

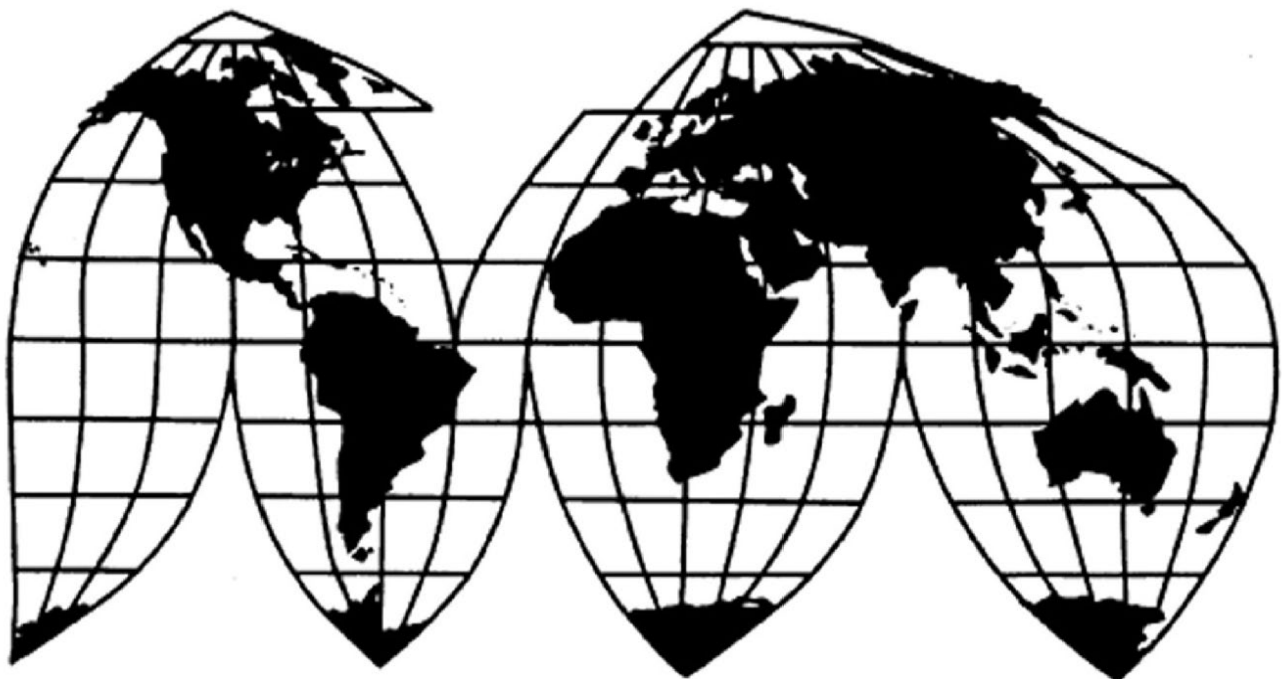
# **Silicomanganese from India, Kazakhstan, and Venezuela**

Investigation Nos. 731-TA-929-931 (Fourth Review)

**Publication 5567**

**December 2024**

**U.S. International Trade Commission**



# U.S. International Trade Commission

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

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# **UNITED STATES INTERNATIONAL TRADE COMMISSION**

Investigation Nos. 731-TA-929-931 (Fourth Review)

Silicomanganese from India, Kazakhstan, and Venezuela

## **DETERMINATIONS**

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

## **BACKGROUND**

The Commission instituted these reviews on May 1, 2024 (89 FR 35247) and determined on August 5, 2024, that it would conduct expedited reviews (89 FR 77542, September 23, 2024).

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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)).





## Views of the Commission

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

### I. Background

*Original Investigations:* On April 6, 2001, the Commission received antidumping petitions filed by Eramet Marietta, Inc. (“Eramet”), a domestic producer of silicomanganese, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639, concerning imports of silicomanganese from India, Kazakhstan, and Venezuela. The Commission made final affirmative determinations on May 16, 2002.<sup>1</sup> The U.S. Department of Commerce (“Commerce”) published antidumping duty orders on silicomanganese from the three countries on May 23, 2002.<sup>2</sup>

*First Reviews:* The Commission instituted its first five-year reviews in April 2007.<sup>3</sup> After conducting expedited reviews, the Commission reached affirmative determinations in November 2007.<sup>4</sup> Commerce issued a continuation of the antidumping duty orders effective November 30, 2007.<sup>5</sup>

*Second Reviews:* The Commission instituted its second reviews in October 2012.<sup>6</sup> It conducted full reviews based on adequate group responses from the domestic interested parties and the respondent interested parties from Venezuela. It reached affirmative

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<sup>1</sup> *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Final), USITC Pub. 3505 at 1 (May 2002) (“*Original Determination*”).

<sup>2</sup> *Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Orders: Silicomanganese from India, Kazakhstan, and Venezuela*, 67 Fed. Reg. 36149 (May 23, 2002).

<sup>3</sup> *Silicomanganese from India, Kazakhstan, and Venezuela*, 72 Fed. Reg. 15726 (Apr. 2, 2007).

<sup>4</sup> *Silicomanganese from India, Kazakhstan, and Venezuela*, 72 Fed. Reg. 67965 (Dec. 3, 2007); see also *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (First Review), USITC Pub. 3963 at 1 (Nov. 2007) (“*First Review Determination*”).

<sup>5</sup> *Continuation of Antidumping Duty Orders on Silicomanganese from India, Kazakhstan, and Venezuela*, 73 Fed. Reg. 841 (Jan. 4, 2008).

<sup>6</sup> *Silicomanganese from India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on Silicomanganese from India, Kazakhstan, and Venezuela*, 77 Fed. Reg. 59970 (Oct. 1, 2012).

determinations in September 2013.<sup>7</sup> Commerce issued a continuation of the orders effective October 2, 2013.<sup>8</sup>

*Third Reviews.* The Commission instituted its third reviews on September 4, 2018.<sup>9</sup> After conducting expedited reviews, the Commission reached affirmative determinations in April 2019.<sup>10</sup> Commerce issued a continuation of the orders effective June 12, 2019.<sup>11</sup>

*Fourth Reviews.* The Commission instituted these five-year reviews on May 1, 2014.<sup>12</sup> Eramet filed the sole response to the notice of institution.<sup>13</sup> On August 5, 2024, the Commission determined that the domestic interested party group response to the notice of institution was adequate and that the respondent interested party group response was inadequate for each order under review.<sup>14</sup> Finding that no other circumstances warranted conducting full reviews, the Commission determined to conduct expedited reviews.<sup>15</sup>

In these reviews, U.S. industry data are based on information Eramet submitted in its response to the notice of institution. Eramet estimates that it accounted for \*\*\* percent of domestic production of silicomanganese in 2023.<sup>16</sup> U.S. import data and related information are based on Commerce's official import statistics.<sup>17</sup> Foreign industry data and related

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<sup>7</sup> *Silicomanganese from India, Kazakhstan, and Venezuela*, 78 Fed. Reg. 58556 (Sept. 24, 2013); see also *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Second Review), USITC Pub. 4424 at 1 (Sept. 2013) ("*Second Review Determination*").

<sup>8</sup> *Silicomanganese from India, Kazakhstan, and Venezuela: Continuation of Antidumping Duty Orders*, 78 Fed. Reg. 60846 (Oct. 2, 2013).

<sup>9</sup> *Silicomanganese from India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews*, 83 Fed. Reg. 44898 (Sept. 4, 2018); see also *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Third Review), USITC Pub. 4881 at 1 (Apr. 2019) ("*Third Review Determination*").

<sup>10</sup> *Silicomanganese from India, Kazakhstan, and Venezuela*, 84 Fed. Reg. 16882 (Apr. 23, 2019); see also *Third Review Determination*, USITC Pub. 4881 at 1; see also Explanation of Commission Determinations on Adequacy, EDIS Doc. 664612 (Dec. 19, 2018).

<sup>11</sup> *Silicomanganese from India, Kazakhstan, and Venezuela: Continuation of Antidumping Duty Orders*, 84 Fed. Reg. 27243 (June 12, 2019).

<sup>12</sup> *Silicomanganese from India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews*, 89 Fed. Reg. 35247 (May 1, 2024).

<sup>13</sup> Eramet's Response to the Notice of Institution, EDIS Doc. 822685 (May 31, 2024) at 1.

<sup>14</sup> Commission's Adequacy Vote Sheet, EDIS Doc. 828446 (Aug. 5, 2024), at 1-3.

<sup>15</sup> Explanation of Commission Determination on Adequacy, EDIS Doc. 829508 (Aug. 14, 2024) at 1. Commissioner Johanson voted for full reviews.

<sup>16</sup> Confidential Report, Memorandum INV-WW-088, EDIS Doc. 826877 (July 23, 2024) ("CR"), at I-2, Table 1-1; Public Report, *Silicomanganese from India, Kazakhstan, and Venezuela*, Inv. Nos. 731-TA-929-931 (Fourth Review) (July 23, 2024) ("PR") at I-2, Table 1-1.

<sup>17</sup> CR/PR at Table I-6.

information are based on information Eramet submitted and questionnaire responses from the prior proceedings, as well as publicly available information gathered by the Commission.<sup>18</sup>

## **II. Domestic Like Product and Industry**

### **A. Domestic Like Product**

In making its determination under section 751(c) of the Tariff Act, the Commission defines the “domestic like product” and the “industry.”<sup>19</sup> The Tariff Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”<sup>20</sup> The Commission’s practice in five-year reviews is to examine the domestic like product definition from the original investigation and consider whether the record indicates any reason to revisit the prior findings.<sup>21</sup>

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

all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4

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<sup>18</sup> These include Global Trade Atlas (“GTA”) data. *See generally* the data tables in CR/PR at I-22, I-24, I-27, Tables I-9, I-11 and I-13.

<sup>19</sup> 19 U.S.C. § 1677(4)(A).

<sup>20</sup> 19 U.S.C. § 1677(10); *see, e.g., Cleo Inc. v. United States*, 501 F.3d 1291, 1299 (Fed. Cir. 2007); *NEC Corp. v. Department of Commerce*, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); *Nippon Steel Corp. v. United States*, 19 CIT 450, 455 (1995); *Timken Co. v. United States*, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); *Torrington Co. v. United States*, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), *aff’d*, 938 F.2d 1278 (Fed. Cir. 1991); *see also* S. Rep. No. 249, 96<sup>th</sup> Cong., 1<sup>st</sup> Sess. 90-91 (1979).

<sup>21</sup> *See, e.g., Internal Combustion Industrial Forklift Trucks from Japan*, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (Dec. 2005); *Crawfish Tail Meat from China*, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); *Steel Concrete Reinforcing Bar from Turkey*, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (Feb. 2003).

percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040.

The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: Minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040.

The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040.<sup>22</sup>

Silicomanganese is a silvery metallic ferroalloy that is composed principally of manganese, silicon, and iron. It is produced in a number of different grades and sizes, though most silicomanganese is produced to ASTM International specification A483 and designated as

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<sup>22</sup> *Silicomanganese from India, Kazakhstan, and Venezuela: Final Results of Expedited Fourth Sunset Reviews of the Antidumping Duty Orders*, 89 Fed. Reg. 67065, 6706 (Aug. 19, 2024).

grade A, B, or C based on different silicon and carbon contents.<sup>23</sup> Silicomanganese is consumed in bulk form primarily by the steel industry as a source of both silicon and manganese, although some silicomanganese is used as an alloying agent in the production of iron castings. Manganese, intentionally present in nearly all steels, is used as a steel desulfurizer and deoxidizer. By removing sulfur from steel, manganese prevents the steel from becoming brittle during the hot rolling process. In addition, manganese increases the strength and hardness of steel. Silicon is used as a deoxidizer, aiding in making steels of uniform chemistry and mechanical properties. As such, it is not retained in the steel, but forms silicon oxide, which separates from the steel as a component of the slag. As an alloying agent, silicon increases the hardness and strength of hot-rolled steel mill products, and enhances the toughness, corrosion resistance, and magnetic and electrical properties of certain steel mill products.<sup>24</sup>

In the prior proceedings, the Commission defined the domestic like product to be coextensive with Commerce's scope.<sup>25</sup> In these reviews, Eramet agrees with the Commission's definition of the domestic like product from the prior proceedings.<sup>26</sup> The record contains no information suggesting that the characteristics and uses of domestically produced silicomanganese have changed since the prior proceedings.<sup>27</sup> Based on the analysis in the original investigations, the record in these reviews, and the lack of any contrary argument, we again define a single domestic like product that includes all silicomanganese, except low-carbon silicomanganese, coextensive with Commerce's definition of the scope of the orders under review.

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<sup>23</sup> CR/PR at I-7.

<sup>24</sup> CR/PR at I-8.

<sup>25</sup> *Original Determination*, USITC Pub. 3505 at 4-5; *First Review Determination*, USITC Pub. 3963 at 5; *Second Review Determination*, USITC Pub. 4424 at 5-6; *Third Review Determination*, USITC Pub. 4881 at 6-7. In the preliminary phase of the original investigations, the Commission found one like product consisting of all silicomanganese coextensive with the scope of Commerce's notice of initiation. Commerce subsequently excluded low-carbon silicomanganese from the scope. None of the parties in the final phase of the investigations opposed a like product definition coextensive with the revised scope. *Original Determination*, USITC Pub. 3505 at 4.

<sup>26</sup> Eramet's Response to the Notice of Institution, EDIS Doc. 822685 (May 31, 2024) at 21. Eramet reserved the right to comment on the appropriate definitions during the course of these reviews, but did not file additional comments on this issue.

<sup>27</sup> See generally CR/PR at I-7 – I-9.

## B. Domestic Industry and Related Parties

Section 771(4)(A) of the Tariff Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”<sup>28</sup> In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

The Commission must determine whether any producer of the domestic like product should be excluded from the domestic industry pursuant to section 771(4)(B) of the Tariff Act. This provision allows the Commission, if appropriate circumstances exist, to exclude from the domestic industry producers that are related to an exporter or importer of subject merchandise or which are themselves importers.<sup>29</sup> Exclusion of such a producer is within the Commission’s discretion based upon the facts presented in each investigation.<sup>30</sup>

In each of the prior proceedings, the Commission has defined the domestic industry to include all domestic producers of silicomanganese, except low-carbon silicomanganese. There were no related party or other domestic industry issues in any of the prior proceedings.<sup>31</sup>

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<sup>28</sup> 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

<sup>29</sup> See *Torrington Co v. United States*, 790 F. Supp. 1161, 1168 (Ct. Int’l Trade 1992), *aff’d without opinion*, 991 F.2d 809 (Fed. Cir. 1993); *Sandvik AB v. United States*, 721 F. Supp. 1322, 1331-32 (Ct. Int’l Trade 1989), *aff’d mem.*, 904 F.2d 46 (Fed. Cir. 1990); *Empire Plow Co. v. United States*, 675 F. Supp. 1348, 1352 (Ct. Int’l Trade 1987).

<sup>30</sup> The primary factors the Commission has examined in deciding whether appropriate circumstances exist to exclude a related party include the following:

- (1) the percentage of domestic production attributable to the importing producer;
- (2) the reason the U.S. producer has decided to import the product subject to investigation (whether the firm benefits from the LTFV sales or subsidies or whether the firm must import in order to enable it to continue production and compete in the U.S. market);
- (3) whether inclusion or exclusion of the related party will skew the data for the rest of the industry;
- (4) the ratio of import shipments to U.S. production for the imported product; and
- (5) whether the primary interest of the importing producer lies in domestic production or importation. *Changzhou Trina Solar Energy Co. v. USITC*, 100 F. Supp.3d 1314, 1326-31 (Ct. Int’l Trade 2015); see also *Torrington Co. v. United States*, 790 F. Supp. at 1168.

<sup>31</sup> *Original Determination*, USITC Pub. 3505 at 5; *First Review Determination*, USITC Pub. 3963 at 5-6; *Second Review Determination*, USITC Pub. 4424 at 6; *Third Review Determination*, USITC Pub. 4881 at 7.

Eramet agrees with the Commission's definition of the domestic industry from the prior proceedings.<sup>32</sup> There is no evidence on the record of these reviews that any U.S. producer share common ownership with any of the subject producers or imported or purchased subject merchandise during the period of review.<sup>33</sup> Accordingly, we define the domestic industry to be all domestic producers of silicomanganese, except low-carbon silicomanganese, consistent with our definition of the domestic like product.

### III. Cumulation

#### A. Legal Standard

With respect to five-year reviews, section 752(a) of the Tariff Act provides as follows: the Commission may cumulatively assess the volume and effect of imports of the subject merchandise from all countries with respect to which reviews under section 1675(b) or (c) of this title were initiated on the same day, if such imports would be likely to compete with each other and with domestic like products in the United States market. The Commission shall not cumulatively assess the volume and effects of imports of the subject merchandise in a case in which it determines that such imports are likely to have no discernible adverse impact on the domestic industry.<sup>34</sup>

Cumulation therefore is discretionary in five-year reviews, unlike original investigations, which are governed by section 771(7)(G)(i) of the Tariff Act.<sup>35</sup> The Commission may exercise its discretion to cumulate, however, only if the reviews are initiated on the same day, the Commission determines that the subject imports are likely to compete with each other and the

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<sup>32</sup> Eramet's Response to the Notice of Institution at 19, 21.

<sup>33</sup> See CR/PR at I-11, I-13 – I-15; Eramet's Response to the Notice of Institution at 19. Eramet states that is not an importer of silicomanganese from India, Kazakhstan, or Venezuela nor is it related to such an importer under section 771(4)(b). Eramet's Response to the Notice of Institution at 19, *citing* 19 U.S.C. § 1677(4)(B).

<sup>34</sup> 19 U.S.C. § 1675a(a)(7).

