

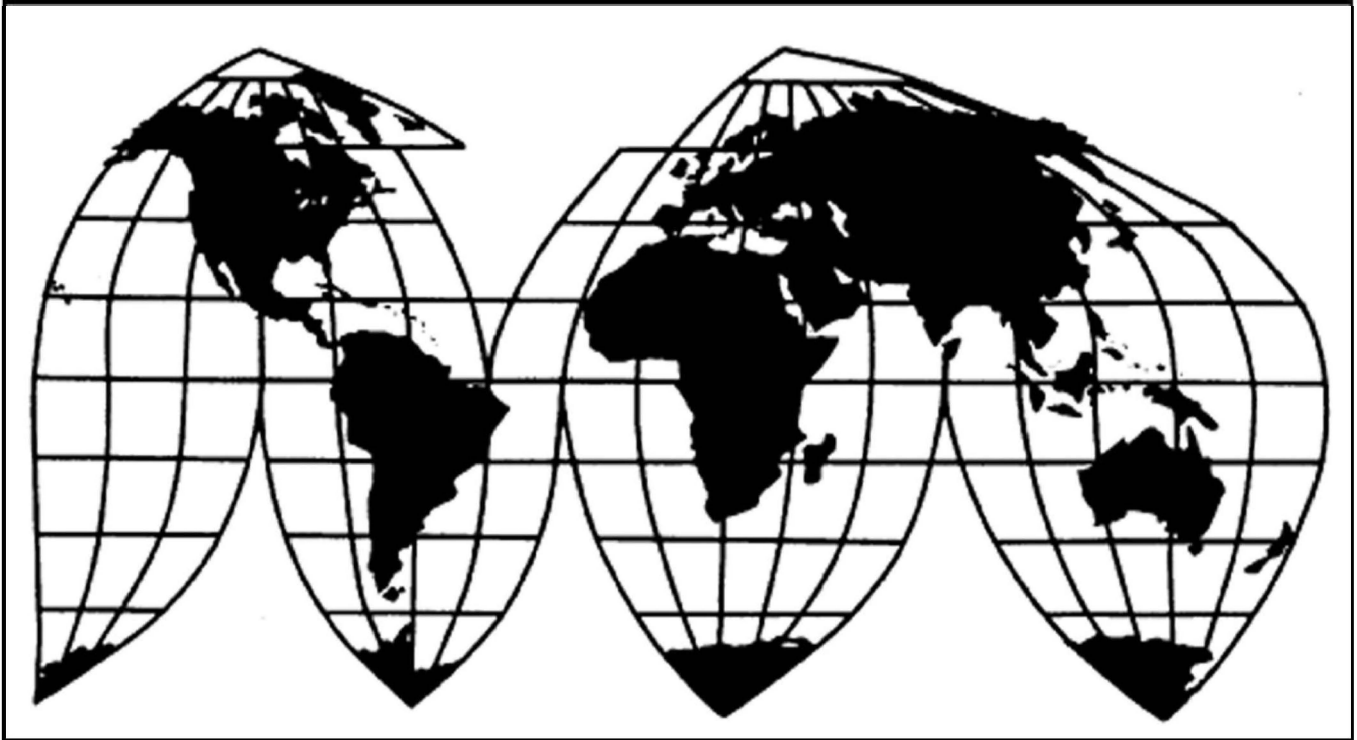
# **Silicon Metal from Malaysia**

Investigation No. 731-TA-1526 (Final)

**Publication 5220**

**August 2021**

**U.S. International Trade Commission**



Washington, DC 20436

# U.S. International Trade Commission

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# **U.S. International Trade Commission**

Washington, DC 20436  
*www.usitc.gov*

## **Silicon Metal from Malaysia**

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# UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-1526 (Final)

Silicon Metal from Malaysia

## DETERMINATION

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of silicon metal, provided for in subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States, from Malaysia, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).

## BACKGROUND

The Commission instituted the investigations effective June 30, 2020, following receipt of petitions filed with the Commission and Commerce by Globe Specialty Metal, Inc., Beverly, Ohio and Mississippi Silicon, LLC, Burnsville, Mississippi. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of silicon metal from Kazakhstan were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of silicon metal from Bosnia and Herzegovina and Iceland were being sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* on December 30, 2020 (85 FR 86578). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video

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

conference on February 22, 2021. All persons who requested the opportunity were permitted to participate.

