terms that may be ambiguous or require a new interpretation or separate definitions.
- Draft your article description carefully. Citing characteristics that distinguish your product from similar goods can help narrow the scope of your requested HTS heading, limit the amount of possible revenue loss, and reduce the likelihood that your petition will overlap with other petitions. Similarly, if you have reason to believe a firm or other entity may object to your request, consider whether you can draft your article description so as to minimize the likelihood of such an objection. **However, remember that your requested duty suspension or reduction must be available to any person importing the covered product.** If your description is so narrowly drafted it may not meet that requirement. (see 19 CFR 220.6(a))

❓ What shouldn't I include in a proposed article description?

As noted above, **when the product is a chemical**, the article description column in the HTS may contain several other key elements besides the physical description. These include the article's Chemical Abstract Services (CAS) number, its International Union of Pure and Applied Chemistry (IUPAC)/systematic name, its international nonproprietary (generic) name (INN), and/or its Colour Index number. (You cannot tag any of these elements as CBI.) The elements are described in more detail below.

*CAS Number(s)*

**Applicable to chemicals only.** The Chemical Abstract Services (CAS) number is a unique numeric identifier that designates only one chemical substance (organic or inorganic). It has no chemical significance. A CAS number can contain up to 10 digits, divided by hyphens into three parts. If your petition's article description encompasses several chemicals (for example, it is a kit), please list a CAS number for each one. You may not use "premanufacture notice" (PMN) numbers in lieu of a CAS number for new chemical substances. In addition to providing CAS Number(s) where specifically asked in the MTBPS, you should provide any applicable CAS Number(s) as part of the article description and in the format shown on page six of this guide. Again, you cannot tag a CAS number as CBI.

- ❓ Where can I locate a CAS number(s) that may apply to my product?

*IUPAC/Systematic Name*

**Applicable to chemicals only.** This is a systematic method of naming chemical compounds (organic or inorganic) as recommended by the IUPAC. A systematic name is intended to give an unambiguous and absolute definition to a compound and is therefore helpful, when known. A chemical will have both a CAS number and IUPAC/systematic name. In addition to providing the IUPAC/systematic name where specifically asked in the MTBPS, you should provide any applicable IUPAC name as part of the article description language that describes your product.

- ❓ Where can I locate an IUPAC/systematic name(s) that may apply to my product?

*International Nonproprietary Name*

**Applicable to pharmaceuticals and pharmaceutical intermediaries only.** From the World Health Organization: “International Nonproprietary Names (INN) identify pharmaceutical substances or active pharmaceutical ingredients. Each INN is a unique name that is globally recognized and is public property. A nonproprietary name is also known as a generic name.” A pharmaceutical will have a CAS number, a systematic name, and an INN.

- ❓ Where can I locate an international nonproprietary (generic) name (INN) that may apply to my product?

*Colour Index Number*

**Applicable to dyes and pigments only.** This refers to the Colour Index generic name, which describes a product by its recognized usage class. A dye or pigment will have a CAS number, a systematic name, and a Colour Index number.

- ❓ Where can I locate a Colour Index number that may apply to my product?

## Information about Your Product

### Short Product Name

A short product name must describe your product in 50 characters or less. Note: these have been used in previous omnibus tariff laws as section titles. For chemicals, you may use a non-proprietary common name, when possible, or the first part of the IUPAC name up to the character limit.

### Product Description

The product description should be a **brief** description of your product.

### Product Use Description

Describe how your product is used (for example, by U.S. firms or by the final consumers). You will also be asked whether your product is an intermediate good.

### Industry Description

Describe the industry that uses or processes your product, with special attention to U.S. manufacturing operations.

## Information about Importing Your Product

### Import Source(s)

List the leading source country(s) from which your product is imported. The maximum you may enter is 20.

### Import Data

The MTBPS will provide you with a table to fill out for each HTS subheading applicable to your product. You must provide annual estimates, on a calendar basis, of the value of the imports, both total and dutiable, for the product that is the subject of your petition. You must provide those estimates for the calendar year that precedes the current calendar year, for the current calendar year, and for each of the next five **full** calendar years (seven full years in all). You are encouraged to provide estimates of total U.S. imports; however, if you are unable to provide estimates of total U.S. imports, provide estimates for your own imports (or estimates for a subset of importers). If the estimates are for your own imports, you must indicate that.

 What if I believe the import data are CBI?

### Other U.S. Importers

If you are aware of other U.S. firms importing your product, list their company name (required), phone number, email address, and a contact name. Only the company name and phone number will be made publicly available as part of the petition. **Do not** give an individual's personal phone number. List the company's phone number.