<sup>35</sup> 19 U.S.C. § 1677(7)(G)(i); *see also, e.g., Nucor Corp. v. United States*, 601 F.3d 1291, 1293 (Fed. Cir. 2010) (Commission may reasonably consider likely differing conditions of competition in deciding whether to cumulate subject imports in five-year reviews); *Allegheny Ludlum Corp. v. United States*, 475 F. Supp. 2d 1370, 1378 (Ct. Int'l Trade 2006) (recognizing the wide latitude the Commission has in selecting the types of factors it considers relevant in deciding whether to exercise discretion to cumulate subject imports in five-year reviews); *Nucor Corp. v. United States*, 569 F. Supp. 2d 1328, 1337-38 (Ct. Int'l Trade 2008).

domestic like product in the U.S. market, and imports from each such subject country are not likely to have no discernible adverse impact on the domestic industry in the event of revocation. Our focus in five-year reviews is not only on present conditions of competition, but also on likely conditions of competition in the reasonably foreseeable future.

## **B. Prior Proceedings**

In the original investigations, the Commission found a reasonable overlap of competition both among the subject imports from India, Kazakhstan, and Venezuela and between imports from each subject country and the domestic like product. Accordingly, it determined to cumulate subject imports from all three countries for purposes of its material injury analysis.<sup>36</sup>

In each of the prior reviews, the Commission did not find that imports from any of the subject countries would likely have no discernible adverse impact upon revocation.<sup>37</sup> The Commission also found that there would likely be a reasonable overlap of competition among subject imports from each subject country and the domestic like product, as well as among subject imports from each country.<sup>38</sup> Further, it found that imports from each of the three subject countries were likely to compete in the U.S. market under similar conditions of competition upon revocation.<sup>39</sup> Thus, in each review the Commission exercised its discretion to cumulate the subject imports from all three subject countries.<sup>40</sup>

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<sup>36</sup> *Original Determination*, USITC Pub. 3505 at 6-8.

<sup>37</sup> *First Review Determination*, USITC Pub. 3963 at 8; *Second Review Determination*, USITC Pub. 4424 at 9-12. In the prior reviews, the Commission found that each of the subject industries was export oriented and had substantial production capacity. *First Review Determination*, USITC Pub. 3963 at 8; *Second Review Determination*, USITC Pub. 4424 at 8-12, 23; *Third Review Determination*, USITC Pub. 4881 at 18, 36. In the full second reviews, the Commission noted that questionnaire and published data on the record contained substantial discrepancies regarding the Venezuelan industry's capacity. Referencing published data on total capacity and capacity utilization rates, the Commission found that the Venezuelan industry would likely have excess capacity in the reasonably foreseeable future. *Second Review Determination*, USITC Pub. 4424 at 10-11, 23 n.134. In the expedited third reviews, the Commission again reached the same determination. *Third Review Determination*, USITC Pub. 4881 at 13.

<sup>38</sup> *First Review Determination*, USITC Pub. 3963 at 9-10; *Second Review Determination*, USITC Pub. 4424 at 12-13; *Third Review Determination*, USITC Pub. 4881 at 23.

<sup>39</sup> *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 14-15; *Third Review Determination*, USITC Pub. 4881 at 23.

<sup>40</sup> *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 15; *Third Review Determination*, USITC Pub. 4881 at 24.



## C. Analysis

In these reviews, the statutory threshold for cumulation is satisfied because all reviews were initiated on the same day: May 1, 2024.<sup>41</sup> In addition, we consider the following issues in deciding whether to exercise our discretion to cumulate the subject imports: (1) whether imports from any of the subject countries are precluded from cumulation because they are likely to have no discernible adverse impact on the domestic industry; (2) whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product; and (3) whether subject imports are likely to compete in the U.S. market under different conditions of competition.<sup>42</sup>

### 1. Likelihood of No Discernible Adverse Impact

The statute precludes cumulation if the Commission finds that subject imports from a country are likely to have no discernible adverse impact on the domestic industry.<sup>43</sup> Neither the statute nor the Uruguay Round Agreements Act (“URAA”) Statement of Administrative Action (“SAA”) provides specific guidance on what factors the Commission is to consider in determining that imports “are likely to have no discernible adverse impact” on the domestic industry.<sup>44</sup> With respect to this provision, the Commission generally considers the likely volume of subject imports and the likely impact of those imports on the domestic industry within a reasonably foreseeable time if the orders are revoked. Our analysis for each of the subject countries takes into account, among other things, the nature of the product and the behavior of subject imports in the original investigations.

Based on the record in these reviews, we do not find that imports from any of the subject countries are likely to have no discernible adverse impact on the domestic industry in the event of revocation of the corresponding orders.

*India.* In the original investigations, the volume of subject imports from India totaled \*\*\* short tons in 1998, \*\*\* short tons in 1999, and \*\*\* short tons in 2000, and accounted on an

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<sup>41</sup> *Initiation of Five-Year (Sunset) Reviews*, 89 Fed. Reg. 35073 (May 1, 2024).

<sup>42</sup> Eramet argues that because the conditions that warranted cumulation of subject imports from all three subject countries in the prior proceedings have not changed, the Commission should again exercise its discretion to cumulate all subject imports in these reviews. Eramet’s Comments in Support of Continuing Orders, EDIS Doc. 83662 (Nov. 7, 2024) at 3-4.

<sup>43</sup> 19 U.S.C. § 1675a(a)(7).

<sup>44</sup> SAA, H.R. Rep. No. 103-316, vol. I at 887 (1994).

annual basis for \*\*\* percent of apparent U.S. consumption.<sup>45</sup> In the period covered by the first reviews, the volume of subject imports from India declined from 43,856 short tons in 2001 to 849 short tons in 2002.<sup>46</sup> There were no subject imports from India during the period covered by the second review, 2007 to March 2012.<sup>47</sup> During the period covered by the third review, the annual volume of subject imports from India ranged from 1,317 to 6,438 short tons.<sup>48</sup> In the current reviews subject imports from India ranged from 54 to 37,135 short tons during 2018-2023 and were 3,580 short tons in 2023; they accounted for \*\*\* percent of the quantity of apparent U.S. consumption in 2023.<sup>49</sup>

In the original investigations, the Commission received usable data from three producers in India.<sup>50</sup> In the expedited first reviews, the Commission received usable data from one Indian producer.<sup>51</sup> In the full second reviews, the Commission received questionnaire responses from two producers in India, Nava Bharat and Sarda,<sup>52</sup> that accounted for \*\*\* percent of total production in 2012.<sup>53</sup> No producer from India participated in the full third reviews.<sup>54</sup> Similarly, no producer from India participated in these fourth reviews.<sup>55</sup>

GTA data indicate that India was the world's largest exporter of silicomanganese in 2023.<sup>56</sup> India's largest export markets for silicomanganese were Italy, the United Arab Emirates, Japan, and Egypt.<sup>57</sup> Silicomanganese from India is subject to antidumping duties in South Korea and Mexico.<sup>58</sup> Available information indicates that production of silicomanganese in India was \*\*\* short tons in 2023, the subject industry's production capacity was \*\*\* short

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<sup>45</sup> CR/PR at C-3.

<sup>46</sup> *First Review Determination*, USITC Pub. 3936 at Table I-4.

<sup>47</sup> CR/PR at C-6 (for subject import data concerning the second reviews).

<sup>48</sup> *Third Review Determination*, USITC Pub. 4881 at Table I-4. Subject imports from India accounted for \*\*\* percent of the quantity of apparent U.S. consumption in 2017. *Third Review Determination*, USITC Pub. 4881 at Table I-6.

<sup>49</sup> CR/PR at Tables I-6 and I-7.

<sup>50</sup> Original Determination, USITC Pub. 3505 at VII-1.

<sup>51</sup> *First Review Determination*, USITC Pub. 3963 at I-49.

<sup>52</sup> *Second Review Determination*, USITC Pub. 4424 at IV-13.

<sup>53</sup> Second Review Determination Confidential Report, INV-LL-058 (Aug. 8, 2013), EDIS Doc. 661090 (Nov. 6, 2018) ("*Second Review Determination CR*") at I-14.

<sup>54</sup> *Third Review Determination*, USITC Pub. 4881 at I-2 – I-3, I-22.

<sup>55</sup> CR/PR at I-2, I-11, I-14 – I-15; see also Eramet's Adequacy Comments, EDIS Doc. 825441 (July 9, 2024) at 1-2.

<sup>56</sup> CR/PR at Table I-14.

<sup>57</sup> CR/PR at Table I-9.

<sup>58</sup> CR/PR at I-27 – I-28.

tons, and its capacity utilization was \*\*\* percent.<sup>59</sup> Nava Bharat and Sarda reported exporting \*\*\* percent of their total shipments in 2012, the most recent year for which such data are available.<sup>60</sup>

Available record evidence also indicates the United States remains an attractive export market for silicomanganese, given its size and high prices, providing an incentive to direct shipments to the U.S. market were the orders revoked.<sup>61</sup> In light of the foregoing, including the level of subject imports from India in the original investigations, the industry in India's substantial capacity and volume of exports, and the attractiveness of the U.S. market, we do not find that subject imports from India would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

*Kazakhstan.* Subject imports from Kazakhstan totaled \*\*\* short tons in 1998, \*\*\* short tons in 1999, and \*\*\* short tons in 2000 and accounted on an annual basis for between \*\*\* percent of apparent U.S. consumption.<sup>62</sup> During the first reviews, subject imports from Kazakhstan were present in the U.S. market in limited quantities in 2003 (6 short tons) and 2005 (22 short tons).<sup>63</sup> There have been no or minimal subject imports from Kazakhstan since that time.<sup>64</sup> There were 5 short tons of subject imports from Kazakhstan in 2023.<sup>65</sup>

In the original investigations, the Commission received usable data from the sole Kazakhstan producer, Kazchrome.<sup>66</sup> In the expedited first reviews, Kazchrome did not provide the Commission with any data.<sup>67</sup> In the full second reviews, the Commission received usable

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<sup>59</sup> Eramet's Response to the Notice of Institution at Table 4; *see also* CR/PR at Table I-8.

<sup>60</sup> *Second Review Determination CR* at Table IV-5. The Commission found that GTA data indicated that global exports from India of ferrosilicon manganese declined from 1,053,542 short tons in 2013 to 682,605 short tons in 2016, then increased to 889,494 short tons in 2017. *Third Review Determination*, USITC Pub. 4881 at 11 and Table I-8.

<sup>61</sup> *See* Eramet's Final Comments, EDIS Doc. 836662 (Nov. 7, 2024) at 10, *citing* Eramet's Response to the Notice of Institution at 15, Figure 1 (\*\*\*).

<sup>62</sup> CR/PR at Table C-1 at C-3.

<sup>63</sup> *First Review Determination*, USITC Pub. 3963 at Table I-4. Subject imports from Kazakhstan accounted for less than 0.05 percent of the share of the total quantity of all U.S. imports in both years. *Id.*

<sup>64</sup> *See Second Review Determination CR* at C-6 (for subject import data concerning the second reviews) and at Table I-6 (for subject import data concerning the current reviews); *Third Review Determination*, USITC Pub. 4881 at Table I-6; CR/PR at Table I-7.

<sup>65</sup> CR/PR at Table I-6.

<sup>66</sup> *Original Determination*, USITC Pub. 3505 at VII-4.

<sup>67</sup> *First Review Determination*, USITC Pub. 3963 at I-53.

data from Kazchrome, accounting for \*\*\* percent of Kazakhstan's reported silicomanganese exports.<sup>68</sup> No producer from Kazakhstan participated in the third reviews or these reviews.<sup>69</sup>

GTA data show that exports of silicomanganese from Kazakhstan increased sharply in 2022 and 2023, rising from 32,363 short tons in 2021 to 112,960 short tons in 2022 and 172,531 short tons in 2023; in 2023, it was the world's sixth largest exporter of silicomanganese.<sup>70</sup> Available information indicates the subject industry in Kazakhstan produced \*\*\* short tons of silicomanganese in 2023 and had capacity of \*\*\* short tons, and a capacity utilization of \*\*\* percent.<sup>71</sup> Kazchrome reported exporting \*\*\* percent of its total shipments in 2012, the most recent year for which such data are available.<sup>72</sup>

Available record evidence also indicates the United States remains an attractive export market for silicomanganese, given its size and high prices, providing an incentive to direct shipments to the U.S. market were the orders revoked.<sup>73</sup>

In light of the foregoing, including the substantial increase in the volume of subject imports during the original investigations, the attractiveness of the U.S. market, and the subject industry's levels of exports and its substantial capacity and excess capacity, we do not find that subject imports from Kazakhstan would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.

*Venezuela.* Subject imports from Venezuela totaled 19,511 short tons in 1999, 18,604 short tons in 1999, and 26,565 short tons in 2000.<sup>74</sup> On an annual basis, their share of the quantity of apparent U.S. consumption ranged between \*\*\* percent during the original period of investigation.<sup>75</sup> During the first reviews, Venezuelan producers shipped 1,442 short tons of

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<sup>68</sup> *Second Review Determination CR* at IV-18.

<sup>69</sup> *Third Review Determination*, USITC Pub. 4881 at I-25 and I-32; CR/PR at I-2, I-23.

<sup>70</sup> CR/PR at Tables I-11 (silicomanganese exports from Kazakhstan) and I-14 (quantity of global exports by country and period).

<sup>71</sup> Eramet's Response to the Notice of Institution at Table 4.

<sup>72</sup> *Second Review Determination CR* at Table IV-8.

<sup>73</sup> See Eramet's Final Comments, EDIS Doc. 836662 (Nov. 7, 2024) at 10, *citing* Eramet's Response to the Notice of Institution at 15, Figure 1 (\*\*\*).

<sup>74</sup> Volume data for Venezuela were based on official Commerce statistics, adjusted to remove out-of-scope low-carbon silicomanganese. *Original Determination*, USITC Pub. 3505 at Table IV-2.

<sup>75</sup> CR/PR at C-3.

subject merchandise to the United States in 2004.<sup>76</sup> There have been no subsequent entries of subject imports from Venezuela.<sup>77</sup>

In the original investigations, the Commission received a usable questionnaire response from the sole Venezuelan producer, Hevensa.<sup>78</sup> In the expedited first reviews, Hevensa did not provide the Commission with any data.<sup>79</sup> In the full second reviews, the Commission received usable questionnaire responses from Hevensa and another Venezuelan producer, FerroVen, which together were believed to account for \*\*\* Venezuelan silicomanganese production.<sup>80</sup> No producer from Venezuela participated in the third reviews or these reviews.<sup>81</sup>

The record is unclear on the status of the two known producers in Venezuela. According to its parent company, FerroVen idled its production in 2016.<sup>82</sup> There is no information on the status of Hevensa. While there is no reported export data from Venezuela, over the period of review Mexico and Canada reported silicomanganese imports from Venezuela in 2018 and Turkey reported such imports in 2021.<sup>83</sup> Available information indicates that, in 2023 the subject industry in Venezuela produced \*\*\* short tons of silicomanganese, had capacity of \*\*\* short tons, and capacity utilization of \*\*\* percent.<sup>84</sup>

In 2012, the most recent year for which such data are available, Hevensa and FerroVen reported exporting \*\*\* percent of their total shipments.<sup>85</sup> During the second reviews,

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<sup>76</sup> *First Review Determination*, USITC Pub. 3963 at Table I-4. Subject imports from Venezuela accounted for 0.3 percent of the share of total quantity of all U.S. imports in 2004. *Id.*

<sup>77</sup> See CR/PR at C-6 (for subject import data concerning the second reviews) and at Table I-6 (for subject import data concerning the current reviews). See also *Third Review Determination*, USITC Pub. 4881 at Table I-4.

<sup>78</sup> *Original Determination*, USITC Pub. 3505 at VII-6.

<sup>79</sup> *First Review Determination*, USITC Pub. 3936 at I-55.

<sup>80</sup> *Second Review Determination CR* at IV-24.

<sup>81</sup> *Third Review Determination*, USITC Pub. 4881 at I-27, I-38; see also CR/PR at I-2, I-25. Based on the most recent reports on the manganese market published by the U.S. Geological Survey, there was no silicomanganese production in Venezuela during 2018-23. Eramet's Final Comments at 8; see also *Fourth Review Determination CR* at Table I-14 (global exports). "The last year of silicomanganese production in Venezuela was 2017 when production was 20,580 short tons." *Fourth Review Determination CR* at I-26 n.71, citing U.S. Geological Survey (USGS) Minerals Yearbook: Manganese, 2021 tables-only release, Table 8, amending *Third Review Determination*, USITC Pub. 4881 at Table 1-11

<sup>82</sup> CR/PR at Table I-12.

<sup>83</sup> CR/PR at Table I-13. The total reported imports from Venezuela were 662 short tons in 2018 and 4,402 short tons in 2021. In the third reviews, the GTA data indicated that global exports from Venezuela of ferrosilicon manganese declined from 13,535 short tons in 2013 to 3,301 short tons in 2015, and were zero in 2016 and 2017. *Third Review Determination*, USITC Pub. 4881 at Table I-12.

<sup>84</sup> Eramet's Response to the Notice of Institution at Table 4; see also CR/PR at I-25-I-27.

<sup>85</sup> *Second Review Determination CR* at Table IV-11.

Venezuelan producers argued that they primarily provided silicomanganese to their home market or exported it to the European Union.<sup>86</sup>

Available record evidence also indicates the United States remains an attractive export market for silicomanganese, given its size and high prices, providing an incentive to direct shipments to the U.S. market were the orders revoked.<sup>87</sup>

Although the limited record indicates that the subject industry in Venezuela has not exported silicomanganese since 2021 and that it has not produced silicomanganese in the recent past, the record also indicates that the subject industry maintains substantial capacity and excess capacity, that the orders have had a significant disciplining effect on subject imports from Venezuela, and that the United States remains an attractive export market.