The investigation schedules became staggered when Commerce: (i) postponed the final determination for its antidumping duty investigation regarding Silicon Metal from Malaysia; and (ii) reached earlier final antidumping and countervailing duty determinations concerning Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan. On April 12, 2021, the Commission issued final affirmative determinations in its antidumping and countervailing duty investigations of Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan (86 FR 20197, April 16, 2021). Following notification of a final determination by Commerce that imports of Silicon Metal from Malaysia were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)),<sup>2</sup> notice of the supplemental scheduling of the final phase of the Commission's antidumping duty investigation with respect to Malaysia was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register on June 30, 2021 (86 FR 34786).

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<sup>2</sup> 86 FR 33224, June 24, 2021.



## Views of the Commission

Based on the record in the final phase of this investigation, we determine that an industry in the United States is materially injured by reason of imports of silicon metal from Malaysia found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).

### I. Background

The petitions in the antidumping duty investigations of imports of silicon metal from Bosnia and Herzegovina, Iceland, and Malaysia and a countervailing duty investigation of imports of silicon metal from Kazakhstan, were filed on June 30, 2020, by two domestic producers of silicon metal, Globe Specialty Metals, Inc. and Mississippi Silicon LLC (collectively, “Petitioners”). The investigation schedules became staggered, however, when Commerce: (i) postponed the final determination for its antidumping duty investigation regarding silicon metal from Malaysia;<sup>1</sup> and (ii) reached earlier final affirmative determinations concerning LTFV and subsidized imports of silicon metal from Bosnia and Herzegovina, Iceland, and Kazakhstan (the “leading” investigations) in February 2021.<sup>2</sup> This necessitated earlier final determinations by the Commission in the leading investigations. The Commission issued its final affirmative

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<sup>1</sup> *Silicon Metal From Malaysia: Preliminary Affirmative Determination of Sale at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 Fed. Reg. 7701 (Feb. 1, 2021).

<sup>2</sup> *Silicon Metal From the Republic of Kazakhstan: Final Affirmative Countervailing Duty Determination*, 86 Fed. Reg. 11725 (Feb. 26, 2021); *Silicon Metal From Bosnia and Herzegovina and Iceland: Final Affirmative Determinations of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances for Iceland*, 86 Fed. Reg. 11720 (Feb. 26, 2021).

determinations regarding subsidized and LTFV imports in the leading investigations in April 2021.<sup>3</sup>

Subsequently, Commerce published its final affirmative determination regarding LTFV imports of silicon metal from Malaysia on June 24, 2021.<sup>4</sup> As a result, the Commission must now make its determination in the antidumping duty investigation on silicon metal from Malaysia (the “trailing investigation”). Pursuant to the statutory provision on staggered investigations, the record for all subject investigations on imports of silicon metal closed on March 18, 2021, except that Commerce’s final antidumping duty determination on silicon metal from Malaysia and the parties’ final comments concerning this determination have been added to the record.<sup>5 6</sup>

## **II. Negligible Imports**

Pursuant to Section 771(24) of the Tariff Act, imports from a subject country of merchandise corresponding to a domestic like product that account for less than 3 percent of all such merchandise imported into the United States during the most recent 12 months for which data are available preceding the filing of the petition shall generally be deemed negligible.<sup>7</sup>

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<sup>3</sup> *Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan: Determinations*, 86 Fed. Reg. 20197 (Apr. 16, 2021); *Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan*, Inv. Nos. 701-TA-652 and 731-TA-1524-1525 (Final), USITC Pub. 5180 (Apr. 2021) (“*Silicon Metal Leading Determinations*”).

<sup>4</sup> *Silicon Metal From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 Fed. Reg. 33224 (June 24, 2021).

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

<sup>6</sup> Petitioners filed supplemental final comments with respect to the investigation that is the subject of this determination. Petitioners’ Supplemental Final Comments, EDIS Doc. 746249 (July 8, 2021). No respondent filed supplemental comments.

<sup>7</sup> 19 U.S.C. § 1677(24)(A)(i).