## U.S. Industry and Production Information

Certain questions in this section will allow you to claim that your data should be treated as CBI if you believe they fall within the definition of CBI in section 201.6(a) of the Commission's rules. **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.** If you do not claim the data to be CBI, the Commission will consider that you have waived any right to do so, and the data will be made available to the public when the petition is posted to our website.

## Production Information

You will be asked whether an identical, like, or directly competitive product is produced in the United States and whether it 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.

### What is an identical, like, or directly competitive product?

You will need to be able to briefly describe any like or directly competitive domestic product. Be sure that description includes an explanation of how it is like, or directly competitive with your product.

If all domestic production of the product is captive (e.g., consumed by the domestic producer in the production of another product) or not sold or available in the marketplace, please say so.

If you state that U.S. production is planned to begin in the next three years, you must provide information as to when (month and year) such production is expected to begin, along with a short statement supporting that assertion.

## U.S. Producers

If you state that there is U.S. production or that U.S. production is planned, you must list the U.S. producers' company name and location (city and state).

## Other Information

### Likely Beneficiaries of an MTB

List known likely beneficiaries (other than your firm or the firm you represent) of the temporary duty suspension or reduction. You must list the company's name. Contact name, phone number, and email address are requested, but not required. Only the company name and phone number will be made publicly available as part of the petition. **Do not** give an individual's personal phone number. List the company's phone number.

### Who is a likely beneficiary?

### Other Duties or Legal Orders Affecting Your Product

If you know of any other duties that apply to the product, please indicate the type here. To learn if imports of your product are subject to antidumping or countervailing duty orders, please check the Commission's website for a [list of active AD/CVD orders](#). Other additional duties may include those imposed under section 201 or section 301 of the

Trade Act of 1974. In this section, you may also specify whether the product's importation is restricted under licenses or permits issued by a government entity.

## Supporting Documentation You May Need

### Customs Ruling

If there is a Customs ruling on your product, you must attach it and indicate whether it is a published ruling or private letter ruling. Published rulings are public documents. Private letter rulings by definition are not public documents and will be treated as containing CBI. **You should ensure that you categorize your ruling appropriately.**

- 🔗 Where can I locate a Customs ruling that may apply to my product?
- 🔗 What if I'm concerned my Customs ruling may be out of date?

### Liquidated Entry Summary

You may submit a copy of a liquidated entry summary that establishes the HTS classification of your product in chapters 1–97 of the HTS. Alternatively, you may submit a Customs Form 29 (“Notice of Action”) or similar Customs document reflecting the HTS classification of your product. If you do not have such a document, you can still file your petition. The Commission will treat documents of this type as containing CBI.

### Other Supporting Documentation

If you believe that other information not requested in the petition form would be beneficial for the Commission's review, you may upload that information as an attachment. In particular, you may wish to include a diagram of your product or other documentation describing your product's unique technical characteristics. **You will not be able to claim CBI status for attachments uploaded in this section.** For this reason, do not include CBI in your attachment or label any information in your attachment as CBI, including in headers, footnotes, etc. Attachments uploaded in this section will be made available to the public in their entirety when the petition is posted to the Commission's website.

Things to note about petition attachments:

- You will be prompted for an attachment in three separate instances: Customs ruling, liquidated entry summary, and other supporting documentation. **In each instance you may only submit one attachment of 10 pages or less.**
- Each attachment must be a PDF file no larger than 25 megabytes in size.
- Attachments must not contain active, embedded web links.

See the Commission's *Handbook on MTB Filing Procedures*.



## **Certifications You Must Submit**

### **Petitioner Is a Likely Beneficiary**

You must certify that the petitioner (your firm or the firm you represent) is a likely beneficiary of the temporary duty suspension or reduction. Failure to make this certification will prevent you from being able to submit your petition. The Act defines a likely beneficiary as “an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction.”

### **Requested Relief Is Available to Any Importer**

Normally, you must certify that the temporary duty suspension or reduction is available to any person importing the article. If you indicate that it is not available, you must provide an explanation of any provision (e.g., a U.S. patent) that makes it unavailable.

### **Regarding Duplicative and Overlapping Petitions**

You must certify that neither you nor your client has previously filed a petition, during the current filing cycle, for any of these:

- An identical product
- A product whose article description includes the product covered by the current petition, or
- A product that is included in the scope of the current petition

## WHAT GOES INTO A COMMENT

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### Commenter Information

If you file a comment on a petition, you must first provide the commenting company's name, address, and phone number.

You must also provide a contact name, title, and email address. The Commission will not post or publish the contact's email address.

Comments may be filed by any member of the public, including 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 the product that is the subject of the petition
- Government entity
- Trade association or group, or
- Other

Your choice determines the information you will be required to provide. **Please review your choice for accuracy.**

### 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 provide 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, like, or directly competitive with the product that is the subject of the petition, you will be asked to 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.