In light of the foregoing, we do not find that subject imports from Venezuela would likely have no discernible adverse impact on the domestic industry if the antidumping duty order covering these imports were revoked.<sup>88 89</sup>

## **2. Likelihood of a Reasonable Overlap of Competition**

The Commission generally has considered four factors intended to provide a framework for determining whether subject imports compete with each other and with the domestic like

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<sup>86</sup> *Second Review Determination*, USITC Pub. 4424 at IV-25.

<sup>87</sup> See Eramet's Final Comments, EDIS Doc. 836662 (Nov. 7, 2024) at 10, *citing* Eramet's Response to the Notice of Institution at 15, Figure 1 (\*\*\*). See also *Third Review Determination*, USITC Pub. 4881 at 26 (finding silicomanganese prices in U.S. market higher than other markets).

<sup>88</sup> In the next five-year review of the order on Venezuela, we will seek additional information regarding the status of production facilities in Venezuela.

<sup>89</sup> Commissioner Johanson found during the adequacy phase of these reviews that the facts presented regarding the status of the Venezuelan industry merited a full review. These same facts now raise the question of whether subject imports from Venezuela would likely have no discernible adverse impact on the domestic industry if the antidumping duty order on subject imports from Venezuela were revoked. I raised similar concerns in the third reviews. *Third Review Determination*, USITC Pub. 4881 at 13 n.79. At the time of the third reviews, based on publicly available information provided in the staff report, it appeared that there had been no exports from Venezuela under HS 7202.30 in either 2016 or 2017. *Id.* at Table I-12. In these reviews, there is evidence of only a small amount of exports from Venezuela in two of the years of this period (2018 and 2021). CR/PR at Table I-13 (showing 662 short tons in 2018 and 4,402 short tons in 2021). A full review of this order would have provided an opportunity for further exploration of the condition of the Venezuelan industry. Nevertheless, on the record of this review, I join the majority in not finding that subject imports from Venezuela would likely have no discernible adverse impact on the domestic industry if the antidumping duty order were revoked.

product.<sup>90</sup> Only a “reasonable overlap” of competition is required.<sup>91</sup> In five-year reviews, the relevant inquiry is whether there likely would be competition even if none currently exists because the subject imports are absent from the U.S. market.<sup>92</sup>

*Fungibility.* In the original investigations, the Commission found that there was a significant degree of fungibility among subject imports from different subject countries and between imports from each subject country and the domestic like product. Purchasers viewed domestically produced silicomanganese and imports from each subject country as comparable for all purchasing factors, and the vast majority reported that domestic silicomanganese and imports from each subject source were used in the same applications.<sup>93</sup>

In the first reviews, the Commission found there was no information in the record that indicated that the fungibility of silicomanganese from all sources had changed.<sup>94</sup> In the second reviews, the record indicated that a majority of importers and U.S. purchasers found the domestic like product and imports from each subject country to be frequently or always interchangeable in all comparisons.<sup>95</sup> Additionally, a majority of responding purchasers reported that the domestic like product and imports from each subject country were comparable on most purchasing factors.<sup>96</sup> The Commission thus found silicomanganese from

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<sup>90</sup> The four factors generally considered by the Commission in assessing whether imports compete with each other and with the domestic like product are as follows: (1) the degree of fungibility between subject imports from different countries and between subject imports and the domestic like product, including consideration of specific customer requirements and other quality-related questions; (2) the presence of sales or offers to sell in the same geographical markets of imports from different countries and the domestic like product; (3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and (4) whether subject imports are simultaneously present in the market with one another and the domestic like product. See, e.g., *Wieland Werke, AG v. United States*, 718 F. Supp. 50 (Ct. Int’l Trade 1989).

<sup>91</sup> See *Mukand Ltd. v. United States*, 937 F. Supp. 910, 916 (Ct. Int’l Trade 1996); *Wieland Werke*, 718 F. Supp. at 52 (“Completely overlapping markets are not required.”); *United States Steel Group v. United States*, 873 F. Supp. 673, 685 (Ct. Int’l Trade 1994), *aff’d*, 96 F.3d 1352 (Fed. Cir. 1996). We note, however, that there have been investigations where the Commission has found an insufficient overlap in competition and has declined to cumulate subject imports. See, e.g., *Live Cattle from Canada and Mexico*, Inv. Nos. 701-TA-386 and 731-TA-812-13 (Preliminary), USITC Pub. 3155 at 15 (Feb. 1999), *aff’d sub nom.*, *Ranchers-Cattlemen Action Legal Foundation v. United States*, 74 F. Supp. 2d 1353 (Ct. Int’l Trade 1999); *Static Random Access Memory Semiconductors from the Republic of Korea and Taiwan*, Inv. Nos. 731-TA-761-62 (Final), USITC Pub. 3098 at 13-15 (Apr. 1998).

<sup>92</sup> See generally, *Cheflene Corp. v. United States*, 219 F. Supp. 2d 1313, 1314 (Ct. Int’l Trade 2002).

<sup>93</sup> *Original Determination*, USITC Pub. 3505 at 6-7.

<sup>94</sup> *First Review Determination*, USITC Pub. 3963 at 9.

<sup>95</sup> *Second Review Determination CR* at Table II-10.

<sup>96</sup> *Second Review Determination CR* at II-27.

each subject country to be fungible with the domestic like product and each other.<sup>97</sup> In the third reviews, the Commission found there was no information in the record that indicated that the fungibility of silicomanganese from all sources had changed; it found silicomanganese from each subject country to be fungible with the domestic like product and each other.<sup>98</sup> There is nothing in the record of these reviews to indicate that the fungibility of silicomanganese from domestic and subject sources has changed from that observed in the prior proceedings.

*Channels of Distribution.* In the original investigations, the Commission found that the majority of the domestic like product was sold directly to end users, namely steel mills in the United States. Nearly all imports from \*\*\* were also sold directly to end users, while \*\*\* of silicomanganese from Kazakhstan was shipped to distributors.<sup>99</sup> The Commission found there was a reasonable overlap in channels of distribution among the subject imports from each country and the domestic like product.<sup>100</sup>

In the prior reviews, the Commission found there was no information in the record that indicated that the distribution pattern would change if the orders were revoked.<sup>101</sup> In the full second reviews, the Commission found that a large majority of silicomanganese was still sold to end users.<sup>102</sup> In the third reviews, the Commission found nothing in the record to indicate that the distribution pattern observed in the original investigations would change if the orders were revoked.<sup>103</sup> There is similarly nothing in the record of these reviews to indicate that the distribution pattern observed in the original investigations would change if the orders were revoked.

*Geographic Overlap.* In the original investigations, the Commission found that domestically produced silicomanganese was sold throughout the United States and that subject imports from each subject country were sold in a number of regions throughout the United States. It therefore found that imports from all three subject countries and the domestic like

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<sup>97</sup> *Second Review Determination*, USITC Pub. 4424 at 13.

<sup>98</sup> *Third Review Determination*, USITC Pub. 4881 at 14.

<sup>99</sup> Confidential Staff Report for Silicomanganese from India, Kazakhstan and Venezuela, Original Investigation (Final), EDIS Doc. 70610 (Apr. 29, 2002) (“Confidential Staff Report Original Determination”) at I-8 n.19.

<sup>100</sup> *Original Determination*, USITC Pub. 3505 at 8.

<sup>101</sup> *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 13; *Third Review Determination*, USITC Pub. 4881 at 15.

<sup>102</sup> In 2012, \*\*\* percent of domestic producers’ U.S. shipments were to end users and 89.2 percent of importers’ U.S. shipments imported from nonsubject sources were sold to end users. See Confidential Second Review Determination, EDIS Doc. 661093 (Sept. 9, 2013), at 19.

<sup>103</sup> *Third Review Determination*, USITC Pub. 4881 at 15.



product were present to a significant degree in the same geographic markets during the period examined.<sup>104</sup>

In the prior reviews, the Commission found no information in the record that indicated that the geographic overlap of sales of the domestic like product and the subject imports would be significantly different from that observed in the original investigations.<sup>105</sup>

There is nothing in the record of these reviews that indicates that, were the orders to be revoked, there would be a change in the geographic overlap of sales of the domestic like product and the subject imports from that observed in the original investigations.

*Simultaneous Presence in Market.* In the original investigations, the Commission found that silicomanganese produced in the United States was present throughout the period examined. It also found that silicomanganese from each of the subject countries was imported in approximately half of the 45 months for which data were collected and U.S. importers tended to hold substantial levels of inventory. Consequently, it found that subject imports from all countries and the domestic like product were simultaneously present in the U.S. market.<sup>106</sup>

In the prior reviews, the Commission found there was no information in the record that indicated that the simultaneous presence observed in the original investigations would not recur if the orders were revoked.<sup>107</sup> There is similarly nothing in the record of these reviews indicating that, were the orders to be revoked, there would be a change in the simultaneous presence observed in the original investigations.

*Conclusion.* The record in these expedited reviews contains no information suggesting a change in the considerations that led the Commission in prior reviews to conclude that there would likely be a reasonable overlap of competition between and among imports from different subject sources and the domestic like product upon revocation. In light of this and the absence of any contrary argument, we find a likely reasonable overlap of competition between and among subject imports from India, Kazakhstan, and Venezuela, and the domestic like product.

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<sup>104</sup> *Original Determination*, USITC Pub. 3505 at 7-8.

<sup>105</sup> *First Review Determination*, USITC Pub. 3963 at 9; *Second Review Determination*, USITC Pub. 4424 at 13.

<sup>106</sup> *Original Determination*, USITC Pub. 3505 at 8.

<sup>107</sup> *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination CR* at Table V-2; *Second Review Determination*, USITC Pub. 4424 at 13; *Third Review Determination*, USITC Pub. 4881 at 16.

#### **D. Likely Conditions of Competition**

In determining whether to exercise our discretion to cumulate the subject imports, we assess whether subject imports from the subject countries likely would compete under similar or different conditions in the U.S. market if the orders under review were revoked.

As previously discussed, in each of the prior reviews, the Commission exercised its discretion to cumulate the subject imports from all three subject countries.<sup>108</sup>

We similarly find that the record in these reviews does not indicate that there would be any significant differences in the conditions of competition affecting subject imports from different sources upon revocation of the orders.

#### **E. Conclusion**

Based on the record, we find that subject imports from each of the subject countries would not be likely to have no discernible adverse impact on the domestic industry if the subject orders were revoked. We also find a likely reasonable overlap of competition between and among imports from different subject sources and the domestic like product and that imports from each of the subject countries are likely to compete in the U.S. market under similar conditions of competition if the orders are revoked. We therefore exercise our discretion to cumulate subject imports from India, Kazakhstan, and Venezuela.

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

#### **A. Legal Standards**

In a five-year review conducted under section 751(c) of the Tariff Act, Commerce will revoke an antidumping or countervailing duty order unless: (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping or countervailing duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”<sup>109</sup> The SAA states that “under the likelihood standard, the Commission will engage in a

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<sup>108</sup> *First Review Determination*, USITC Pub. 3963 at 10; *Second Review Determination*, USITC Pub. 4424 at 15; *Third Review Determination*, USITC Pub. 4881 at 16.

<sup>109</sup> 19 U.S.C. § 1675a(a).

counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”<sup>110</sup> Thus, the likelihood standard is prospective in nature.<sup>111</sup> The U.S. Court of International Trade has found that “likely,” as used in the five-year review provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.<sup>112</sup>

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”<sup>113</sup> According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”<sup>114</sup>

Although the standard in a five-year review is not the same as the standard applied in an original investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended

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<sup>110</sup> SAA at 883-84. The SAA states that “{t}he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” *Id.* at 883.

<sup>111</sup> While the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued {sic} prices for the domestic like product in the U.S. market in making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

<sup>112</sup> See *NMB Singapore Ltd. v. United States*, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), *aff’d mem.*, 140 Fed. Appx. 268 (Fed. Cir. 2005); *Nippon Steel Corp. v. United States*, 26 CIT 1416, 1419 (2002) (same); *Usinor Industeel, S.A. v. United States*, 26 CIT 1402, 1404 nn.3, 6 (2002) (“more likely than not” standard is “consistent with the court’s opinion;” “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); *Indorama Chemicals (Thailand) Ltd. v. United States*, 26 CIT 1059, 1070 (2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); *Usinor v. United States*, 26 CIT 767, 794 (2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

<sup>113</sup> 19 U.S.C. § 1675a(a)(5).

<sup>114</sup> SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

investigation is terminated.”<sup>115</sup> It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if an order is revoked or a suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).<sup>116</sup> The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination.<sup>117</sup>

In evaluating the likely volume of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.<sup>118</sup> In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.<sup>119</sup>

In evaluating the likely price effects of subject imports if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.<sup>120</sup>

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<sup>115</sup> 19 U.S.C. § 1675a(a)(1).

<sup>116</sup> 19 U.S.C. § 1675a(a)(1). Commerce has not issued any duty absorption findings with respect to silicomanganese from India, Kazakhstan, and Venezuela. See CR/PR at I-5, A-3.

<sup>117</sup> 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

<sup>118</sup> 19 U.S.C. § 1675a(a)(2).

<sup>119</sup> 19 U.S.C. § 1675a(a)(2)(A-D).

<sup>120</sup> See 19 U.S.C. § 1675a(a)(3). The SAA states that “[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices.” SAA at 886.

In evaluating the likely impact of imports of subject merchandise if an order under review is revoked and/or a suspended investigation is terminated, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.<sup>121</sup> All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry. As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the orders under review and whether the industry is vulnerable to material injury upon revocation.<sup>122</sup>

No respondent interested party participated in these expedited reviews. The record, therefore, contains limited new information with respect to the silicomanganese industries in India, Kazakhstan, and Venezuela. There also is limited information on the domestic silicomanganese market in the United States during the period of review. Accordingly, for our determination, we rely as appropriate on the facts available from the original investigation and the prior reviews, and the limited new information on the record in these fourth five-year reviews.

## **B. Conditions of Competition and the Business Cycle**

In evaluating the likely impact of the subject imports on the domestic industry if an order is revoked, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”<sup>123</sup> The following conditions of competition inform our determinations.

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<sup>121</sup> 19 U.S.C. § 1675a(a)(4).

<sup>122</sup> The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission “considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports.” SAA at 885.

<sup>123</sup> 19 U.S.C. § 1675a(a)(4).

## 1. Demand Conditions

In the original investigations, the Commission found that demand for silicomanganese was closely tied to the demand for steel. It also found that silicomanganese represented a relatively small share of the total cost of steelmaking, and the absolute price of silicomanganese had little effect on steel makers' demand for silicomanganese. The capital-intensive nature of silicomanganese production required high levels of capacity utilization for profitable operations.<sup>124</sup> In the prior reviews, the Commission found that U.S. demand for silicomanganese remained cyclically tied to conditions in the U.S. and global steel industries.<sup>125</sup> Information in the limited record of these reviews likewise indicates that U.S. demand for silicomanganese remains tied to conditions in the U.S. and global steel industry.<sup>126</sup>

In the original investigations, apparent U.S. consumption rose irregularly over the full-year periods, but was substantially lower in the first three quarters of 2001 than during the comparable period of 2000.<sup>127</sup> In the first reviews, apparent U.S. consumption was higher than during the original investigations.<sup>128</sup> In the second reviews, most firms reported that demand for silicomanganese had decreased or fluctuated due to the overall condition of the economy and a decline in steel production tied to the recession of 2009.<sup>129</sup> The Commission found that apparent U.S. consumption declined overall, but recovered somewhat after the recession along with an increase in demand for steel.<sup>130</sup> In the third reviews, data collected indicated that apparent U.S. consumption was \*\*\* short tons in 2017.<sup>131</sup> Eramet contended that U.S. demand for silicomanganese fluctuated during the period of review, reaching a high of \*\*\* short tons in 2014 and a low of \*\*\* short tons in 2016, while purchaser \*\*\* stated that \*\*\*.<sup>132</sup>

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<sup>124</sup> *Original Determination*, USITC Pub. 3505 at 9.

<sup>125</sup> *First Review Determination*, USITC Pub. 3963 at 14; *Second Review Determination*, USITC Pub. 4424 at 19; *Third Review Determination*, USITC Pub. 4881 at 20.

<sup>126</sup> Eramet's Response to the Notice of Institution at 20 and Table 1.

<sup>127</sup> *Original Determination*, USITC Pub. 3505 at 9.

<sup>128</sup> *First Review Determination*, USITC Pub. 3963 at 13.

<sup>129</sup> *Second Review Determination*, USITC Pub. 4424 at 19-20.

<sup>130</sup> *Second Review Determination*, USITC Pub. 4424 at 20-21.

<sup>131</sup> Apparent consumption data for 2017 are likely understated because Eramet was the only domestic producer that submitted data and it estimated that it accounted for \*\*\* percent of total domestic production. *Third Review Determination Confidential Report*, INV-QQ-138, EDIS Doc. 662419 (Nov. 26, 2018) ("*Third Review Determination CR*") at Table I-3 note.

<sup>132</sup> *Third Review Determination CR* at D-3; Confidential Third Review Views, EDIS Doc. 673252 (Apr. 17, 2019) at 29-30.

The data collected in these fourth reviews indicate that apparent U.S. consumption was \*\*\* short tons in 2023.<sup>133</sup> Eramet states that U.S. demand for silicomanganese \*\*\* from 2022 to 2023.<sup>134</sup>

## 2. Supply Conditions

Data collected during the original investigations indicated that the domestic industry, which consisted only of Eramet, supplied between \*\*\* and \*\*\* percent of the annual quantity of apparent U.S. consumption, whereas cumulated subject imports supplied between \*\*\* and \*\*\* percent.<sup>135</sup> The Commission observed that Eramet, even if it operated at full capacity, could only satisfy a portion of U.S. demand during the original period of investigation.<sup>136</sup>

During the first reviews there were two domestic producers, Eramet and Felman Production, Inc. (“Felman”).<sup>137</sup> The Commission found that the domestic industry continued to supply a relatively small portion of overall domestic demand, with nonsubject imports supplying the largest share.<sup>138</sup> Eramet and Felman continued to supply a relatively small share of U.S. demand in the second and third reviews, with nonsubject imports retaining the largest share.<sup>139</sup>

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<sup>133</sup> CR/PR at Table I-7. Apparent consumption data for 2023 are likely understated because Eramet was the only domestic producer that submitted data and it estimates that it accounts for \*\*\* percent of total U.S. production. CR/PR at I-2 and Table I-7. The \*\*\* reported that apparent U.S. consumption was \*\*\* short tons in 2023. Eramet’s Response to the Notice of Institution at 21 and Table 1.