During the 12-month period prior to the filing of the petitions (June 2019 through May 2020), subject imports from Malaysia accounted for 5.8 percent of total imports of silicon metal.<sup>8</sup> Thus, subject imports from Malaysia are not less than the 3 percent individual statutory negligibility threshold applicable to an antidumping duty investigation. Accordingly, we find that the subject imports from Malaysia are not negligible.

### **III. Material Injury by Reason of Cumulated Subject Imports**

Section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), provides that the Commission must make its material injury determination in the trailing investigation on the basis of the same record as that in the leading investigations regarding silicon metal, except to the extent discussed above.<sup>9</sup> Therefore, in this investigation, we adopt the findings and analyses from our determinations and views regarding subject imports from the leading investigations with respect to the issues of domestic like product, domestic industry, cumulation, conditions of competition, and material injury by reason of cumulated subject imports.<sup>10 11</sup>

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<sup>8</sup> Confidential Report, INV-TT-087 (July 19, 2021) (“Supplemental CR”) at Table IV-5. The negligibility calculations are unchanged from the leading investigations since Commerce did not find any firms’ dumping margins in the trailing investigation to be *de minimis*.

<sup>9</sup> 19 U.S.C. § 1677(7)(G)(iii).

<sup>10</sup> *Silicon Metal Leading Determinations*, USITC Pub. 5180.

<sup>11</sup> The statute additionally instructs the Commission to consider the “magnitude of the margin of dumping” in an antidumping duty proceeding as part of its consideration of the impact of imports. 19 U.S.C. § 1677(7)(C)(iii)(V). In its final antidumping duty determination with regard to LTFV imports from Malaysia, Commerce calculated antidumping duty margins of 12.27 percent for PMB Silicon Sdn. Bhd. and for all others. *Silicon Metal From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 Fed. Reg. 33224 (June 24, 2021). The Commission notes that no individual producers/exporters from the subject country in this trailing investigation were excluded from Commerce’s final affirmative determination.

Accordingly, we determine that an industry in the United States is materially injured by reason of subject imports of silicon metal from Malaysia found by Commerce to be sold in the United States at LTFV.

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We have taken the magnitude of Commerce's final dumping margins into account, as well as other factors affecting domestic prices, and they do not require modification of the analysis in *Silicon Metal Leading Determinations*. Specifically, the dumping margin calculated by Commerce further supports our analysis of the price effects of the subject imports, particularly the significant underselling and price depression, as set out in *Silicon Metal Leading Determinations*; in turn, the price effects found in the leading determination are especially probative to our assessment of the impact of subject imports from Malaysia on the domestic industry. See *Silicon Metal Leading Determinations*, USITC Pub. 5180 at 23-27.

# Part I: Introduction

## Background

These investigations result from petitions filed with the U.S. Department of Commerce (“Commerce”) and the U.S. International Trade Commission (“USITC” or “Commission”) by Globe Specialty Metals, Inc., Beverly, Ohio, and Mississippi Silicon LLC, Burnsville, Mississippi, on June 30, 2020, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized imports of silicon metal by the Government of Kazakhstan and less-than-fair-value (“LTFV”) imports of silicon metal<sup>1</sup> from Bosnia and Herzegovina, Iceland, and Malaysia. The following tabulation provides information relating to the background of these investigations.<sup>2 3</sup>

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<sup>1</sup> See For a complete description of the merchandise subject in this proceeding, see the section entitled “The Subject Merchandise” in *Part I of Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan*, Investigation Nos. 701-TA-652 and 731-TA-1524-1526 (Final), USITC Publication 5180, April 2021.

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

<sup>3</sup> A list of witnesses that appeared at the hearing is presented in appendix B of this report.