### 🔍 What is an identical, like, or directly competitive product?

- 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 such production is captive or not available in the marketplace, please indicate that.
- State whether you produced the product in the current calendar year. If you indicate that U.S. production is planned to begin, you must state when (month and year) it is expected to begin and provide information that demonstrates planned production.
- If the product is a chemical, provide the CAS number(s), IUPAC/systematic name, Colour Index number, if applicable, and international nonproprietary name, if applicable. See the [What Goes Into a Petition](#) section of this guide for more information.

### 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

All commenters must indicate the reason for their comment as one of the following:

- Object to the request
- Support the request
- Take no position/Provide other comment

### Comment Text

Your comment must be short—1,000 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.).

## FREQUENTLY ASKED QUESTIONS

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### **Who may file a petition?**

According to section 220.3(a) of the Commission's rules (19 CFR 220.3), a petition may be filed by members of the public **who can demonstrate** that they are likely beneficiaries of duty suspension or reductions. A member of the public for these purposes would generally be a firm, importer of record, a manufacturer that uses the imported article, or a government entity at the U.S. Federal, state, or local level (emphasis added). [Return](#)

### **May an association file a petition on behalf of multiple of my members?**

An association may file a petition as an independent representative when acting on behalf of a company who is a likely beneficiary to the requested relief. At this time, the MTBPS will only accept one entry in the petitioner information section. Therefore, you may choose to list one member as the petitioner and the others as likely beneficiaries to the requested relief. The import data you provide should reflect estimates for total U.S. imports or, if not available, at least for the petitioning firm and the other association members listed as likely beneficiaries.

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### **Where can I find information about what rate(s) of duty currently apply to my product?**

The rate(s) of duty are found in the HTS.

The current version of the HTS, <http://hts.usitc.gov/current>, and the HTS search tool, <https://hts.usitc.gov/>, can help you find the relevant HTS number(s) and corresponding rate(s) of duty. [Return](#)

### **What is an ad valorem rate?**

A rate of duty expressed as a percentage of the appraised customs value of an imported good.

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### **What if the general duty rate that applies to my product, as listed in the HTS, is "Free"?**

You do not need to file a petition—your product will continue to be eligible for that rate.

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### **What if the special duty rate that applies to my product, as listed in the HTS, is "Free"?**

You may still wish to file a petition, because many shipments may not qualify for that special duty treatment. [Return](#)

### **What if my product is already included in the HTS's Pharmaceutical Appendix or its Dye Intermediates Appendix?**

You do not need to file a petition. Your product will continue to be eligible for duty-free entry by virtue of the provisions of the applicable agreement. [Return](#)

### **What if I know that, given the general duty rate I am proposing, the estimated annual revenue loss to the United States will exceed \$500,000 in a given calendar year?**

If your request as presented would result in an estimated annual revenue loss that exceeds \$500,000, the Commission may recommend a different reduced rate that would result in a revenue loss under \$500,000. (No reduction of less than 0.1 percent will be recommended.) Therefore, if possible, you may choose to request a duty reduction that would result in a lower estimated revenue loss (e.g., a rate of duty of “2 percent ad valorem” instead of “free” in your request). The Commission **will not** recommend changes to the scope of the article description covered by your petition in order to reduce or otherwise modify the estimated revenue loss.

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### **Where can I find information about what HTS number(s), including those in chapter 99, apply to my product?**

The current version of the HTS, <http://hts.usitc.gov/current>, and the HTS search tool, <https://hts.usitc.gov/>, can help you find the relevant HTS number(s).

The HTS e-Learning Module, <https://www.usitc.gov/elearning/hts/menu/>, can teach you more about HTS nomenclature and classification.

Customs rulings are the most authoritative source of this information, if the product you are covering is not clearly named in an HTS subheading. The Customs Rulings Online Search System, CROSS, <http://rulings.cbp.gov/>, can help you find any applicable Customs ruling. [Return](#)

### **What shouldn't I include in a proposed article description?**

Your article description should not include any of these:

- “Actual use” or “chief use” criteria specifying a particular application or other eventual use of the covered product, **or** criteria prohibiting any application or other eventual use of the covered product<sup>6</sup>
- Trademarked or similarly protected terms or names, brand names, proprietary names, part numbers, or other company-specific names that would restrict, or effectively restrict, the use of a proposed chapter 99 provision to particular users
- Language describing goods that are illegal to import
- Language describing goods that are covered by an over-tariff-rate quota provision of the HTS

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<sup>6</sup> A description referring to an article's use is not administrable, because at the time of entry CBP officials typically cannot determine how articles will be ultimately used after they leave the port.

