

U.S. Import Injury Boomerang Filings: Frequency and Timing

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This EBOT is the first of a series that provides an overview of filing trends in industries that have sought import injury relief multiple times between 1995 and 2020 (i.e., “boomerang” industries/filings¹). Over the period, the number of boomerang filings has increased, both absolutely and as a share of total filings, and the time between boomerang filings has decreased.

Overview

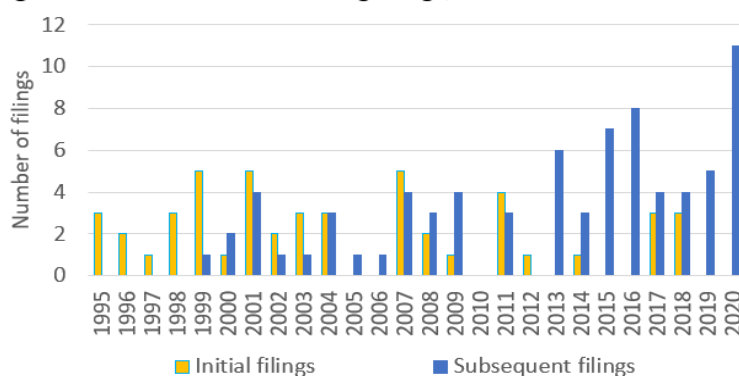
The Tariff Act of 1930 permits the U.S. government to impose tariffs when it determines that U.S. industries² are injured by imports that are found either: (1) to be sold in the United States at less than fair value (“dumped”) or (2) to benefit from countervailable subsidies provided through foreign government programs.³ Under Title VII, both the USITC and the Department of Commerce conduct antidumping (“AD”) and countervailing duty (“CVD”) investigations, collectively “import injury investigations,” typically as a result of petitions by U.S. industries and/or labor groups producing a certain good.⁴

Petitions seeking AD and/or CVD relief can cover an industry that has either never filed an AD/CVD petition or one that has previously filed an AD/CVD petition; it can be filed with respect to imports from a single country or a group of countries. “Boomerang” petition filings (those made with respect to an industry that has previously sought AD/CVD relief)⁵ may be submitted with respect to any country or set of countries that (1) have not previously been named in an AD or CVD filing in this industry, or (2) have been previously named in an AD or CVD filing in this industry, but the relief that was sought was not granted, the relief that was granted previously has since been removed, or the relief that was granted previously was for only one type of import injury relief (AD or CVD) and the industry is seeking the other type.

Frequency

Between 1995 and 2020,⁶ a total of 344 import injury filings were submitted in the United States. More than one-third (124) of these are boomerang filings, spanning 48 industries.⁷ The frequency of these filings generally increased for both original petitions and subsequent petitions (figure 1).

Figure 1. Number of boomerang filings, 1995-2020



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

² An industry consists of those firms manufacturing the same product, e.g., aluminum foil or carbon steel plate.

³ 19 U.S.C. § 1671-1677. For more information, please see USITC, [Summary of Statutory Provisions Related to Import Relief](#), August 2014.

⁴ In addition, the Department of Commerce may self-initiate investigations, as it did with respect to common alloy aluminum sheet industry.

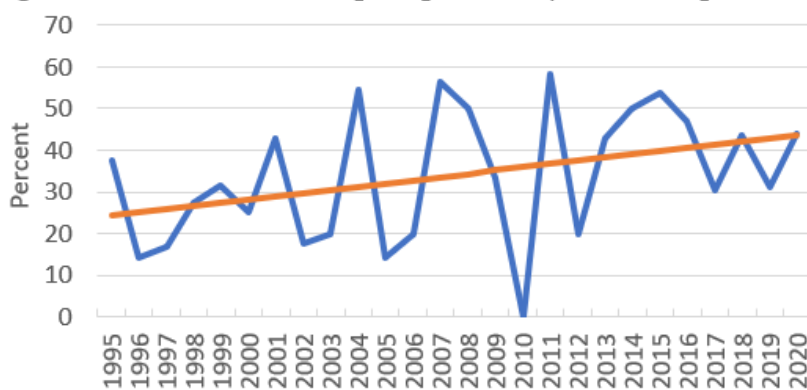
⁵ Boomerang filings do not include filings on similar but different products like coated paper and uncoated paper.

⁶ The data period used in this EBOT does not cover filings from before the establishment of the World Trade Organization nor during the post-pandemic period.

⁷ A review of these industries is presented in a forthcoming EBOT in this series. They span a variety of industries, but various steel industries have filed boomerang petitions most frequently.

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Figure 2. Share of boomerang filings to total petition filings



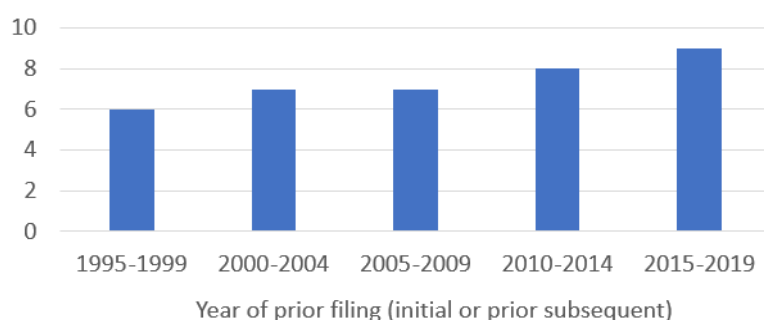
Boomerang filings accounted for not just an increasing number of filings, but an increasing share of the total number of filings (figure 2). In 1995-2000, 18 of the 58 AD/CVD filings were boomerangs (31 percent), but by 2016-2020, 38 of the 97 were boomerangs (39 percent). Over the period, boomerang filings’ share of total filings increased by approximately three-quarters of

a percent each year on average.⁸ This trend appears to be continuing: 7 of 14 filings were boomerang filings in 2021 (50 percent), as were 3 of 7 in 2022 (43 percent).

Timing

The number of years between an industry’s initial petition filing and a subsequent petition filing, as well as between subsequent petition filings, has decreased over the 26-year period. Before 2010, the average number of years between filings was 8.0 years, and was over 10 years in 1998, 2000, 2001, and 2004. In 2011-20, the average number of years was 3.4 years, and was never higher than 5 years. In addition, there has been an increasing trend in the number of subsequent filings less than six years from when the last filing was made on that product.⁹ For industries that filed petitions between 1995-99, there were six trailing fillings on those products within six years; in each of 2000-04 and 2005-09, there were seven filings; in 2010-14, there were eight; and in 2015-19, there were nine through 2020 (figure 3).¹⁰ In fact, three industries (forged steel fittings, mattresses, and quartz surface products) filed trailing petitions between 12 and 19 months after the prior filings in 2018 and 2019. This short of an interval between the filings with respect to the same industry had occurred only once previously in the period (2007, circular welded carbon-quality steel pipe).

Figure 3. Number of subsequent filings within less than 6 years



The next EBOT in this series will detail the countries named in boomerang filings.

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

⁸ In 2010, as the U.S. economy was recovering from the Great Recession, petitions were filed by just 3 industries, none of which were, or have become at the time of writing, boomerang filings.

⁹ A typical investigation, from petition filing to final determination, lasts approximately 1 year. A review of any resulting order to determine whether revocation of the order is warranted will be instituted five years after the order’s imposition. Therefore, six years would be the approximate time frame for an industry filing a second petition on the same product before a review investigation of an order is instituted.

¹⁰ Since six years have not elapsed since 2019, the 2015-19 period total will increase; at least one subsequent filing has been made after 2020 on an industry with a filing in 2015-2019.

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