<b>Effective date</b>	<b>Action</b>
June 30, 2020	Petitions filed with Commerce and the Commission; institution of Commission investigations (85 FR 41063, July 8, 2020)
July 20, 2020	Commerce's notice of initiation (85 FR 45173-45177, July 27, 2020)
August 14, 2020	Commission's preliminary determinations (85 FR 51491, August 20, 2020)
September 8, 2020	Commerce's postponement of preliminary determination-Kazakhstan-CVD (85 FR 55412, November 20, 2020)
November 27, 2020	Commerce's preliminary determination Kazakhstan-CVD and alignment of final determination with final antidumping duty determination (85 FR 78122, December 3, 2020)
December 7, 2020	Scheduling of final phase of Commission investigation (85 FR 86578, December 30, 2020)
December 7, 2020	Commerce's preliminary determinations LTFV and preliminary affirmative critical circumstances determinations (Iceland)—Bosnia and Herzegovina and Iceland (85 FR 80009, December 11, 2020)
January 26, 2021	Commerce's preliminary determination of LTFV--Malaysia, postponement of final determination, and extension of provisional measures (86 FR 7701, February 1, 2021)
February 22, 2021	Commission's hearing
February 22, 2021	Commerce's final determination Kazakhstan—CVD (86 FR 11725, February 26, 2021)
February 22, 2021	Commerce's final determinations LTFV and final affirmative critical circumstances (Iceland)—Bosnia and Herzegovina and Iceland (86 FR 11720, February 26, 2021)
March 24, 2021	Commission's vote, (AD: Bosnia and Herzegovina, and Iceland; CVD: Kazakhstan)
April 6, 2021	Commission's determination and views; AD: Bosnia and Herzegovina, and Iceland; CVD: Kazakhstan (86 FR 20197, April 16, 2021)
June 24, 2021	Commerce's final determination Malaysia (86 FR 33224, June 24, 2021)
June 24, 2021	Scheduling of final phase of Commission antidumping investigation--Malaysia (86 FR 34786, June 30, 2021)
July 28, 2021	Commission's vote
August 9, 2021	Commission's views

The information contained in this report is intended to be used in conjunction with data presented in the Commission's report of *Silicon Metal from Bosnia and Herzegovina, Iceland, and Kazakhstan: Investigation Nos. 701-TA-652 and 731-TA-1524-1525 (Final)*, USITC Publication 5180, April 2021 and its corresponding confidential version contained in memorandum No. INV-TT-040, *Silicon Metal from Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia: Investigation Nos. 701-TA-652 and 731-TA-1524-1526 (Final)*, and revised by memoranda INV-TT-041 (March 18, 2021). No new information except for Commerce's final determinations concerning Silicon Metal from Malaysia, and party comments thereon is included in the record for these proceedings.<sup>4</sup>

## Sales at LTFV

On June 24, 2021, Commerce published a notice in the *Federal Register* of its final determinations of sales at LTFV with respect to imports from Malaysia.<sup>5</sup> Table I-1 presents Commerce's dumping margin with respect to imports of product from Malaysia.

**Table I-1**  
**Silicon metal: Commerce's final weighted-average LTFV margins with respect to imports from Malaysia**

Exporter/producer	Final dumping margin (percent)
PMB Silicon Sdn. Bhd.	12.27
All others	12.27

Source: 86 FR 33224, June 24, 2021.

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<sup>4</sup> Comments consistent with the statutory limitation for a subsequently completed investigation were filed on behalf of Globe Specialty Metals, Inc., and Mississippi Silicon, LLC.

<sup>5</sup> 86 FR 33224, June 24, 2021.





## Part IV: U.S. imports, apparent U.S. consumption, and market shares

### Negligibility

The statute requires that an investigation be terminated without an injury determination if imports of the subject merchandise are found to be negligible.<sup>1</sup> Negligible imports are generally defined in the Act, as amended, as imports from a country of merchandise corresponding to a domestic like product where such imports account for less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period for which data are available that precedes the filing of the petition or the initiation of the investigation. However, if there are imports of such merchandise from a number of countries subject to investigations initiated on the same day that individually account for less than 3 percent of the total volume of the subject merchandise, and if the imports from those countries collectively account for more than 7 percent of the volume of all such merchandise imported into the United States during the applicable 12-month period, then imports from such countries are deemed not to be negligible.<sup>2</sup> Table IV-5 presents data on U.S. imports of silicon metal in the twelve months preceding the filing of the petitions (June 2019-May 2020). Imports from Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia collectively accounted for 20.3 percent of total imports by quantity during June 2019 through May 2020.

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<sup>1</sup> Sections 703(a)(1), 705(b)(1), 733(a)(1), and 735(b)(1) of the Act (19 U.S.C. §§ 1671b(a)(1), 1671d(b)(1), 1673b(a)(1), and 1673d(b)(1)).