<sup>134</sup> Eramet’s Response to the Notice of Institution at 21 and Table 1 (citing data from the \*\*\*).

<sup>135</sup> CR/PR at C-3. South Africa was the leading source of nonsubject imports. *Original Determination*, USITC Pub. 3505 at 10.

<sup>136</sup> *Original Determination*, USITC Pub. 3505 at 9-10.

<sup>137</sup> See *First Review Determination*, USITC Pub. 3963 at 3 n.4.

<sup>138</sup> In the first review period, the domestic industry’s market share declined to \*\*\* percent in 2006, while that of nonsubject imports increased to \*\*\* percent. There were no entries of subject imports during this period. CR/PR at Table I-7; see also *First Review Determination*, USITC Pub. 3963 at 12-13. The largest sources of nonsubject imports were South Africa, Norway, Georgia, and Romania. *First Review Determination*, USITC Pub. 3963 at 13. Eramet and Felman both reported production difficulties during the first reviews. *Id.*

<sup>139</sup> In the second review, the domestic industry’s market share increased to \*\*\* percent in 2012, while that of nonsubject imports declined to \*\*\* percent. *Second Review Determination* CR at Table I-6; see also *Second Review Determination*, USITC Pub. 4424 at 20. During the second period of review, Eramet’s production declined, and Felman temporarily ceased production towards the end of the review period. *Second Review Determination*, USITC Pub. 4424 at 20. In the third review, the domestic industry’s market share declined to \*\*\* percent in 2017, while that of nonsubject imports increased to (Continued...)

In these reviews, Eramet supplied \*\*\* percent of apparent U.S. consumption by quantity in 2023,<sup>140</sup> cumulated subject imports (all from India) supplied \*\*\* percent, and nonsubject imports continued to supply the largest share of the market, \*\*\* percent.<sup>141</sup> Imports of silicomanganese from China and Ukraine are currently subject to antidumping duty orders.<sup>142</sup> Effective September 24, 2018, silicomanganese originating in China became subject to an additional 10 percent *ad valorem* duty levied pursuant to Section 301(b) of the Trade Act of 1974, which the U.S. Trade Representative increased to an additional 25 percent *ad valorem*, effective June 1, 2019.<sup>143</sup>

### 3. Substitutability

In the original investigations and second reviews, the Commission characterized silicomanganese as a commodity product, sold largely on the basis of price; in the first review, it stated that there was no information that the significant degree of fungibility among subject imports and between subject imports and the domestic like product had changed since the original investigations.<sup>144</sup> In the third reviews, the Commission also found that price was an

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\*\*\* percent. *Third Review Determination CR* at Table I-6. The domestic industry's market share is likely understated in the third review because, as noted earlier, domestic industry data were provided only by Eramet, which estimated that it accounted for \*\*\* percent of total domestic production. *Third Review Determination CR* at Table I-3 note. Felman underwent periodic complete or partial shut-downs over the course the period covered by the third review. *Third Review Determination*, USITC Pub. 4881 at Table I-2.

<sup>140</sup> CR/PR at Table I-7. As noted earlier, the domestic industry's market share is likely understated because domestic industry data were provided only by Eramet, which Eramet estimates that it accounted for \*\*\* percent of total U.S. production of silicomanganese in 2023. *Id.* at Table I-2.

<sup>141</sup> CR/PR at Table I-7. South Africa, Australia, and Georgia were the largest nonsubject sources of silicomanganese in the current review period. *Id.* at Table I-6. As previously stated, available apparent consumption data likely understate apparent consumption and overstate import market share. *Id.* at I-2 and Table I-7.

<sup>142</sup> CR/PR at Table I-3.

<sup>143</sup> See CR/PR at I-7, citing *Notice of Modification of Section 301 Action: China's Acts, Policies and Practices Related to Technology Transfer, Intellectual Property and Innovation*, 83 Fed. Reg. 47974 (Sept. 21, 2018) (effective Sept. 24, 2018); *Notice of Modification of Section 301 Action: China's Acts, Policies and Practices Related to Technology Transfer, Intellectual Property and Innovation*, 84 Fed. Reg. 20459 (May 9, 2019) (effective May 10, 2019); *Additional Implementing Modification to Section 301 Action: China's Acts, Policies and Practices Related to Technology Transfer, Intellectual Property and Innovation* 84 Fed. Reg. 26930 (June 10, 2019) (effective June 1, 2019).

<sup>144</sup> *Original Determination*, USITC Pub. 3505 at 10; *First Review Determination*, USITC Pub. 3963 at 9; *Second Review Determination*, USITC Pub. 4424 at 21-22.



important purchasing factor.<sup>145</sup> In the second and third reviews, the Commission found a moderate-to-high degree of substitutability among silicomanganese produced in the United States and that imported from subject and nonsubject sources.<sup>146</sup> In the current reviews, Eramet agrees that there is a moderate-to-high degree of substitutability among silicomanganese produced in the United States and that imported from subject and nonsubject sources.<sup>147</sup>

The limited record in these reviews does not indicate that the substitutability between U.S.-produced silicomanganese and imported silicomanganese regardless of source or the importance of price has changed since the prior proceedings.<sup>148</sup> We thus find that there is a moderate-to-high degree of substitutability between the domestic like product and subject imports and that price is an important factor in purchasing decisions.

#### **4. Other Conditions**

In the original investigations and second reviews, the Commission found that pricing data on silicomanganese were widely and rapidly available through published sources such as *Ryan's Notes* and *Metals Week*.<sup>149</sup> Given the widespread availability of pricing data and the commodity nature of the product, producers needed to react quickly to price changes in the market.<sup>150</sup> In the third reviews, the Commission similarly found that silicomanganese prices were widely and rapidly available, causing producers to react quickly to price changes in the market.<sup>151</sup> The record in these reviews contains nothing to indicate that the availability of silicomanganese prices in the U.S. market has changed since the prior reviews.<sup>152</sup> Accordingly,

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<sup>145</sup> *Third Review Determination*, USITC Pub. 4881 at 23.

<sup>146</sup> *Second Review Determination*, USITC Pub. 4424 at 21; *Third Review Determination*, USITC Pub. 4881 at 22 (similarly finding a moderate-to-high degree of substitutability between silicomanganese from all sources).

<sup>147</sup> See Eramet's Response to the Notice of Institution at 13 and 17. Eramet also asserts that price remains an important factor in purchasing decisions. *Id.* at 13-14 and 18.

<sup>148</sup> CR/PR at I-7 – I-8, I-13 – I-16.

<sup>149</sup> *Original Determination*, USITC Pub. 3505 at 10; *Second Review Determination*, USITC Pub. 4424 at 21-22. The Commission reached the same conclusion in the third reviews. *Third Review Determination*, USITC Pub. 4881 at 23.

<sup>150</sup> *Original Determination*, USITC Pub. 3505 at 10; *Second Review Determination*, USITC Pub. 4424 at 21-22.

<sup>151</sup> *Third Review Determination*, USITC Pub. 4881 at 23.

<sup>152</sup> See CR/PR at I-10 – I-16. Eramet argues that the ready availability of current price information through industry publications continues to facilitate rapid communication of price changes. Eramet has also provided the Commission with a list of known sources of national and regional silicomanganese pricing information. Eramet's Response to the Notice of Institution at 7-8.

we again find that pricing data on silicomanganese are widely and rapidly available through published sources, such that producers must react quickly to price changes in the market.

During the period covered by the third reviews, the U.S. Environmental Protection Agency revised its National Emission Standards for Hazardous Air Pollutants, which regulate silicomanganese production.<sup>153</sup> Eramet stated that it had taken measures to comply with the revised emission standards.<sup>154</sup>

In the current reviews, the COVID-19 pandemic \*\*\*. According to Eramet, U.S. market prices \*\*\*, then \*\*\* in 2021 and 2022, but \*\*\* in 2023.<sup>155</sup> Eramet states that silicomanganese prices in the global market \*\*\*, and maintains that they are \*\*\* U.S. prices.<sup>156</sup>

## **C. Likely Volume of Subject Imports**

### **1. The Prior Proceedings**

In the original investigations, the Commission found that the volume of subject imports increased overall during the period examined. Subject import volume and market share both declined at the beginning of the period, when apparent U.S. consumption declined, then increased sharply at the end of the period, at a significantly greater rate than the increase in apparent U.S. consumption. Although the volume of subject imports began to decline after the filing of the petitions, substantial quantities of subject import inventories remained in the U.S. market. As a result, the domestic industry could increase neither its U.S. shipments nor its market share when demand rose in 2000. The Commission found that both the absolute and relative volume of cumulated subject imports, and the increases in subject import volume, were significant.<sup>157</sup>

In the first reviews, the Commission found that subject imports from each subject country declined sharply following imposition of the orders, pushing cumulated subject imports to very low levels. Although there was limited information on the record concerning the levels of production capacity in the subject countries, available data suggested the presence of

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<sup>153</sup> *Third Review Determination*, USITC Pub. 4881 at 23; see also *National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production*, 80 Fed. Reg. 37365 (June 30, 2015); and *National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production*, 82 Fed. Reg. 5401 (Jan. 18, 2017).

<sup>154</sup> *Third Review Determination*, USITC Pub. 4881 at 23.

<sup>155</sup> Eramet's Response to the Notice of Institution at 17 and Figure 1.

<sup>156</sup> Eramet's Response to the Notice of Institution at 21.

<sup>157</sup> *Original Determination*, USITC Pub. 3505 at 11-12.

significant capacity in the three subject countries and significant unused capacity in Venezuela. Total exports from the subject countries increased overall during the period of review. The Commission determined that because the subject producers continued to have substantial capacity and production, significant excess capacity, and an export orientation, the likely volume of subject imports, both in absolute terms and relative to consumption and production in the United States, would be significant absent the restraining effect of the orders.<sup>158</sup>

The Commission found that no subject imports entered the U.S. market during the period covered by the second reviews. Based on available information, the Commission found that there was substantial production and unused capacity in each subject country. The Commission deemed all of the subject foreign industries export oriented; exports accounted for a substantial portion of subject producers' aggregate production throughout the period, with exports' share of total production rising by 25.6 percentage points between 2007 and 2012. The Commission found that, absent the restraining effect of the orders, silicomanganese producers in the subject countries would likely shift export markets and resume shipping substantial volumes of subject merchandise to the United States. Accordingly, the Commission determined that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption and production in the United States, would be significant if the orders were to be revoked.<sup>159</sup>

In the third reviews, the Commission found that subject imports were present in the U.S. market in small quantities; annual cumulated subject import volume ranged from a period low of 1,317 short tons in 2013 to a period high of 6,438 short tons in 2017. In 2017, cumulated subject imports accounted for \*\*\* percent of apparent U.S. consumption. The Commission found that the limited presence of subject imports in the U.S. market during the review period was a function of the discipline of the orders. Based on available information, the Commission found that there was substantial production and unused capacity in each subject country. Moreover, the Commission deemed all of the subject foreign industries export oriented. The Commission found that, absent the restraining effect of the orders, silicomanganese producers in the subject countries would likely shift export markets and resume shipping substantial volumes of subject merchandise to the United States. Accordingly, the Commission determined that the likely volume of cumulated subject imports, both in

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<sup>158</sup> *First Review Determination*, USITC Pub. 3963 at 15-16.

<sup>159</sup> *Second Review Determination*, USITC Pub. 4424 at 23-24.

absolute terms and relative to consumption in the United States, would be significant if the orders were to be revoked.<sup>160</sup>

## 2. The Current Reviews

The record indicates that, on a cumulated basis, subject producers of silicomanganese have the means and the incentive to export subject merchandise to the U.S. market in significant volumes within a reasonably foreseeable time if the antidumping duty orders were revoked. The available information indicates that subject producers of silicomanganese on a cumulated basis have significant production capacity and excess capacity, and export substantial volumes of silicomanganese globally. Moreover, the United States remains an attractive export market for silicomanganese, given its size and high prices.<sup>161</sup>

Toward the end of the original period of investigation, cumulated subject imports had captured nearly \*\*\* of the domestic silicomanganese market.<sup>162</sup> However, cumulated subject imports largely ceased entering the U.S. market after imposition of the orders on May 23, 2002.<sup>163</sup> During the current reviews, subject imports were present in small quantities, with subject import volume ranging from a period low of 81 short tons in 2020 to a period high of 37,135 short tons in 2022.<sup>164</sup> Cumulated subject imports were \*\*\* percent of apparent U.S. consumption in 2023.<sup>165</sup> We find that the limited presence of subject imports in the U.S. market during these reviews, which continues the trend from prior reviews, is a function of the discipline of the orders.

The record contains only limited data concerning the silicomanganese industries in the subject countries because no producer or exporter of subject merchandise participated in these reviews. Eramet, however, provided published data on the subject foreign industries and a list

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<sup>160</sup> *Third Review Determination*, USITC Pub. 4881 at 24-26; *see also* Confidential Third Review Determination, EDIS Doc. 824698 (Apr. 17, 2019), at 36-39.

<sup>161</sup> *See* Eramet's Final Comments, EDIS Doc. 836662 (Nov. 7, 2024) at 10, *citing* Eramet's Response to the Notice of Institution at 15, Figure 1 (\*\*\*).

<sup>162</sup> CR/PR at Table I-7.

<sup>163</sup> *First Review Determination*, USITC Pub. 3963 at Table I-12 (for subject import data concerning the first period of review); CR/PR at C-6 (for subject import data concerning the second reviews); *Second Review Determination*, USITC Pub. 4424 at Table I-4 (for subject import data concerning the third reviews).

<sup>164</sup> CR/PR at Table I-6. All subject imports were from India. *Id.*

<sup>165</sup> CR/PR at Table I-7. As previously stated, import market shares are likely overstated.

of producers in the subject countries believed to have exported silicomanganese in the current reviews.<sup>166</sup>

The available data indicate that cumulated silicomanganese production capacity in the subject countries was \*\*\* tons in 2023.<sup>167</sup> Cumulated excess capacity in the subject countries was \*\*\* short tons in 2023,<sup>168</sup> which is larger than total apparent U.S. consumption of silicomanganese in that year.<sup>169</sup>

The available data also indicate that the industries in the subject countries, on a cumulated basis, exported substantial volumes of silicomanganese across the world during the current review period. Available GTA data indicate that cumulated exports from the subject countries in 2023 were 1,441,189 short tons, with India and Kazakhstan being two of the leading global exporters of silicomanganese.<sup>170</sup> Moreover, aggregate exports of silicomanganese from the subject countries are larger than any other single export source.<sup>171</sup>

Prices in the U.S. market are higher than prices in other markets<sup>172</sup> which would provide an incentive for subject producers to increase shipments to the United States if the orders were revoked, either by increasing production or redirecting shipments from other markets. Existing antidumping duty orders in Korea and Mexico on exports of silicomanganese from India, the largest exporter of silicomanganese in the world in 2023,<sup>173</sup> also would make the U.S. market relatively more attractive and provide added incentive for Indian producers to export to the United States.<sup>174</sup> Thus, the available information indicates that, absent the restraining effects of the orders, the silicomanganese industries in the subject countries would likely avail themselves of their unused capacity and/or would likely shift their exports of this highly substitutable

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<sup>166</sup> Eramet's Response to the Notice of Institution at Exhs. 4, 5, and 6. As noted earlier, the status of the industry in Venezuela is unclear from this record, although there is some evidence that at least one plant remains in an idled condition. In the next five-year review of the order on Venezuela, we will seek additional information regarding the status of production facilities in Venezuela.

<sup>167</sup> Eramet's Response to the Notice of Institution at Table 4; *see also* CR/PR at I-19, I-23 and I-25.

<sup>168</sup> Eramet's Response to the Notice of Institution at Table 4; *see also* CR/PR at I-19, I-23 and I-25.

<sup>169</sup> As previously noted, the record indicates that apparent U.S. consumption was \*\*\* short tons in 2023, which is likely an underestimate. CR/PR at Table I-7; *see also* above, Section IV.B.1. Eramet noted that the \*\*\* reports apparent U.S. consumption as \*\*\* short tons in 2023. Eramet's Response to the Notice of Institution at Table 1.

<sup>170</sup> *Derived from* CR/PR at Tables I-9, I-11, and I-13.

<sup>171</sup> CR/PR at Table I-14.

<sup>172</sup> *See* Eramet Response to Notice of Institution at 14-15 (\*\*\*).

<sup>173</sup> CR/PR at Table I-14.

<sup>174</sup> CR/PR at I-27 – I-28.

product and resume exporting substantial volumes of silicomanganese to the lucrative U.S. market.