- Language seeking to alter the tariff treatment provided in subchapter III or IV of chapter 99
- An HTS subheading number(s) that would alter or attempt to alter the classification of the products in chapters 1 through 97 of the HTS
- Criteria relying solely on extrinsic technical standards (outside the current HTS) that are set by non-U.S. entities or organizations, with no equivalent standard set by a U.S. entity or organization listed first, or
- Embedded, active web links (see 19 CFR 220.6(b)) [Return](#)

#### **Where can I locate a CAS number(s) that may apply to my product?**

The CAS Registry page, <https://www.cas.org/content/chemical-substances>, should help you find the CAS number(s) if you are filing a petition for a chemical. Additionally, the material safety data sheet (MSDS) for the product typically includes the CAS number(s). [Return](#)

#### **Where can I locate an IUPAC/systematic name(s) that may apply to my product?**

The IUPAC website, <http://iupac.org/what-we-do/nomenclature/>, should help you find the systematic name, if you are filing a petition for a chemical. [Return](#)

#### **Where can I locate an international nonproprietary (generic) name (INN) that may apply to my product?**

The World Health Organization's website, <http://www.who.int/medicines/services/inn/en/>, should help you find an INN, if you are filing a petition for a pharmaceutical or pharmaceutical intermediary. [Return](#)

#### **Where can I locate a Colour Index number that may apply to my product?**

The Society of Dyes and Colourists' website, <http://www.colour-index.com/about>, should help you find the Colour Index number, if you are filing a petition for a dye or pigment. [Return](#)

#### **What if I believe that the data that I furnish on the estimated value of imports are CBI?**

If you believe that some or all of the import estimates you submit are CBI within the meaning of section 201.6(a) of the Commission's rules (19 CFR 201.6(a)), you may claim them as such. However, you should be aware that the Commission may use the estimates you provide, including estimates that include CBI, in calculating the estimated loss in revenue to the United States from the duty suspension or reduction. The Commission must include such calculations in the preliminary and final reports it sends to the Committees, and those reports will be made available to the public. Accordingly, you should consider the sensitivity of any estimates you provide, and whether it would be in your interest to base your estimates on imports for an HTS heading or subheading that includes your product and other products, with the caveat that the

resulting revenue loss to the United States will likely be higher. [Return](#)

### **What is an identical, like, or directly competitive product?**

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.) as 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. [Return](#)

### **Who is a likely beneficiary?**

As defined in the Act, a “likely beneficiary” is “an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction.” [Return](#)

### **Where can I locate a Customs ruling that may apply to my product?**

If you are not sure whether there is a Customs ruling on your product, go to <http://rulings.cbp.gov> and search by the product’s name or HTS number. [Return](#)

### **What if I’m concerned my Customs ruling may be out of date?**

Go to <http://rulings.cbp.gov> and search by product or HTS number. Check to see that your ruling has not been revoked.

Note: Sometimes the HTS subheading given in your ruling has been superseded by later proclaimed or enacted HTS provisions. Be sure to use the current HTS subheading applicable to your product in making your search. [Return](#)



## PETITION CHECKLIST

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Certain information you will need to provide for a petition is listed below. **We encourage you to collect the required information before you sit down to submit your petition, since you must complete it in a single session.** Please also refer to section 220.5 of the Commission's rules to understand what information is required to be included in a petition.

- Petitioner contact information
- Independent representative contact information, if applicable
- HTS number(s)
- Requested rate of duty (duty suspension (zero rate of duty) or amount of the reduced duty)
- Expired number from chapter 99, subchapter II, of the HTS, if applicable
- Article description, properly formatted for inclusion in HTS chapter 99 and including all applicable HTS number(s) and any standard identification numbers or names
- CAS number(s), for chemicals (*note, this cannot be CBI*)
- IUPAC/systematic name(s), for chemicals, if available
- International nonproprietary (generic) name, for pharmaceuticals, if available
- Colour Index number, for dyes, if available
- Customs ruling showing that the product is classified under the HTS subheadings provided, if applicable (*this may be treated as CBI*)
- Liquidated entry summary or other Customs documentation, showing that the product is classified under the HTS subheadings provided, if applicable (*this will be treated as CBI*)
- Short product name
- Brief description of your product
- Brief description of how your product is used
- Brief description of the industry that uses or processes your product
- List of countries that are sources of U.S. imports of your product
- Estimated value of total and dutiable imports of your product for the previous calendar year, current calendar year, and for each of the next five full calendar years (*this may be treated as CBI*)
- List of other known U.S. importers and their contact information
- List of other known likely beneficiaries of the requested tariff suspension or reduction and their contact information
- List of additional duties or import restrictions on the product (e.g., AD/CVD orders)
- Information about U.S. production, planned production, and commercial availability of identical, like, or directly competitive products(*this may be treated as CBI*)
- List of U.S. producers of identical, like, or directly competitive products, and their locations (*this may be treated as CBI*)