<sup>2</sup> Section 771 (24) of the Act (19 U.S.C § 1677(24)).

**Table IV-5****Silicon metal: U.S. imports in the twelve-month period preceding the filing of the petition, June 2019 through May 2020**

Item	June 2019 through May 2020	
	Quantity (short tons contained silicon)	Share quantity (percent)
U.S. imports from.-- Bosnia and Herzegovina	9,609	7.3
Iceland	5,455	4.2
Kazakhstan	3,966	3.0
Malaysia	7,576	5.8
Subject sources	26,607	20.3
Nonsubject sources	104,188	79.7
All import sources	130,794	100.0

Note: These calculations are based on Commerce's final AD determination for silicon metal from Malaysia on June 24, 2021 (86 FR 33224), and are unchanged from the calculations in the leading investigations.

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

Source: Official U.S. import statistics based on General Imports using HTS statistical reporting numbers 2804.69.1000 and 2804.69.5000, accessed February 6, 2021.

## **APPENDIX A**

### ***FEDERAL REGISTER* NOTICES**



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

<b>Citation</b>	<b>Title</b>	<b>Link</b>
85 FR 41063, July 8, 2020	<i>Silicon Metal from Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-14625.pdf">https://www.govinfo.gov/content/pkg/FR-2020-07-08/pdf/2020-14625.pdf</a>
85 FR 45177, July 27, 2020	<i>Silicon Metal from Bosnia and Herzegovina, Iceland, and Malaysia: Initiation of Less-Than-Fair-Value Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16220.pdf">https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16220.pdf</a>
85 FR 45173, July 27, 2020	<i>Silicon Metal from the Republic of Kazakhstan: Initiation of Countervailing Duty Investigation</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16221.pdf">https://www.govinfo.gov/content/pkg/FR-2020-07-27/pdf/2020-16221.pdf</a>
85 FR 51491, August 20, 2020	<i>Silicon Metal From Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-18210.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-18210.pdf</a>
85 FR 74319 November 20, 2020	<i>Silicon Metal From Malaysia: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-20/pdf/2020-25635.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-20/pdf/2020-25635.pdf</a>

Citation	Title	Link
85 FR 78122 (December 3, 2020)	<i>Silicon Metal From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-12-03/pdf/2020-26627.pdf">https://www.govinfo.gov/content/pkg/FR-2020-12-03/pdf/2020-26627.pdf</a>
85 FR 86578 December 30, 2020	<i>Silicon Metal From Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-12-30/pdf/2020-28818.pdf">https://www.govinfo.gov/content/pkg/FR-2020-12-30/pdf/2020-28818.pdf</a>
85 FR 80009 December 11, 2020	<i>Silicon Metal From Bosnia and Herzegovina and Iceland: Preliminary Affirmative Determinations of Sales at Less Than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2020-12-11/pdf/2020-27316.pdf">https://www.govinfo.gov/content/pkg/FR-2020-12-11/pdf/2020-27316.pdf</a>
86 FR 7701 February 1, 2021	<i>Silicon Metal From Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02080.pdf">https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02080.pdf</a>
86 FR 11725, February 26, 2021	<i>Silicon Metal From the Republic of Kazakhstan: Final Affirmative Countervailing Duty Determination</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-02-26/pdf/2021-04032.pdf">https://www.govinfo.gov/content/pkg/FR-2021-02-26/pdf/2021-04032.pdf</a>

86 FR 11720, February 26, 2021	<i>Silicon Metal From Bosnia and Herzegovina and Iceland: Final Affirmative Determinations of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances for Iceland</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-02-26/pdf/2021-04003.pdf">https://www.govinfo.gov/content/pkg/FR-2021-02-26/pdf/2021-04003.pdf</a>
86 FR 20197 April 16, 2021	<i>Silicon Metal From Bosnia and Herzegovina, Iceland, and Kazakhstan; Determinations</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-16/pdf/2021-07796.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-16/pdf/2021-07796.pdf</a>
86 FR 33224 June 24, 2021	<i>Silicon Metal From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-06-24/pdf/2021-13205.pdf">https://www.govinfo.gov/content/pkg/FR-2021-06-24/pdf/2021-13205.pdf</a>
86 FR 34786 June 30, 2021	<i>Supplemental Schedule for the Final Phase of an Anti- Dumping Duty Investigation; Silicon Metal From Malaysia</i>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-06-30/pdf/2021-14000.pdf">https://www.govinfo.gov/content/pkg/FR-2021-06-30/pdf/2021-14000.pdf</a>