In light of the foregoing, we conclude that the likely volume of cumulated subject imports, both in absolute terms and relative to consumption in the United States, would likely be significant if the orders were revoked.<sup>175</sup>

#### **D. Likely Price Effects**

##### **1. The Prior Proceedings**

In the original investigations, the Commission found that silicomanganese was a commodity product sold largely on the basis of price. Pricing information was widely disseminated and exerted rapid influence on the market. Cumulated subject imports undersold the domestic like product more frequently at the end of the period of investigation than in the beginning (there was underselling in 4 of 25 quarterly comparisons in 1998 and 1999 and in 14 of 30 quarterly comparisons in 2000 and interim (January-September) 2001). Purchasers confirmed several lost sales and revenue allegations, indicating that direct competition between the domestic like product and subject imports occurred and that the domestic industry lost sales on the basis of price. Both the financial data and pricing data suggested that the domestic industry had not been fully able to recoup its costs through sales revenue, despite a rebound in apparent U.S. consumption during the period. Accordingly, the Commission found that the increasing volume of subject imports, sold at low and declining prices, played a significant role in preventing price increases and that subject imports suppressed and depressed prices to a significant degree.<sup>176</sup>

The record in the first reviews contained limited pricing data for the U.S. market. The available information showed that prices generally increased after imposition of the orders, although the work-down of large inventories at the end of the period of investigation initially kept prices low. The Commission found that, absent the orders, competitive conditions would return to those prevailing prior to the imposition of the orders. Given the fungibility between the domestic like product and cumulated subject imports, producers in the subject countries would have the incentive to lower their prices to recapture U.S. market share. Thus, increased

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<sup>175</sup> Because of the expedited nature of these reviews, the record does not contain information about inventories of the subject merchandise or the capacity of the subject producers for product shifting during the current reviews.

<sup>176</sup> *Original Determination*, USITC Pub. 3505 at 13-14.

sales of subject imports likely would be achieved by means of aggressive pricing. The Commission also found that the subject imports would likely enter the United States at prices that would significantly depress or suppress U.S. prices if the orders were revoked.<sup>177</sup>

The record in the second reviews also contained limited pricing data for the U.S. market. The Commission found that because of the importance of price in purchasing decisions and the relatively price-inelastic demand for silicomanganese, if the orders were revoked, subject foreign producers would likely expand their U.S. market share by offering low prices. Given the rapid way in which price changes were communicated in the market, this would have triggered price declines in the U.S. market with likely significant depressing or suppressing effects on U.S. prices.<sup>178</sup>

In the third reviews, the record did not contain new pricing data. In light of the continued importance of price in purchasing decisions, the Commission found that if the orders were revoked subject foreign producers would likely expand market share by entering the U.S. market at low prices. The Commission stated that, due to the speed at which price changes were communicated in the market, the likely significant cumulated volume of subject imports from India, Kazakhstan, and Venezuela entering at low prices would likely require domestic producers to cut prices, forego prices increases, or lose market share. It found that cumulated subject imports would likely have significant depressing or suppressing effects on the price of the domestic like product. The Commission therefore concluded that subject imports would likely have significant price effects on domestic silicomanganese prices upon revocation of the orders.<sup>179</sup>

## **2. The Current Reviews**

As discussed above, we find a moderate-to-high degree of substitutability between the domestic like product and subject imports, and that price continues to be an important factor in purchasing decisions. The record does not contain new pricing data. We have found, however, that the likely cumulated volume of subject imports from India, Kazakhstan, and Venezuela would be significant if the orders were revoked.

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<sup>177</sup> *First Review Determination*, USITC Pub. 3963 at 17.

<sup>178</sup> *Second Review Determination*, USITC Pub. 4424 at 25. The Commission collected pricing data, but could not make pricing comparisons because subject imports were largely absent from the U.S. market during the period of review. Pricing trends for the two domestically produced pricing products were mixed. *Id.*

<sup>179</sup> *Third Review Determination*, USITC Pub. 4881 at 27.

In light of the continued importance of price in purchasing decisions, we find that if the orders were revoked, cumulated subject imports would likely seek to expand market share by entering the U.S. market at low prices. Due to the speed at which price changes are communicated in this market, the likely significant cumulated volume of subject imports from India, Kazakhstan, and Venezuela entering at low prices would likely require domestic producers to cut prices or forego necessary price increases, or else lose market share. Consequently, cumulated subject imports would likely have significant depressing or suppressing effects on the price of the domestic like product.

Accordingly, we conclude that subject imports would likely have significant price effects on domestic silicomanganese prices upon revocation of the orders.

## **E. Likely Impact**

### **1. The Prior Proceedings**

In the original investigations, the Commission found that the sharp increase in subject imports during the period of investigation caused domestic production to decline, despite increasing apparent U.S. consumption for silicomanganese. Notwithstanding the drop in production, the domestic industry's inventories increased. The domestic industry generated an operating profit in 1998, then sustained operating losses in 1999 and 2000. The surge in subject imports caused the industry's shipments to decline and depressed prices. When subject import volume began to decline, coinciding with the filing of the petition, inventories of subject imports remained at high levels. As a result, prices remained at suppressed levels, and the domestic industry continued to suffer poor financial performance. The Commission found that cumulated subject imports had a significant impact on the domestic industry.<sup>180</sup>

In the first reviews, given the likely significant increase in the volume of subject imports and the resultant likely intense price competition, the Commission found that if the orders were revoked, the domestic industry would likely experience significant declines in output, sales, and income, with consequent losses in employment, capital, and research and development expenditures similar to those experienced during the original investigations. The limited information on the record was insufficient to enable the Commission to determine whether the domestic industry was vulnerable. Nonetheless, the Commission concluded that

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<sup>180</sup> *Original Determination*, USITC Pub. 3505 at 15-16.



revocation of the orders would likely have a significant impact on the domestic industry within a reasonably foreseeable time.<sup>181</sup>

In the second reviews, the domestic industry reported increased capacity, production, employment, and productivity, in addition to improvements in net sales and capital expenditures. However, the industry also experienced negative operating income margins throughout much of the period covered by the second reviews, prompting domestic producer Felman to shut down operations for a planned three months in June 2013. The Commission found the domestic industry to be in a vulnerable condition. It considered that any increase in cumulated subject imports would likely prompt the domestic industry to cut prices, forego price increases, or lose sales as it did in the original investigations, leading to likely declines in production, shipments, market share, and employment. The Commission concluded that revocation of the orders would likely have a significant impact on the domestic industry.<sup>182</sup> It also considered the role of nonsubject imports, whose volume and market share declined during the second reviews. The Commission concluded that the continued presence of nonsubject imports in the U.S. market would not preclude subject imports from taking market share from the domestic industry or forcing the domestic industry to lower prices to compete.<sup>183</sup>

In the third reviews, the information available on the domestic industry's condition was limited to Eramet's data; it estimated that it accounted for \*\*\* percent of domestic production in 2017.<sup>184</sup> In 2017, Eramet's capacity was \*\*\* short tons, its production was \*\*\* short tons, and its capacity utilization rate was \*\*\* percent.<sup>185</sup> Eramet's domestic shipments were \*\*\* short tons, accounting for a \*\*\* percent share of apparent U.S. consumption by quantity.<sup>186</sup> Its net sales revenue was \$\*\*\*, and its operating income was \$\*\*\*, equivalent to \*\*\* percent of

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<sup>181</sup> *First Review Determination*, USITC Pub. 3963 at 18-19.

<sup>182</sup> *Second Review Determination*, USITC Pub. 4424 at 26-28.

<sup>183</sup> *Second Review Determination*, USITC Pub. 4424 at 28-29.

<sup>184</sup> *Third Review Determination* CR at Table I-3 note.

<sup>185</sup> *Third Review Determination* CR at Table I-3. Because of differences in industry coverage in the third reviews, the available domestic industry data for 2017 were not necessarily comparable to those reported in prior proceedings. *Third Review Determination* CR at Table I-5 Note ("Data for U.S. producers in 2017 may be understated due to domestic industry data coverage. In 2006, and 2012, data was based on responses from two domestic producers. Data for 2017 is based only on the response of one domestic producer, reportedly accounting for an estimated \*\*\* percent of domestic production."). See also Confidential Third Review Views, EDIS Doc. 673252 (Apr. 17, 2019) at 38 n.149.

<sup>186</sup> *Third Review Determination* CR at Table I-6. For the reasons discussed earlier, this share is likely overstated as apparent consumption is understated.

net sales.<sup>187</sup> The Commission found that the limited evidence was insufficient to make a finding on whether the domestic industry was vulnerable to the continuation or recurrence of material injury should the orders be revoked.<sup>188</sup> The Commission concluded that revocation of the orders would likely have a significant impact on the domestic industry.<sup>189</sup> It also considered the role of nonsubject imports, and concluded that the presence of nonsubject imports would not prevent subject imports from significantly increasing their presence in the U.S. market if the orders were revoked, and that any increase in subject imports was likely to come, at least in substantial part, at the expense of the domestic industry.<sup>190</sup>

## **2. The Current Reviews**

In these reviews, the information available on the domestic industry's condition is limited to that which Eramet provided. In 2023, Eramet's capacity was \*\*\* short tons, its production was \*\*\* short tons, and its capacity utilization rate was \*\*\* percent.<sup>191</sup> Eramet's domestic shipments were \*\*\* short tons, accounting for a \*\*\* percent share of apparent U.S. consumption by quantity.<sup>192</sup> Its net sales revenue was \$\*\*\*, and it had an operating \*\*\* of \$\*\*\*, equivalent to \*\*\* percent of net sales.<sup>193</sup> In addition, demand declined during the period of review.

Based on this information, including Eramet's low capacity utilization and market share, its operating loss, and declining demand, Chair Karpel and Commissioner Kearns find the domestic industry vulnerable to the continuation or recurrence of material injury should the orders be revoked.

The limited information in these expedited reviews is insufficient for Commissioners Johanson and Schmidlein to make a finding on whether the domestic industry is vulnerable to the continuation or recurrence of material injury should the orders be revoked.

Based on the information available, we find that revocation of the orders would likely lead to a significant volume of subject imports and that these imports would likely have

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<sup>187</sup> *Third Review Determination CR* at Table I-3.

<sup>188</sup> *Third Review Determination*, USITC Pub. 4881 at 29.

<sup>189</sup> *Third Review Determination*, USITC Pub. 4881 at 29.

<sup>190</sup> *Third Review Determination*, USITC Pub. 4881 at 29.

<sup>191</sup> CR/PR at Table I-5. These indicators are all worse than those reported for 2017 in the third reviews. *Third Review Determination CR* at Table I-3.

<sup>192</sup> CR/PR at Tables I-5 and I-7. For the reasons discussed earlier, this share is likely overstated as apparent consumption is understated.

<sup>193</sup> CR/PR at Table I-5.

significant depressing or suppressing effects on prices for the domestic like product. Consequently, to compete with the likely additional volumes of subject imports, the domestic industry would need to cut prices, forego needed price increases, and/or lose sales as it did in the original investigations. This would likely lead to reduced production, shipments, sales, and/or revenue. These reductions would, in turn, likely have a direct adverse impact on the domestic industry's profitability and employment levels, ability to raise capital and maintain capital investments, and research and development expenditures.

We have also considered the role of factors other than subject imports, including the presence of nonsubject imports, so as not to attribute likely injury from other factors to the subject imports. As previously discussed, nonsubject imports have supplied the largest share of the market since the original investigations.<sup>194</sup> The volume of nonsubject imports has decreased since the prior review period, from 380,761 short tons in 2017, to 280,117 short tons in 2023.<sup>195</sup> There is no indication on the record of these reviews that the presence of nonsubject imports would prevent cumulated subject imports from significantly increasing their presence in the U.S. market in the event of revocation of the antidumping duty orders. Additionally, given the moderate-to-high substitutability of silicomanganese regardless of source, any increase in cumulated subject import volume and market penetration is likely to come, at least in substantial part, at the expense of the domestic industry. In light of these considerations, we find that the effects we have attributed to the subject imports are distinguishable from any likely effects of nonsubject imports in the event of revocation of the orders.

Accordingly, we conclude that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would likely have a significant impact on domestic producers of silicomanganese within a reasonably foreseeable time.

## **V. Conclusion**

For the reasons above, we determine that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

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<sup>194</sup> CR/PR at Table I-7.

<sup>195</sup> CR/PR at Table I-7.



# Information obtained in these reviews

## Background

On May 1, 2024, the U.S. International Trade Commission (“Commission”) gave notice, pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”),<sup>1</sup> that it had instituted reviews to determine whether revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of material injury.<sup>2</sup> All interested parties were requested to respond to this notice by submitting certain information requested by the Commission.<sup>3 4</sup> Table I-1 presents information relating to the background and schedule of this proceeding:

**Table I-1**  
**Silicomanganese: Information relating to the background and schedule of this proceeding**

Effective date	Action
May 1, 2024	Notice of initiation by Commerce (89 FR 35073, May 1, 2024)
May 1, 2024	Notice of institution by Commission (89 FR 35247, May 1, 2024)
August 5, 2024	Commission’s vote on adequacy
August 19, 2024	Commerce’s results of its expedited reviews
December 4, 2024	Commission’s determinations and views

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<sup>1</sup> 19 U.S.C. 1675(c).

<sup>2</sup> 89 FR 35247, May 1, 2024. In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of five-year reviews of the subject antidumping duty orders. 89 FR 35247, May 1, 2024. Pertinent Federal Register notices are referenced in app. A, and may be found at the Commission’s website ([www.usitc.gov](http://www.usitc.gov)).

<sup>3</sup> As part of their response to the notice of institution, interested parties were requested to provide company-specific information. That information is presented in app. B. Summary data compiled in the original investigations and subsequent full reviews are presented in app. C.

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

# Responses to the Commission’s notice of institution

## Individual responses

The Commission received one submission in response to its notice of institution in the subject reviews. It was filed on behalf of Eramet Marietta, Inc (“Eramet”), domestic producer of silicomanganese (referred to herein as “domestic interested party”).

A complete response to the Commission’s notice of institution requires that the responding interested party submit to the Commission all the information listed in the notice. Responding firms are given an opportunity to remedy or explain deficiencies in their responses and to provide clarifying details where appropriate. A summary of the number of responses and estimates of coverage for each is shown in table I-2.

**Table I-2**  
**Silicomanganese: Summary of responses to the Commission’s notice of institution**

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

Note: The U.S. producer coverage figure presented is the domestic interested party’s estimate of its share of total U.S. production of silicomanganese during 2023. Domestic interested party’s response to the notice of institution, May 31, 2024, p. 19.

## Party comments on adequacy

The Commission received party comments on the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews from the domestic interested party. The domestic interested party requests that the Commission conduct expedited reviews of the antidumping duty orders on silicomanganese.<sup>5</sup>

## The original investigations

The original investigation resulted from petitions filed on April 6, 2001 with Commerce and the Commission by Eramet Marietta Inc. (“Eramet”), Marietta, Ohio, and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639.<sup>6</sup> On April 2, 2002, Commerce determined that imports of silicomanganese from India, Kazakhstan, and Venezuela were being sold at less than fair value (“LTFV”).<sup>7</sup> The Commission determined on May 16, 2002

<sup>5</sup> Domestic interested party’s comments on adequacy, July 9, 2024, p. 2.  
<sup>6</sup> Silicomanganese from India, Kazakhstan, and Venezuela, Inv. Nos. 731-TA- 929-931 (Final), USITC Publication 3505, May 20002 (“Original publication”), p. I-1.  
<sup>7</sup> 67 FR 15531; 67 FR 15533; 67 FR 15535, April 2, 2002.

that the domestic industry was materially injured by reason of LTFV imports of silicomanganese from India, Kazakhstan, and Venezuela.<sup>8</sup> On May 23, 2002, Commerce issued its antidumping duty orders with final weighted-average dumping margins for imports from India ranging from 15.32 to 20.53 percent, for imports from Kazakhstan of 247.88 percent, and for imports from Venezuela of 24.62 percent.<sup>9</sup>

## **The first five-year reviews**

On July 6, 2007, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela.<sup>10</sup> On August 2, 2007, Commerce determined that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of dumping.<sup>11</sup> On November 28, 2007, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>12</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective November 30, 2007, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela.<sup>13</sup>

## **The second five-year reviews**

On January 4, 2013, the Commission determined that it would conduct full reviews of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela.<sup>14</sup> On February 7, 2013, Commerce determined that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of dumping.<sup>15</sup> On September 18, 2013, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>16</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission,

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<sup>8</sup> 67 FR 35832, May 21, 2002.

<sup>9</sup> 67 FR 36149, May 23, 2002.

<sup>10</sup> 72 FR 52581, September 14, 2007.

<sup>11</sup> 72 FR 42393, August 2, 2007.

<sup>12</sup> 72 FR 67965, December 3, 2007.

<sup>13</sup> 73 FR 841, January 4, 2008.

<sup>14</sup> 78 FR 4437, January 22, 2013.

<sup>15</sup> 78 FR 9034, February 7, 2013.

<sup>16</sup> 78 FR 58556, September 24, 2013.

effective October 2, 2013, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela.<sup>17</sup>

## The third five-year reviews

On December 10, 2018, the Commission determined that it would conduct expedited reviews of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela.<sup>18</sup> On December 17, 2018, Commerce determined that revocation of the antidumping duty orders on silicomanganese from India, Kazakhstan, and Venezuela would be likely to lead to continuation or recurrence of dumping.<sup>19</sup> On April 17, 2019, the Commission determined that material injury would be likely to continue or recur within a reasonably foreseeable time.<sup>20</sup> Following affirmative determinations in the five-year reviews by Commerce and the Commission, effective June 12, 2019, Commerce issued a continuation of the antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela.<sup>21</sup>

## Previous and related investigations

The Commission has conducted two previous import relief investigations on silicomanganese or similar merchandise, as presented in table I-3.

**Table I-3**  
**Silicomanganese: Previous and related Commission proceedings and current status**

Date	Number	Country	ITC original determination	Current status
1993	731-TA-671	Brazil	Affirmative	Order revoked after third review
1993	731-TA-672	China	Affirmative	Ongoing fifth full review
1993	731-TA-673	Ukraine	Affirmative	Ongoing fifth full review
1993	731-TA-674	Venezuela	Negative	---
2015	731-TA-1269	Australia	Negative	---

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<sup>17</sup> 78 FR 60846, October 2, 2013.

<sup>18</sup> 84 FR 8544, March 8, 2019.

<sup>19</sup> 83 FR 64525, December 17, 2018.

<sup>20</sup> 84 FR 16882, April 23, 2019.

<sup>21</sup> 84 FR 27243, June 12, 2019.