## **APPENDIX B**

### **LIST OF HEARING WITNESSES**



## CALENDAR OF PUBLIC HEARING

Those listed below appeared in the United States International Trade Commission's hearing via videoconference:

**Subject:** Silicon Metal from Bosnia and Herzegovina, Iceland, Kazakhstan, and Malaysia

**Inv. Nos.:** 701-TA-652 and 731-TA-1524-1526 (Final)

**Date and Time:** February 22, 2021 - 9:30 a.m.

### **OPENING REMARKS:**

Petitioners (**Adam H. Gordon**, The Bristol Group PLLC)  
Respondents (**John J. Kenkel**, deKieffer & Horgan, PLLC)

### **In Support of the Imposition of Antidumping and Countervailing Duty Orders:**

The Bristol Group PLLC  
Washington, DC  
on behalf of

Globe Specialty Metals, Inc.  
Mississippi Silicon LLC

**Braulio Lage**, Director, Mississippi Silicon LLC

**Christopher Bowes**, Sales Manager – North America,  
Ferroglobe PLC, parent company, Globe Specialty Metals, Inc.

**Daniel Klett**, Principal, Capital Trade, Inc.

**Adam H. Gordon** )  
**Jennifer M. Smith** ) – OF COUNSEL  
**Lauren Fraid** )

**In Opposition to the Imposition of  
Antidumping and Countervailing Duty Orders:**

deKieffer & Horgan, PLLC  
Washington, DC  
on behalf of

PCC BakkiSilicon hf (“PCC”)

**Runar Sigurpallson**, CEO, PCC

**Rolf Prack**, Director, Sales and Strategic Procurement, PCC

**Edwin Antonius Vermulst**, Attorney, VVGB Advocaten

**Juhi Sud**, Attorney, VVGB Advocaten

**Antigoni Mathaiou**, Attorney, VVGB Advocaten

**John J. Kenkel** ) – OF COUNSEL

Faegre Drinker Biddle & Reath LLP  
Washington, DC  
on behalf of

R-S Silicon d.o.o. Mrkonjic Grad

**Jelena Kuridža**, Managing Director, R-S Silicon d.o.o. Mrkonjic Grad

**Gianmichele Foglia**, Silicon Metal Division Manager, Metalleghe S.p.A  
and Procurator, R-S Silicon d.o.o. Mrkonjic Grad and B.S.I. d.o.o Jajce

**Douglas J. Heffner** )  
 ) – OF COUNSEL  
**Richard P. Ferrin** )

Trade Law Defense PLLC  
Washington, DC  
on behalf of

MTALX Limited (“MTALX”)

**Frank H. Morgan** ) – OF COUNSEL

**In Opposition to the Imposition of  
Antidumping and Countervailing Duty Orders (continued):**

Appleton Luff  
Washington, DC  
on behalf of

PMB Silicon Sdn Bhd (“PMB”)

<b>Edmund W. Sim</b>	)
	) – OF COUNSEL
<b>Kelly A. Slater</b>	)

Wacker Polysilicon North America LLC  
Wacker Chemical Corporation  
Wacker Chemie AG  
(collectively “WACKER”)  
München, Germany

**Oliver Majumdar**, Senior Manager, Global Trade Affairs, WACKER

**REBUTTAL/CLOSING REMARKS:**

Petitioners (**Adam H. Gordon**, The Bristol Group PLLC)  
Respondents (**Richard P. Ferrin**, Faegre Drinker Biddle & Reath LLP; and **John J. Kenkel**,  
deKieffer & Horgan, PLLC)

**-END-**



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





**Table C-1**

**Silicon metal: Summary data concerning the U.S. market, 2018-20**

(Quantity=short tons contained silicon; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per STCS; Period changes=percent--exceptions noted)

	Reported data			Period changes		
	Calendar year			Comparison years		
	2018	2019	2020	2018-20	2018-19	2019-20
U.S. consumption quantity:						
Amount.....	***	***	***	▼***	▼***	▼***
Producers' share (fn1).....	***	***	***	▼***	▼***	▲***
Importers' share (fn1):						
Bosnia and Herzegovina.....	***	***	***	▲***	▲***	▼***
Iceland.....	***	***	***	▲***	▲***	▼***
Kazakhstan.....	***	***	***	▼***	▲***	▼***
Malaysia.....	***	***	***	▲***	▲***	▲***
Subject sources.....	***	***	***	▲***	▲***	▼***
Nonsubject sources.....	***	***	***	▲***	▲***	▲***
All import sources.....	***	***	***	▲***	▲***	▼***
U.S. consumption value:						
Amount.....	***	***	***	▼***	▼***	▼***
Producers' share (fn1).....	***	***	***	▼***	▼***	▲***
Importers' share (fn1):						
Bosnia and Herzegovina.....	***	***	***	▲***	▲***	▼***
Iceland.....	***	***	***	▲***	▲***	▼***
Kazakhstan.....	***	***	***	▼***	▲***	▼***
Malaysia.....	***	***	***	▲***	▲***	▲***
Subject sources.....	***	***	***	▲***	▲***	▼***
Nonsubject sources.....	***	***	***	▲***	▲***	▼***
All import sources.....	***	***	***	▲***	▲***	▼***
U.S. imports from:						
Bosnia and Herzegovina:						
Quantity.....	9,350	10,493	8,319	▼(11.0)	▲12.2	▼(20.7)
Value.....	21,653	20,079	14,562	▼(32.7)	▼(7.3)	▼(27.5)
Unit value.....	\$2,316	\$1,913	\$1,751	▼(24.4)	▼(17.4)	▼(8.5)
Ending inventory quantity.....	***	***	***	▼***	▼***	▼***
Iceland:						
Quantity.....	1,259	6,947	4,986	▲296.0	▲451.7	▼(28.2)
Value.....	2,369	11,711	7,182	▲203.1	▲394.3	▼(38.7)
Unit value.....	\$1,882	\$1,686	\$1,440	▼(23.5)	▼(10.4)	▼(14.6)
Ending inventory quantity.....	***	***	***	▲***	▲***	▼***
Kazakhstan:						
Quantity.....	3,045	8,522	1,219	▼(60.0)	▲179.9	▼(85.7)
Value.....	6,064	15,171	1,800	▼(70.3)	▲150.2	▼(88.1)
Unit value.....	\$1,991	\$1,780	\$1,477	▼(25.8)	▼(10.6)	▼(17.0)
Ending inventory quantity.....	***	***	***	▼***	▲***	▼***

**Table C-1--Continued**

**Silicon metal: Summary data concerning the U.S. market, 2018-20**

(Quantity=short tons contained silicon; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per STCS; Period changes=percent--exceptions noted)