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

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

## Commerce’s five-year reviews

Commerce announced that it would conduct expedited reviews with respect to the orders on imports of silicomanganese from India, Kazakhstan, and Venezuela with the intent of issuing the final results of these reviews based on the facts available not later than August 29, 2024.<sup>22</sup> Commerce publishes its Issues and Decision Memoranda and its final results concurrently, accessible upon publication at <https://access.trade.gov/public/FRNoticesListLayout.aspx> and subsequently on the Commission’s Electronic Document Information System (“EDIS”). Issues and Decision Memoranda contain complete and up-to-date information regarding the background and history of the order, including scope rulings, duty absorption, changed circumstances reviews, and anticircumvention, as well as any decisions that may have been pending at the issuance of this report. Any foreign producers/exporters that are not currently subject to the antidumping duty orders on imports of silicomanganese from India, Kazakhstan, and Venezuela are noted in the sections titled “The original investigations” and “U.S. imports,” if applicable.

## The product

### Commerce’s scope

Commerce has defined the scope as follows:

*... all forms, sizes and compositions of silicomanganese except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and*

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<sup>22</sup> Letter from Eric Greynolds, Director, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce to Nannette Christ, Director of Investigations, June, 21, 2024.

*not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040.*

*The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Lowcarbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.99.5040.*

*This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope remains dispositive.<sup>23</sup>*

## **U.S. tariff treatment**

Silicomanganese is currently provided for in Harmonized Tariff Schedule of the United States ("HTS") subheading 7202.30.00 (ferrosilicon manganese).<sup>24</sup> The general rate of duty is 3.9 percent ad valorem for HTS subheading 7202.30.00.<sup>25</sup> Decisions on the tariff classification

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<sup>23</sup> 89 FR 49154 (June 11, 2024).

<sup>24</sup> USITC, HTS (2024) Revision 3, Publication 5519, June 2024, p. 72-9.

<sup>25</sup> Commerce's scope noted that silicomanganese may also be imported under HTS statistical reporting number 7202.99.5040 (a basket category for other ferroalloys). HTS 7202.99.8040 superseded HTS 7202.99.5040 in July 2003. USITC, HTS (2003) Supplement 1, Publication 3565, July 2003, Change Record, p. 9. Silicomanganese imported from Kazakhstan is eligible to enter the United States at a column 1-special duty rate of "Free," as Kazakhstan is an eligible beneficiary country for the Generalized System of Preferences ("GSP") Program. Legal authorization for duty-free treatment under the GSP Program expired on January 1, 2021. As a result, U.S. imports entering the United States that were eligible for duty-free treatment under GSP up to December 31, 2020, are now subject to regular, Normal Trade Relations (MFN) rates of duty. HTS (2024) Revision 3, Publication 5519, June 2024, General Note 4, p. 1; HTS Chapter 72, p. 72-9; Office of the United States Trade Representative ("USTR"), "Generalized (continued...)"

and treatment of imported goods are within the authority of U.S. Customs and Border Protection.

Effective September 24, 2018, silicomanganese originating in China became subject to an additional 10 percent ad valorem duty under section 301 of the Trade Act of 1974.<sup>26</sup> On May 10, 2019, this was increased to an additional 25 percent ad valorem duty under Section 301 of the Trade Act of 1974.<sup>27</sup>

## **Description and uses<sup>28</sup>**

Silicomanganese,<sup>29</sup> a silvery metallic ferroalloy,<sup>30</sup> is composed principally of manganese, silicon, and iron. It is produced in a number of different grades and sizes. However, most silicomanganese is manufactured and sold to American Society for Testing and Materials (ASTM) International specification A483, in one of three grades, designated “A,” “B,” and “C” that differ by their silicon and carbon contents.<sup>31</sup> Most silicomanganese produced and sold in

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System of Preferences (GSP) Program Information: 2021 Expiration,” January 2021, <https://ustr.gov/sites/default/files/gsp/GSPexpiration2021.pdf>.

<sup>26</sup> Certain products exported from China before May 10, 2019, that entered into the United States before June 15, 2019, were excluded from the duty increase. 83 FR 47974, September 21, 2018; 84 FR 20459, May 9, 2019; 84 FR 26930, June 10, 2019. See also HTS heading 9903.88.03 and U.S. notes 20(e) and 20(f) to Subchapter III of Chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2024) Revision 3, Publication 5519, June 24, pp. 99-III-27–99-III-28, 99-III-46, 99-III-301.

<sup>27</sup> 84 FR 20459, May 9, 2019. See also HTS heading 9903.88.03 and U.S. notes 20(e) and 20(f) to Subchapter III of Chapter 99 and related tariff provisions for this duty treatment. USITC, HTS (2024) Revision 3, Publication 5519, June 24, pp. 99-III-27–99-III-28, 99-III-46, 99-III-301.

<sup>28</sup> Unless otherwise noted, this information is based on Silicomanganese from India, Kazakhstan, and Venezuela, Investigation Nos. 731-TA-929-931, USITC Publication 4881, April 2019 (“Third review publication”), pp. I-8–I-10.

<sup>29</sup> Silicomanganese is also known as ferrosilicomanganese, ferro-silico manganese, or ferrosilicon manganese.

<sup>30</sup> A ferroalloy is an alloy of iron containing one or more other elements. The iron acts as a carrier to dissolve these other elements into molten iron or steel.

<sup>31</sup> According to this ASTM standard specification, each of the three grades must contain 65 to 68 percent manganese, a maximum of 0.20 percent phosphorus, and a maximum of 0.04 percent sulfur, by weight. The silicon and carbon contents for each grade are:

Grade A contains 18.5-21.0 percent silicon and a maximum of 1.5 percent carbon.

Grade B contains 16.0-18.5 percent silicon and a maximum of 2.0 percent carbon.

Grade C contains 12.5-16.0 percent silicon and a maximum of 3.0 percent carbon.

Additionally, the content of minor elements arsenic, tin, lead, chromium, nickel, and molybdenum, is limited. A grade of silicomanganese containing a somewhat higher level of manganese—72 percent in contrast to a range of 65 to 68 percent in standard silicomanganese—is produced at Georgian Manganese, in the Republic of Georgia, affiliated with U.S. silicomanganese producer Felman Production  
(continued...)

the United States conforms to the specification for grade B. There are also forms of silicomanganese that do not conform to the chemical requirements of the ASTM grades mentioned above.<sup>32</sup> Silicomanganese is sold in small pieces of uniform sizes. A typical screening-size range for silicomanganese lumps is from ¼ inch to 3 inches in diameter.<sup>33</sup>

Silicomanganese is consumed in bulk form principally by the steel industry as a source of both silicon and manganese,<sup>34</sup> although some silicomanganese is used as an alloying agent in the production of iron castings. Manganese, intentionally present in nearly all steels, is used as a desulfurizer and deoxidizer. By removing sulfur, manganese prevents the steel from becoming brittle during the hot-rolling process and enhances the strength and hardness of the steel. Silicon can be used as a deoxidizer to aid in producing steels of uniform chemistry and mechanical properties. In this role, it is not retained within the steel, but forms silicon oxide, which separates out from the molten steel as a component of the slag. When used as an alloying agent, silicon increases the hardness and strength of hot-rolled steel mill products, and enhances the toughness, corrosion resistance, and magnetic and electrical properties of certain steel mill products.

Use of silicomanganese depends upon the steelmaking practices of a given producer. It may be either imparted directly into the steelmaking furnace or added as a chemistry addition or deoxidizer to molten steel at a separate ladle metallurgy station. As a furnace addition, silicomanganese is used in lump sizes and melted along with other steelmaking raw materials. As a ladle addition, it is typically used in smaller sizes. Silicomanganese is principally consumed

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LLC. This so-called “high grade” silicomanganese also contains a higher amount of phosphorus (0.20–0.35 percent) than does standard silicomanganese. See: ASTM Designation A483/A483M-10 (reapproved 2015), Standard Specification for Silicomanganese, tables 1 (Chemical Requirements) and table 2 (Supplemental Chemical Requirements). Designation: A 483-04 Standard Specification for Silicomanganese in: Annual Book of ASTM Standards, Section 1 Iron and Steel Products, Volume 01.02 Ferrous Castings; Ferroalloys, 2017, p. 270.

<sup>32</sup> There is a low-carbon grade form of silicomanganese containing about 60 percent manganese, 30 percent silicon, and less than 0.10 percent carbon that is used principally to produce stainless steel. This product is not included in the scope or the domestic like product in the original investigations or subsequent reviews.

<sup>33</sup> These dimensions refer to the diameters of the openings in the standard screens or sieves that are used to size silicomanganese. The first number refers to the screen through which the material must pass and the second number refers to the screen on which the material is retained, with smaller particles passing through to be recycled or sold as a smaller size. Silicomanganese crumbles easily and is susceptible to appreciable reduction in size by repeated handling. This generates small lumps and fines (the diameter of small lumps may be one-half that of regular-sized pieces, but there is no specified minimum diameter for fines).

<sup>34</sup> Other elements in steel are carbon as the principal hardening element, and phosphorus and sulfur, as impurities that cause brittleness and cracking.

by electric-arc furnace steelmakers in the production of long-rolled products, including bars and structural shapes. Such use may be due to less restrictive specifications for silicon for long-rolled products than for flat-rolled carbon steel mill products, such as sheet and strip.<sup>35</sup> Silicomanganese accounts for only a small share of the total production cost for steel mill products. Most steel contains from 0.2 percent to 2 percent manganese, depending on the grade of the steel.

## **Manufacturing process<sup>36</sup>**

Silicomanganese is produced by smelting together, in a submerged arc electric furnace, sources of silicon, manganese, iron, and a carbonaceous reducing agent, usually coal and coke. The principal sources of manganese are manganese ore and ferromanganese slag (which is a byproduct of ferromanganese production).<sup>37</sup> The source of silicon is natural quartz (river gravel) or dross, which is purchased from ferrosilicon producers.<sup>38</sup> The raw materials are combined in a “charge” (which may also include wood chips, dolomite, and a fluxing agent) and introduced into a submerged arc electric furnace where an electrical transformer system delivers high-current, low-voltage electricity to the charge through carbon electrodes. The charge is heated to a temperature of 1,300 to 1,400 degrees Celsius. Impurities from the ore or other manganese sources are released and form slag which floats on top of the molten silicomanganese and rises to the top of the furnace.

Following smelting, the molten silicomanganese and slag are removed (“tapped”) from the furnace. Impurities that rose to the top are poured off into a series of cascading slag pots until the remaining manganese product has been separated from the slag.<sup>39</sup> The molten

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<sup>35</sup> The use of silicomanganese adds less carbon to the steel than an equivalent “basket” of standard ferrosilicon and high-carbon ferromanganese. Eramet, “The Different Alloys: Silicomanganese,” <https://www.eramet.com/en/activities/manganese/manganese-alloys/>, retrieved January 3, 2024.

<sup>36</sup> Unless otherwise noted, this information is based on Third review publication, pp. I-10–I-12.

<sup>37</sup> Manganese ore is classified as high-grade (greater than 40 percent manganese content) and low-grade (30 to 40 percent manganese content). Manganese ore grades are a function of the deposit from which they are produced. Silicomanganese producers typically purchase different grades of ore and mix them to achieve the desired manganese content level for the furnace. All ore used for silicomanganese production is imported because there is no U.S. production of manganese ore.

<sup>38</sup> Silicon dross is a by-product of the silicon industry and contains trapped “metallic” silicon inside of a silica slag. Some silicon (and ferrosilicon) producers sell slag and dross generated at their plants to silicomanganese producers.

<sup>39</sup> Eramet Marietta, “Refining, Cooling & Stacking,” 2022, <https://marietta.eramet.com/eramet/activities/production-process/refining-cooling-stacking/>, retrieved January 3, 2024.

silicomanganese is then poured into large molds (called “chills”), where it cools and hardens. Once the alloy has hardened, the chills are emptied, and the alloy is crushed into small pieces and screened to fairly uniform sizes.

Silicomanganese is manufactured in the same or similar facilities as those used to produce high-carbon ferromanganese, although switching from one grade or type of manganese ferroalloy to another involves opportunity costs in terms of lost production, reduced productivity, and possible contamination of the higher-grade product. Generally, little difference appears to exist between silicomanganese production processes in the domestic industry and those used abroad. This reflects the maturity of the industry and may be attributed to the diffusion of process technology, techniques, and equipment on a world-wide basis; the similarity of steelmaking techniques; and the commonality of steel recipes.

## **The industry in the United States**

### **U.S. producers**

During the final phase of the original investigations, the Commission received U.S. producer questionnaires from one firm, Eramet, which accounted for approximately all known production of silicomanganese in the United States during 2000.<sup>40</sup>

During the first five-year reviews, the Commission received U.S. responses to the notice of institution from two firms, Eramet and Felman Production, LLC (“Felman”), which accounted for all known silicomanganese in the United States during 2006.<sup>41</sup>

During the second five-year reviews, the Commission received U.S. producer questionnaires from two firms, Eramet and Felman, which accounted for approximately all known percent of production of silicomanganese in the United States during 2012.<sup>42</sup>

During the third five-year reviews, Eramet was the only domestic interested party to provide a response and it reported one other known and currently operating U.S. producer of silicomanganese, Felman. Eramet, accounted for approximately \*\*\* percent of production of silicomanganese in the United States during 2017.<sup>43</sup>

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<sup>40</sup> Original publication, p. I-2.

<sup>41</sup> Silicomanganese From India, Kazakhstan, and Venezuela, Inv. No. 731-TA-929-931 (Review), USITC Publication 3963, November 2007 (“First review publication”), p. I-3.

<sup>42</sup> Silicomanganese From India, Kazakhstan, and Venezuela, Inv. No. 731-TA-929-931 (Second Review), USITC Publication 4424, September 2013 (“Second review publication”), p. I-11.

<sup>43</sup> Investigation Nos. 731-TA-929-931 (Third Review): Silicomanganese from India, Kazakhstan, and Venezuela, Confidential Report, INV-QQ-138, November 26, 2018 (“Third review confidential report”), pp. I-17, table I-3.

In response to the Commission’s notice of institution in these current reviews, the domestic interested party reported one other known and currently operating U.S. producer of silicomanganese (Felman). Eramet, the one firm providing U.S. industry data in response to the Commission’s notice of institution, accounted for approximately \*\*\* percent of production of production in the United States during 2023.<sup>44</sup>

## Recent developments

Table I-4 presents events in the U.S. industry since the Commission’s last five-year reviews.<sup>45</sup>

**Table I-4**  
**Silicomanganese: Developments in the U.S. industry**

Item	Firm	Event
Upgrades	Felman	Domestic silicomanganese producer Felman has three submerged arc electric furnaces with the total capacity to produce about 105,000 metric tons (115,743 short tons) of silicomanganese annually at its plant in Letart, West Virginia. Felman upgraded one of its three furnaces and invested in furnace, mixing, and baghouse automation upgrades. Since August 2018, Felman has only been operating this one upgraded furnace, which in 2020 produced more than 52,800 metric tons (58,202 short tons) of silicomanganese.
Labor agreement	Felman	In July 2022, Felman reached a labor agreement with the United Steelworkers (“USW”) and its affiliated Local Union No. 5171 that represents workers at Felman’s silicomanganese plant in Letart, West Virginia. The previous labor agreement between Felman and the USW was set to expire in September 2023. The new amended agreement included wage increases ranging from 7.5 to 12.1 percent for all union workers at the plant and extended the contract through September 2024.
Sales agreement	Felman	In February 2023, Felman announced that it had signed a five-year agreement to sell silicomanganese to a “multi-billion-dollar publicly traded steel and metal manufacturer based in the United States.” The steel and metal company was not identified in company news releases. Officials at Felman stated that the sales agreement would benefit production workers and the local community, ensuring stable demand and allowing the company to focus on improving plant operations and implementing environmental initiatives.

<sup>44</sup> Domestic interested party’s response to the notice of institution, May 31, 2024, exhibit 1.

<sup>45</sup> For recent developments, if any, in tariff treatment, please see “U.S. tariff treatment” section.

Item	Firm	Event
Capital investment	Eramet	Domestic silicomanganese producer Eramet announced a \$40-million investment program designed to improve air quality and energy efficiency and reduce CO <sub>2</sub> emissions at its manganese alloy plant in Marietta, Ohio. In 2023, Eramet planned to completely overhaul one of its ferroalloy furnaces at its plant in Marietta to make it more powerful, productive, and less energy intensive.

Sources: Felman Production LLC, "About Felman Production," <https://www.fpiwv.com/about>, retrieved December 8, 2023; PR Newswire, "As West Virginians Struggle with Inflation and Rising Gas Prices, Felman Production Announces a Labor Agreement with the United Steelworkers to Increase Wages at its Letart, WV Production Facility," July 12, 2022, <https://www.prnewswire.com/news-releases/as-west-virginians-struggle-with-inflation-and-rising-gas-prices-felman-production-announces-a-labor-agreement-with-the-united-steelworkers-to-increase-wages-at-its-letart-wv-production-facility-301584889.html>, retrieved December 14, 2023; WVNews, "Felman Production Announces 5-year Deal to Sell Key Steel Production Component," February 8, 2023, [https://www.wvnews.com/news/wvnews/felman-production-announces-5-year-deal-to-sell-key-steel-production-component/article\\_75499ad0-a7c6-11ed-b776-97c6d48b503e.html](https://www.wvnews.com/news/wvnews/felman-production-announces-5-year-deal-to-sell-key-steel-production-component/article_75499ad0-a7c6-11ed-b776-97c6d48b503e.html), retrieved December 8, 2023; Eramet, "Eramet Marietta: A Strategic Location in the United States," 2022, <https://www.eramet.com/en/activities/manganese/>, retrieved December 8, 2023; Amanda Barber, "Mason Co. Manufacturing Plant Increases Employee Wages Amidst Inflation," WOWK-TV, July 14, 2022, <https://www.wowktv.com/news/business/mason-co-manufacturing-plant-increases-employee-wages-amidst-inflation/>, retrieved January 4, 2024.

## U.S. producers' trade and financial data

The Commission asked domestic interested parties to provide trade and financial data in their response to the notice of institution in the current five-year reviews.<sup>46</sup> Table I-5 presents a compilation of the trade and financial data submitted from all responding U.S. producers in the original investigations and subsequent five-year reviews.

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<sup>46</sup> Individual company trade and financial data are presented in app. B.



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

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short tons; ratio in percent

Item	Measure	2000	2006	2012	2017	2023
Capacity	Quantity	***	NA	***	***	***
Production	Quantity	***	***	***	***	***
Capacity utilization	Ratio	***	NA	***	***	***
U.S. shipments	Quantity	***	***	***	***	***
U.S. shipments	Value	***	***	***	***	***
U.S. shipments	Unit value	***	***	***	***	***
Net sales	Value	***	NA	***	***	***
COGS	Value	***	NA	***	***	***
COGS to net sales	Ratio	***	NA	***	***	***
Gross profit or (loss)	Value	***	NA	***	***	***
SG&A expenses	Value	***	NA	***	***	***
Operating income or (loss)	Value	***	NA	***	***	***
Operating income or (loss) to net sales	Ratio	***	NA	***	***	***

Source: For the years 2000-17, data are compiled using data submitted in the Commission's original investigations, first, second, and third five-year reviews. For the year 2023, data are compiled using data submitted by domestic interested party. Domestic interested party's response to the notice of institution, May 31, 2024, exh. 1 and domestic interested party's supplemental response to the notice of institution, June 20, 2024, p. 2, attachment 1.

Note: NA is used to denote the data is not available.

Note: The decrease in net sales from 2017 to 2023 is primarily attributable to a decrease in demand for silicomanganese relative to 2017. According to the \*\*\* U.S. apparent consumption for silicomanganese \*\*\* percent from 2017 to 2023, while Eramet's net sales declined by \*\*\* percent over the same period. Domestic interested party's supplemental response to the notice of institution, June 20, 2024, p.2.

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

## Definitions of the domestic like product and domestic industry

The domestic like product is defined as the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. The domestic industry is defined as the U.S. producers as a whole of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. Under the

related parties provision, the Commission may exclude a U.S. producer from the domestic industry for purposes of its injury determination if “appropriate circumstances” exist.<sup>47</sup>

In its original determinations, its expedited first five-year review determinations, its full second five-year review determinations, and its expedited third five-year review determinations, the Commission found a single domestic like product consisting of all silicomanganese, except low-carbon silicomanganese, coextensive with Commerce’s scope.

In its original determinations, its expedited first five-year review determinations, its full second five-year review determinations, and its expedited third five-year review determinations, the Commission found a single domestic industry consisting of all domestic producers of silicomanganese, except low-carbon silicomanganese<sup>48</sup>

## **U.S. importers**

During the final phase of the original investigations, the Commission received U.S. importer questionnaires from 12 firms, which accounted for approximately 91.9 percent of total U.S. imports of silicomanganese, \*\*\* percent of imports from India, \*\*\* percent of imports from Kazakhstan and \*\*\* percent of imports from Venezuela during 2000.<sup>49</sup> Import data presented in the original investigations are based on official Commerce statistics and adjusted using questionnaire responses to exclude U.S. importers’ reported imports of low-carbon silicomanganese.

During the first five-year reviews, the Commission received no adequate responses to the notice of institution from any respondent interested party. Import data presented in the first reviews are based on official Commerce statistics.

During the second five-year reviews, the Commission received U.S. importer questionnaires from 12 firms, which accounted for approximately 90.5 percent of total U.S. imports of silicomanganese during 2017-12.<sup>50</sup> Import data presented in the first reviews are based on questionnaire responses.

Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested party provided a list of 24 firms that may currently import silicomanganese from India, Kazakhstan, and Venezuela.<sup>51</sup>

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<sup>47</sup> Section 771(4)(B) of the Tariff Act of 1930, 19 U.S.C. § 1677(4)(B).

<sup>48</sup> 89 FR 35247, May 1, 2024.

<sup>49</sup> Investigation Nos. 731-TA-929-931 (Final): Silicomanganese from India, Kazakhstan, and Venezuela, Confidential Report, INV-Z-047, April 16, 2002 (“Original confidential report”), p. IV-2, table IV-2.

<sup>50</sup> There were no subject imports during the period of review. First review publication, p. IV-1.

<sup>51</sup> Third review publication, p. I-17.

Although the Commission did not receive responses from any respondent interested parties in these current reviews, in its response to the Commission’s notice of institution, the domestic interested party provided a list of eight potential U.S. importers of silicomanganese.<sup>52</sup>

## **U.S. imports**

Table I-6 presents the quantity, value, and unit value of U.S. imports from India, Kazakhstan, and Venezuela as well as the other top sources of U.S. imports (shown in descending order of 2023 imports by quantity).

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<sup>52</sup> Domestic interested party’s response to the notice of institution, May 31, 2024, exh. 1.

**Table I-6**  
**Silicomanganese: U.S. imports, by source and period**

Quantity in short tons; value in 1,000 dollars; unit value in dollars per short tons

U.S. imports from	Measure	2018	2019	2020	2021	2022	2023
India	Quantity	2,060	294	54	551	37,135	3,580
Kazakhstan	Quantity	-	-	27	-	-	5
Venezuela	Quantity	-	-	-	-	-	-
Subject sources	Quantity	2,060	294	81	551	37,135	3,586
South Africa	Quantity	86,356	87,413	64,485	90,385	98,963	94,557
Australia	Quantity	96,612	74,132	71,800	62,417	69,331	55,525
Georgia	Quantity	128,089	94,738	90,840	96,815	125,612	40,522
All other sources	Quantity	141,007	130,213	69,126	94,979	131,979	89,513
Nonsubject sources	Quantity	452,064	386,497	296,250	344,596	425,886	280,117
All import sources	Quantity	454,125	386,791	296,331	345,147	463,020	283,702
India	Value	2,883	414	60	811	53,619	5,394
Kazakhstan	Value	-	-	23	-	-	20
Venezuela	Value	-	-	-	-	-	-
Subject sources	Value	2,883	414	83	811	53,619	5,414
South Africa	Value	89,071	88,993	57,218	88,947	101,601	96,788
Australia	Value	110,207	83,355	63,481	89,145	160,755	65,759
Georgia	Value	149,014	112,079	92,515	131,767	260,829	47,075
All other sources	Value	169,057	142,935	66,259	147,409	242,723	107,124
Nonsubject sources	Value	517,349	427,362	279,474	457,267	765,908	316,747
All import sources	Value	520,232	427,776	279,557	458,078	819,527	322,161
India	Unit value	1,399	1,407	1,110	1,472	1,444	1,507
Kazakhstan	Unit value	-	-	851	-	-	3,749
Venezuela	Unit value	-	-	-	-	-	-
Subject sources	Unit value	1,399	1,407	1,024	1,472	1,444	1,510
South Africa	Unit value	1,031	1,018	887	984	1,027	1,024
Australia	Unit value	1,141	1,124	884	1,428	2,319	1,184
Georgia	Unit value	1,163	1,183	1,018	1,361	2,076	1,162
All other sources	Unit value	1,199	1,098	959	1,552	1,839	1,197
Nonsubject sources	Unit value	1,144	1,106	943	1,327	1,798	1,131
All import sources	Unit value	1,146	1,106	943	1,327	1,770	1,136

Source: Compiled from official Commerce statistics for HTS statistical reporting number 7202.30.0000, accessed June 14, 2024.

Note: Miners in Georgia went on strike in 2023, protesting recent changes in labor and payment conditions at Georgian Manganese, a producer of silicomanganese and ferromanganese (historically Georgia's leading export products). The strike follows a series of disruptions in the industry as Georgian Manganese halted production and cut pay for employees. Exports fell from around \$51 million in January 2023 to only \$2.5 million in April. The decrease is most apparent in the exports to the United States, which had been the top importer of Georgian ferroalloys in 2021-2022, but which fell below Russia and Turkey in the first four months of 2023. Eurasianet, "Georgian miners strike as company cites global market crisis", <https://eurasianet.org/georgian-miners-strike-as-company-cites-global-market-crisis>.

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

## **Cumulation considerations<sup>53</sup>**

In assessing whether imports should be cumulated in five-year reviews, the Commission considers, among other things, whether there is a likelihood of a reasonable overlap of competition among subject imports and the domestic like product. Additional information concerning geographical markets and simultaneous presence in the market is presented below.<sup>54</sup>

There were no reported U.S. imports of silicomanganese from Venezuela during 2018-23. Imports from India were reported in 27 of the 72 months between 2018 and 2023 and imports from Kazakhstan were reported in two of the 72 months between 2018 and 2023. No imports from India were reported in five months of 2023 and imports from Kazakhstan were reported in only one month of 2023.

All imports from Kazakhstan entered through southern borders of entry in 2020 and 2023, which were the only years imports were reported. The majority of imports from India entered through eastern borders of entry during 2018-23, with the exception of 2022 where the majority of imports were entered through southern borders of entry. Imports of silicomanganese from India in 2023 were entered through eastern borders of entry (Baltimore, Maryland and Savannah, Georgia). Imports of silicomanganese from Kazakhstan in 2023 were entered through southern borders of entry (Laredo, Texas).

## **Apparent U.S. consumption and market shares**

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

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<sup>53</sup> Unless otherwise noted, this information is based on official U.S. import statistics for HTS statistical reporting number 7202.30.0000.

<sup>54</sup> In addition, available information concerning subject country producers and the global market is presented in the next section of this report.

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

Quantity in short tons; value in 1,000 dollars; shares in percent

Source	Measure	2000	2006	2012	2017	2023
U.S. producers	Quantity	***	***	***	***	***
India	Quantity	***	0	0	6,438	3,580
Kazakhstan	Quantity	54,826	0	0	0	5
Venezuela	Quantity	26,565	0	0	0	0
Subject sources	Quantity	***	0	0	6,438	3,586
Nonsubject sources	Quantity	***	440,972	318,239	380,761	280,117
All import sources	Quantity	***	440,972	318,239	387,199	283,702
Apparent U.S. consumption	Quantity	***	***	***	***	***
U.S. producers	Value	***	***	***	***	***
India	Value	***	0	0	9,245	5,394
Kazakhstan	Value	***	0	0	0	20
Venezuela	Value	***	0	0	0	0
Subject sources	Value	***	0	0	9,245	5,414
Nonsubject sources	Value	***	310,157	388,576	411,867	316,747
All import sources	Value	***	310,157	388,576	421,111	322,161
Apparent U.S. consumption	Value	***	***	***	***	***
U.S. producers	Share of quantity	***	***	***	***	***
India	Share of quantity	***	***	***	***	***
Kazakhstan	Share of quantity	***	***	***	***	***
Venezuela	Share of quantity	***	***	***	***	***
Subject sources	Share of quantity	***	***	***	***	***
Nonsubject sources	Share of quantity	***	***	***	***	***
All import sources	Share of quantity	***	***	***	***	***
U.S. producers	Share of value	***	***	***	***	***
India	Share of value	***	***	***	***	***
Kazakhstan	Share of value	***	***	***	***	***
Venezuela	Share of value	***	***	***	***	***
Subject sources	Share of value	***	***	***	***	***
Nonsubject sources	Share of value	***	***	***	***	***
All import sources	Share of value	***	***	***	***	***

Source: For the years 2000-17, data are compiled using data submitted in the Commission's original investigations, first, second, and third five-year reviews. For the year 2023, U.S. producers' U.S. shipments are compiled from the domestic interested party's response to the Commission's notice of institution and U.S. imports are compiled using official Commerce statistics under HTS statistical reporting number 7202.30.0000, accessed June 14, 2024.

Note: Share of quantity is the share of apparent U.S. consumption by quantity in percent; share of value is the share of apparent U.S. consumption by value in percent.

Note: Data for U.S. producers in 2017 and 2023 may be understated due to domestic industry data coverage. In 2006, and 2012, data was based on responses from two domestic producers. Data for 2017 and 2023 is based only on the response of one domestic producer, reportedly accounting for an estimated \*\*\* and \*\*\* percent of domestic production, respectively. Third five-year review confidential report, p. I-29. For a discussion of data coverage, please see “U.S. producers” and “U.S. importers” sections.

## The industry in India

### Producers in India

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from four firms, Ispat Alloys Ltd. (“Ispat”), Nava Bharat Ferro Alloys Ltd. (“Nava Bharat”), Universal Ferro & Allied Chemical Ltd. (“Universal”), and Indsil Electrosmelts Ltd. (“Indsil”)<sup>55</sup> which accounted for \*\*\* percent, \*\*\* percent, and \*\*\* percent of production of silicomanganese in India during 2000 respectively.<sup>56</sup>

During the first five-year reviews, the Commission received a response to the notice of institution from one foreign producer/exporter, Nava Bharat, which accounted for \*\*\* percent of Indian silicomanganese production during 2006 and reported it did not export to the United States since the imposition of the orders.<sup>57</sup>

During the second five-year reviews, the Commission received foreign producer/exporter questionnaires from two firms, Nava Bharat and Sarda.<sup>58</sup>

Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested party provided data regarding capacity, production, exports, etc. of producers of silicomanganese from India in that proceeding.<sup>59</sup>

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested party provided a list of three possible producers of silicomanganese in India.<sup>60</sup>

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<sup>55</sup> Indsil reported that it \*\*\*.

<sup>56</sup> Investigation Nos. 731-TA-929-931 (Final): Silicomanganese from India, Kazakhstan, and Venezuela Confidential report, INV-Z-047, April 16, 2002 (“Original confidential report”), p. VII-1.

<sup>57</sup> First review confidential report, p. I-49.

<sup>58</sup> Second review publication, p. IV-10.

<sup>59</sup> Third review publication, p. I-23.

<sup>60</sup> Domestic interested party’s response to the notice of institution, May 31, 2024, exh. 1.

## Recent developments

Table I-8 presents events in the Indian industry since the Commission's last five-year reviews.

**Table I-8**  
**Silicomanganese: Developments in the Indian industry**

Item	Firm	Event
Acquisition	Maithan Alloys Ltd	In the third quarter of 2021, Maithan Alloys Ltd. announced the acquisition of Indian ferroalloy producer Impex Metals & Ferro Alloys (IMFAL). Maithan intended to expand its production capacity of silicomanganese and ferromanganese through this acquisition. IMFAL has the capacity to produce 51,698 short tons per year of ferromanganese and silicomanganese at its plant in Bobbili, Andhra Pradesh.
Expansion	Sandur Manganese and Iron Ore	During the first quarter of 2022, Sandur Manganese and Iron Ore announced plans to increase ferroalloy production capacity at its plant in Bellary, Karnataka. Sandur planned to raise its silicomanganese production capacity to 104,720 short tons per year from about 52,911 short tons per year and also increase its ferromanganese capacity.
Expansion	Ramnik Power and Alloys	In the fourth quarter of 2022, Ramnik Power and Alloys announced plans to nearly triple its total manganese-based ferroalloy production capacity to 51,588 short tons per year at its plant in Madhya Pradesh.
Expansion	Sarda Energy & Minerals Limited (SEML)	SEML is one of the largest producers and exporters of manganese-based ferroalloys in India, with exports to more than 60 countries. During the second quarter of 2022, SEML announced that its wholly owned subsidiary, Sarda Metals & Alloys Limited (SMAL), planned to increase manganese-based ferroalloy production capacity to 275,578 short tons per year from 110,231 short tons per year by adding three furnaces at its plant in Vizianagaram, Andhra Pradesh. During 2022-23, the company successfully completed the installation of the furnaces under the expansion project.
Shutdown (indefinite)	IMFAL	During the second quarter of 2023, IMFAL (owned by Maithan) indefinitely shut down both furnaces at its ferroalloys plant in Bobbili, Andhra Pradesh due to significant increases in Andhra Pradesh's power tariffs.
Power rate reduction	State Government	In late November 2023, the state government of Andhra Pradesh cut electricity rates, providing limited relief to energy-intensive ferroalloy producers in that state. The measures included a reduction of the electricity rates, from one to 0.06 rupees per unit, for the rest of the fiscal year ending March 2024.



Item	Firm	Event
Production curtailment and temporary shutdown	Nava Ltd.	Ferroalloy producer Nava reported that production of silicomanganese was seven percent lower during fiscal year 2024 (ending March 31, 2024) than the previous year owing to the temporary shutdown of furnaces at its Karagprasad, Odisha plant for repairs to the raw material handling system. The company also converted production of one furnace to silicomanganese production from ferromanganese at its plant in Paloncha, Telangana. In its annual report, Nava stated that it is focusing on higher production volumes from its ferroalloy facilities in both Telangana and Odisha, strategically aiming to secure a larger share of the global silicomanganese market.

Source: Maithan Alloys Limited, "Investor Presentation–FY 2023," <https://www.maithanalloys.com/wp-content/uploads/2023/09/FY-2022-2023-Investor-Presentation.pdf>, p. 10; Maithan Alloys Limited, "Maithan Alloys Annual Report 2022-23," <https://www.maithanalloys.com/wp-content/uploads/2023/09/2022-23.pdf>, p. 40; *IMnI Annual Review 2022*, January 11, 2023, pp. 10–12; SARDA, "Chairman's message," <https://www.seml.co.in/cmdmessage.php>, retrieved June 27, 2024; SARDA, "Group companies," <https://www.seml.co.in/groupcompanies.php>, retrieved June 27, 2024; International Manganese Institute (*IMnI*) *Annual Review 2023*, January 4, 2024, pp. 11–12; NAVA Limited, "Annual Report 2021–22," p. 27; NAVA Limited, "Annual Report 2022–23," p. 29.

## Exports

Table I-9 presents export data for silicomanganese from India (by export destination in descending order of quantity for 2023). Italy, United Arab Emirates, and Japan were the leading export destinations in 2023, accounting for 11.5 percent, 8.8 percent, and 8.4 percent, respectively, of total exports from India. Overall, exports in 2023 were 6.6 percent less than the level in 2022.