	Reported data			Period changes		
	Calendar year			Comparison years		
	2018	2019	2020	2018-20	2018-19	2019-20
U.S. imports from:--Continued						
Malaysia:						
Quantity.....	---	3,894	11,000	▲---	▲---	▲182.5
Value.....	---	6,595	16,912	▲---	▲---	▲156.5
Unit value.....	---	\$1,693	\$1,538	▲---	▲---	▼(9.2)
Ending inventory quantity.....	***	***	***	▲***	▲***	▲***
Subject sources:						
Quantity.....	13,654	29,857	25,523	▲86.9	▲118.7	▼(14.5)
Value.....	30,086	53,556	40,456	▲34.5	▲78.0	▼(24.5)
Unit value.....	\$2,203	\$1,794	\$1,585	▼(28.1)	▼(18.6)	▼(11.6)
Ending inventory quantity.....	***	***	***	▲***	▲***	▲***
Nonsubject sources:						
Quantity.....	118,966	126,190	111,609	▼(6.2)	▲6.1	▼(11.6)
Value.....	315,333	301,596	230,038	▼(27.0)	▼(4.4)	▼(23.7)
Unit value.....	\$2,651	\$2,390	\$2,061	▼(22.2)	▼(9.8)	▼(13.8)
Ending inventory quantity.....	***	***	***	▲***	▲***	▲***
All import sources:						
Quantity.....	132,620	156,047	137,133	▲3.4	▲17.7	▼(12.1)
Value.....	345,419	355,152	270,494	▼(21.7)	▲2.8	▼(23.8)
Unit value.....	\$2,605	\$2,276	\$1,972	▼(24.3)	▼(12.6)	▼(13.3)
Ending inventory quantity.....	***	***	***	▲***	▲***	▲***
U.S. producers':						
Average capacity quantity.....	***	***	***	▼***	▼***	▼***
Production quantity.....	***	***	***	▼***	▼***	▼***
Capacity utilization (fn1).....	***	***	***	▼***	▼***	▼***
U.S. shipments:						
Quantity.....	***	***	***	▼***	▼***	▼***
Value.....	***	***	***	▼***	▼***	▼***
Unit value.....	***	***	***	▼***	▼***	▼***
Export shipments:						
Quantity.....	***	***	***	▼***	▲***	▼***
Value.....	***	***	***	▼***	▼***	▼***
Unit value.....	***	***	***	▲***	▼***	▲***
Ending inventory quantity.....	***	***	***	▼***	▼***	▼***
Inventories/total shipments (fn1).....	***	***	***	▼***	▼***	▼***
Production workers.....	***	***	***	▼***	▼***	▲***
Hours worked (1,000s).....	***	***	***	▼***	▼***	▲***
Wages paid (\$1,000).....	***	***	***	▼***	▼***	▲***
Hourly wages (dollars per hour).....	***	***	***	▲***	▲***	▲***
Productivity (STCS per 1,000 hours).....	***	***	***	▼***	▲***	▼***
Unit labor costs.....	***	***	***	▲***	▲***	▲***

**Table C-1--Continued**

**Silicon metal: Summary data concerning the U.S. market, 2018-20**

(Quantity=short tons contained silicon; Value=1,000 dollars; Unit values, unit labor costs, and unit expenses=dollars per STCS; Period changes=percent--exceptions noted)

	Reported data			Period changes		
	Calendar year			Comparison years		
	2018	2019	2020	2018-20	2018-19	2019-20
U.S. producers'--Continued						
Net sales:						
Quantity.....	***	***	***	▼***	▼***	▼***
Value.....	***	***	***	▼***	▼***	▼***
Unit value.....	***	***	***	▼***	▼***	▼***
Cost of goods sold (COGS).....	***	***	***	▼***	▼***	▲***
Gross profit or (loss) (fn2).....	***	***	***	▼***	▼***	▼***
SG&A expenses.....	***	***	***	▼***	▼***	▼***
Operating income or (loss) (fn2).....	***	***	***	▼***	▼***	▼***
Net income or (loss) (fn2).....	***	***	***	▼***	▼***	▼***
Capital expenditures.....	***	***	***	▼***	▼***	▲***
Research and development expenses.....	***	***	***	***	***	***
Net assets.....	***	***	***	▼***	▼***	▼***
Unit COGS.....	***	***	***	▲***	▲***	▲***
Unit SG&A expenses.....	***	***	***	▼***	▼***	▲***
Unit operating income or (loss) (fn2).....	***	***	***	▼***	▼***	▼***
Unit net income or (loss) (fn2).....	***	***	***	▼***	▼***	▼***
COGS/sales (fn1).....	***	***	***	▲***	▲***	▲***
Operating income or (loss)/sales (fn1).....	***	***	***	▼***	▼***	▼***
Net income or (loss)/sales (fn1).....	***	***	***	▼***	▼***	▼***

Note.--Shares and ratios shown as "0.0" percent represent non-zero values less than "0.05" percent (if positive) and greater than "(0.05)" percent (if negative). Zeroes, null values, and undefined calculations are suppressed and shown as "--". Period changes preceded by a "▲" represent an increase, while period changes preceded by a "▼" represent a decrease.

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

fn2.--Percent changes only calculated when both comparison values represent profits; The directional change in profitability provided when one or both comparison values represent a loss.

Source: Compiled from data submitted in response to Commission questionnaires and official U.S. import statistics based on General Imports using HTS statistical reporting numbers 2804.69.1000 and 2804.69.5000, accessed February 6, 2021.