**Table I-9**  
**Silicomanganese: Quantity of exports from India, by destination and period**

Quantity in short tons

Destination market	2018	2019	2020	2021	2022	2023
Italy	59,950	43,011	67,551	158,806	163,828	146,288
United Arab Emirates	85,920	121,501	109,591	94,391	122,278	112,022
Japan	116,774	108,991	94,788	142,421	147,726	106,707
Egypt	19,797	31,523	47,729	71,030	116,566	99,377
Turkey	11,969	10,792	24,803	53,423	106,560	78,395
Taiwan	65,528	48,698	66,308	75,900	69,836	70,585
Bangladesh	46,910	48,352	48,935	54,466	50,106	52,259
Netherlands	12,814	7,324	8,534	28,857	26,597	51,556
Oman	18,101	4,248	5,697	28,123	40,363	47,819
Malaysia	39,270	69,439	50,648	41,209	54,926	42,150
All other markets	395,302	282,586	240,891	379,340	459,719	461,499
All markets	872,334	776,464	765,476	1,127,967	1,358,502	1,268,658

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7202.30, accessed June 14, 2024.

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

## The industry in Kazakhstan

### Producers in Kazakhstan

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from one firm, OJSC Transnational Co. and Aksu Ferroalloy Plant (“Kazchrome”), which accounted for all production of silicomanganese in Kazakhstan and 100 percent of exports of silicomanganese from Kazakhstan to the United States.<sup>61</sup>

Although the Commission did not receive responses from any respondent interested parties in its first five-year reviews, the domestic interested parties provided a list of two other silicomanganese producers in Kazakhstan, in addition to Kazchrome, in that proceeding.<sup>62</sup>

During the second five-year reviews, the Commission received foreign producer/exporter questionnaires from one firm, Kazchrome, which accounted for approximately \*\*\* percent of total production in 2012, and approximately \*\*\* percent of Kazakhstan’s reported silicomanganese exports to the world.<sup>63</sup>

<sup>61</sup> Original publication, p. VII-3.

<sup>62</sup> First review publication, p. I-39.

<sup>63</sup> Second review confidential report, pp. I-14, IV-18.

Although the Commission did not receive responses from any respondent interested parties in its third five-year reviews, the domestic interested party provided data regarding capacity, production, exports, etc. of producers of silicomanganese from Kazakhstan in that proceeding.<sup>64</sup>

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested party provided a list of one possible producer of silicomanganese in Kazakhstan.<sup>65</sup>

## Recent developments

Table I-10 presents events in the Kazakh industry since the Commission's last five-year reviews.

**Table I-10**  
**Silicomanganese: Developments in the Kazakh industry**

Item	Firm	Event
Expansion	Kazchrome	Kazchrome stated that its Aksu ferroalloys plant is one of the largest ferroalloy production facilities in the world. Producing more than one million metric tons of ferroalloys per year, mostly for export. The plant consists of four "workshops" with 26 submerged-arc electric smelting furnaces which produce ferrochromium, ferrosilicon-chromium, silicomanganese, and ferrosilicon. In July 2019, Kazchrome put a new smelting furnace (No. 64) into operation at the Aksu plant. The commissioning of the furnace marked the completion of the first stage of a large-scale renovation of the plant's workshop No. 6, its largest smelting unit, and was expected to increase ferroalloy production at the unit by 87 percent by yearend 2024 from that in 2018.
Plant opening/expansion	Asia FerroAlloys LLP	In the third quarter of 2021, Asia FerroAlloys LLP's Saryarka ferroalloy plant in Karaganda, eastern Kazakhstan, commissioned a new furnace with three other furnaces planned to be put into operation by yearend 2021 with a total ferroalloys production capacity of 62,832 short tons per year. This includes 31,416 short tons per year of silicomanganese. The project was financed by the Development Bank of Kazakhstan JSC.

Source: Kazchrome, "AKSU Ferroalloys Plant," <https://www.kazchrome.com/en/business-overview/divisions/aksu/>, retrieved June 28, 2024; IMnI Annual Review 2021, January 17, 2022, p. 11; Asia FerroAlloys LLP webpage, [https://kdb.kz/en/ajax/project.php?PROJECT\\_ID=13887&LANG=EN](https://kdb.kz/en/ajax/project.php?PROJECT_ID=13887&LANG=EN), retrieved June 27, 2024; Asia Ferroalloys LLP, "Another Major Step in the Development of Kazakhstan's Industry," August 30, 2021, <https://asiaferroalloys.com/en/another-major-step-in-the-development-of-kazakhstan-s-industry/>.

<sup>64</sup> Third review publication, p. I-25.

<sup>65</sup> Domestic interested party's response to the notice of institution, May 31, 2024, exh. 1.

## Exports

Table I-11 presents export data for silicomanganese from Kazakhstan (by export destination in descending order of quantity for 2023). Russia, Germany, and Japan were the leading export destinations in 2023, accounting for 43.5 percent, 13.7 percent, and 12.4 percent, respectively, of total exports from Kazakhstan. Overall, exports in 2023 increased by 52.7 percent from the level in 2022. Exports from Kazakhstan were elevated in 2022 and 2023 primarily owing to a substantial increase in exports to Russia during those years.

**Table I-11**  
**Silicomanganese: Quantity of exports from Kazakhstan, by destination and period**

Quantity in short tons

Destination market	2018	2019	2020	2021	2022	2023
Russia	0	0	0	0	86,276	74,966
Germany	119	0	0	132	2,605	23,687
Japan	31,987	31,744	15,598	25,240	10,830	21,453
Italy	0	0	0	833	4,601	15,479
Spain	0	0	0	942	536	9,656
Uzbekistan	11,590	2,437	2,358	3,261	4,464	8,780
Czech Republic	0	0	0	0	417	4,467
Netherlands	0	0	0	0	0	3,007
Peru	0	0	0	0	0	1,726
China	0	0	0	0	0	1,726
All other markets	0	747	374	1,954	3,231	7,585
All markets	43,696	34,927	18,329	32,363	112,960	172,531

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7202.30, accessed June 14, 2024.

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

## The industry in Venezuela

### Producers in Venezuela

During the final phase of the original investigations, the Commission received foreign producer/exporter questionnaires from one firm, Homos Electricos de Venezuela SA (“Hevensa”), which accounted for \*\*\* percent of production of silicomanganese in Venezuela and \*\*\* percent of exports from Venezuela to the United States.<sup>66</sup>

Although the Commission did not receive responses from any respondent interested parties in its first five-year reviews, the domestic interested parties provided one additional possible producer of silicomanganese in Venezuela which reportedly started a new furnace for the production of silicomanganese in November 2006.<sup>67</sup>

During the second five-year reviews, the Commission received foreign producer/exporter questionnaires from two firms, which accounted for \*\*\* production of silicomanganese in Venezuela.<sup>68</sup>

During the third five-year reviews, the Commission did not receive responses from any respondent interested parties.<sup>69</sup>

Although the Commission did not receive responses from any respondent interested parties in these five-year reviews, the domestic interested party provided a list of two possible producers of silicomanganese in Venezuela.<sup>70</sup>

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<sup>66</sup> Original confidential report, p. VII-6.

<sup>67</sup> First review publication, p. I-39, I-42.

<sup>68</sup> Second review confidential report, p. IV-24.

<sup>69</sup> Third review publication, p. I-27.

<sup>70</sup> Domestic interested party’s response to the notice of institution, May 31, 2024, exh. 1.

## Recent developments

Based on the most recent reports on the manganese market published by the U.S. Geological Survey, there was no silicomanganese production in Venezuela during 2018–22. The last year of silicomanganese production in Venezuela was 2017 when production was 20,580 short tons.<sup>71</sup> Table I-12 presents recent developments in the Venezuelan industry.

**Table I-12**  
**Silicomanganese: Developments in the Venezuelan industry**

Item	Firm	Event
Plant idling	Ferroglobe	In 2016, Ferroglobe’s wholly owned subsidiary, Ferroatlántica de Venezuela, idled its ferroalloys operations in Puerto Ordaz owing to widespread inflation and difficulties acquiring raw materials. The plant has three furnaces that produced ferromanganese and silicomanganese prior to the idling. Ferroglobe sought to determine the recoverable value of the assets there. Subsequently, Ferroglobe determined that the costs to dispose of the facility exceeded the fair value of the assets, primarily due to political and financial instability in Venezuela. Accordingly, Ferroglobe wrote down the full value of its Venezuelan facilities. The company stated that their inability to generate cash in that market may cause them to default on some obligations in the future, which may result in administrative intervention or other consequences. The company reported that sales were immaterial from 2021–23 and indications were that the plant remained idled as of June 2024.

Source: Ferroglobe’s 2023 Form 20–F, p.18 (as filed); Ferroglobe webpage, “Puerto Ordaz,” <https://www.ferroglobe.com/about-ferroglobe/industrial-footprint/puerto-ordaz>, retrieved June 27, 2024.

<sup>71</sup> U.S. Geological Survey (USGS). Minerals Yearbook: Manganese, 2021 tables-only release, Table 8, February 2, 2023; <https://d9-wret.s3.us-west-2.amazonaws.com/assets/palladium/production/s3fs-public/media/files/myb1-2021-manga-ert.xlsx>; USGS. Minerals Yearbook: Manganese, 2022 tables-only release, Table 7, February 16, 2024; <https://d9-wret.s3.us-west-2.amazonaws.com/assets/palladium/production/s3fs-public/media/files/myb1-2022-manga-ert.xlsx>.

## Exports

Table I-13 presents export data for silicomanganese from Venezuela. There have not been any silicomanganese exports from Venezuela since 2021. Turkey was the only export destination in 2021, accounting for all silicomanganese exports that year.

**Table I-13**  
**Silicomanganese: Quantity of exports from Venezuela, by destination and period**

Quantity in short tons

Destination market	2018	2019	2020	2021	2022	2023
Mexico	387	0	0	0	0	0
Canada	276	6	0	0	0	0
Turkey	0	0	0	4,402	0	0
All other markets	0	0	0	0	0	0
All markets	662	6	0	4,402	0	0

Source: Official global imports statistics from Venezuela (constructed exports) as reported by various national statistical authorities. Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7202.30, accessed June 14, 2024.

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

## Third-country trade actions

Two countries have issued antidumping duty orders on ferro-silico-manganese (silicomanganese) from India, which remain in effect. No country has imposed a trade remedy on exports of silicomanganese from Kazakhstan or Venezuela.

On October 18, 2016, Mexico imposed antidumping duties of 40.25 percent on “ferro-silico-manganese” (silicomanganese) imported from India under HS subheadings 7202.30.01 and 9802.00.13. On April 3, 2023, Mexico extended the antidumping duties of 40.25 percent following a review.<sup>72</sup>

On November 29, 2017, South Korea imposed antidumping duties ranging from 7.48 to 19.06 percent on “ferro-silico-manganese” (silicomanganese) imported from India under HS

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<sup>72</sup> WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Mexico, Document G/ADP/N/294/MEX/, February 28, 2017; WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Mexico, Document G/ADP/N/384/MEX, August 28, 2023.

subheading 7202.30. On July 21, 2023, South Korea extended the antidumping duties following a review and modified them to 11.04 percent for all subject imports from India.<sup>73</sup>

## The global market

Table I-14 presents global export data for silicomanganese (by source in descending order of quantity for 2023). India, Ukraine, Malaysia, Norway, Poland, and Kazakhstan were the leading exporters in 2023, accounting for 37.6 percent, 10.8 percent, 9.3 percent, 9.2 percent, 5.3, and 5.1 percent, respectively, of total global exports. The top six exporters accounted for a combined 77.4 percent of global exports in 2023. Subject countries India and Kazakhstan were among the leading exporters of silicomanganese in the world, while Venezuela, in contrast, exported approximately 5,000 short tons during the six-year period of review. Overall silicomanganese exports in 2023 were 12.5 percent lower than the level in 2022.

**Table I-14**  
**Silicomanganese: Quantity of global exports by country and period**

Quantity in short tons

Exporting country	2018	2019	2020	2021	2022	2023
India	872,334	776,464	765,476	1,127,967	1,358,502	1,268,658
Ukraine	750,877	675,683	501,403	561,144	316,432	365,141
Malaysia	307,596	329,500	303,210	331,220	309,067	313,718
Norway	364,949	317,729	283,306	337,869	350,869	309,592
Poland	32,794	30,005	21,701	34,946	69,600	178,325
Kazakhstan	43,696	34,927	18,329	32,363	112,960	172,531
Georgia	321,703	301,901	276,169	329,694	251,963	171,899
Netherlands	264,377	166,187	132,730	143,738	187,018	136,721
Italy	63,740	70,709	80,727	128,773	159,587	112,946
South Africa	155,618	132,388	121,453	142,439	143,850	95,943
All other exporters	590,827	503,229	522,288	686,938	591,582	244,333
All exporters	3,768,512	3,338,723	3,026,792	3,857,090	3,851,429	3,369,807

Source: Global Trade Information Services, Inc., Global Trade Atlas, HS subheading 7202.30, accessed June 14, 2024.

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

<sup>73</sup> WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Republic of Korea, Document G/ADP/N/308/KOR/, December 4, 2018; WTO, Committee on Anti-Dumping Practices, Semi-Annual Report Under Article 16.4 of the Agreement, Republic of Korea, Document G/ADP/N/391/KOR, March 8, 2024.



**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.

Citation	Title	Link
89 FR 35073, May 1, 2024	Initiation of Five-Year (Sunset) Reviews	<a href="https://www.govinfo.gov/content/pkg/FR-2024-05-01/pdf/2024-09424.pdf">https://www.govinfo.gov/content/pkg/FR-2024-05-01/pdf/2024-09424.pdf</a>
89 FR 35247, May 1, 2024	Silicomanganese From India, Kazakhstan, and Venezuela; Institution of Five-Year Reviews	<a href="https://www.govinfo.gov/content/pkg/FR-2024-05-01/pdf/2024-09363.pdf">https://www.govinfo.gov/content/pkg/FR-2024-05-01/pdf/2024-09363.pdf</a>



**APPENDIX B**

**COMPANY-SPECIFIC DATA**



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## **APPENDIX C**

### **SUMMARY DATA COMPILED IN PRIOR INVESTIGATIONS**



**Table C-1**

**Silicomanganese: Summary data concerning the U.S. market, 1998-2000, January-September 2000, and January-September 2001**

\* \* \* \* \*

Table C-1

**Silicomanganese: Summary data concerning the U.S. market, 2010-12, January to March 2012, and January to March 2013**

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

	Report data								Period changes						
	2007	2008	Calendar year				January to March		2007-12	2007-08	Calendar year		2010-11	2011-12	Jan-Mar
			2009	2010	2011	2012	2012	2013			2008-09	2009-10	2010-11	2011-12	2012-13
U.S. consumption quantity:															
Amount.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Producers' share (1).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Importers' share (1):															
India.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Kazakhstan.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Venezuela.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal, subject.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All others sources, nonsubject.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. consumption value:															
Amount.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Producers' share (1).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Importers' share (1):															
India.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Kazakhstan.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Venezuela.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Subtotal, subject.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
All others sources, nonsubject.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Total imports.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. importers' U.S. shipments of Imports from:															
India:															
Quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value.....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Kazakhstan:															
Quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value.....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Venezuela:															
Quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value.....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Subtotal, subject sources:															
Quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Value.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Unit value.....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ending inventory quantity.....	0	0	0	0	0	0	0	0	(2)	(2)	(2)	(2)	(2)	(2)	(2)
All other sources:															
Quantity.....	445,439	365,423	172,392	274,070	309,964	318,239	93,210	82,999	(28.6)	(18.0)	(52.8)	59.0	13.1	2.7	(11.0)
Value.....	572,547	726,203	176,641	335,694	358,457	388,576	108,443	88,118	(32.1)	26.8	(75.7)	90.0	6.8	8.4	(18.7)
Unit value.....	\$1,285.35	\$1,987.29	\$1,024.65	\$1,224.85	\$1,156.45	\$1,221.02	\$1,163.43	\$1,061.68	(5.0)	54.6	(48.4)	19.5	(5.6)	5.6	(8.7)
Ending inventory quantity.....	102,116	124,093	62,453	82,838	103,256	91,392	86,106	92,366	(10.5)	21.5	(49.7)	32.6	24.6	(11.5)	7.3
Total imports:															
Quantity.....	445,439	365,423	172,392	274,070	309,964	318,239	93,210	82,999	(28.6)	(18.0)	(52.8)	59.0	13.1	2.7	(11.0)
Value.....	572,547	726,203	176,641	335,694	358,457	388,576	108,443	88,118	(32.1)	26.8	(75.7)	90.0	6.8	8.4	(18.7)
Unit value.....	\$1,285.35	\$1,987.29	\$1,024.65	\$1,224.85	\$1,156.45	\$1,221.02	\$1,163.43	\$1,061.68	(5.0)	54.6	(48.4)	19.5	(5.6)	5.6	(8.7)
Ending inventory quantity.....	102,116	124,093	62,453	82,838	103,256	91,392	86,106	92,366	(10.5)	21.5	(49.7)	32.6	24.6	(11.5)	7.3
U.S. producers:															
Average capacity quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Capacity utilization (1).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
U.S. shipments:															
Quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Export shipments:															
Quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Ending inventory quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Inventories/total shipments (1).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Production workers.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Hours worked (1,000s).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Wages paid (\$1,000).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Productivity (short tons per hour).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit labor costs.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Net Sales:															
Quantity.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit value.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Cost of goods sold (COGS).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Gross profit of (loss).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
SG&A expenses.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Capital expenditures.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit COGS.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit SG&A expenses.....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Unit operating income or (loss).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
COGS/sales (1).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***
Operating income or (loss)/sales (1).....	***	***	***	***	***	***	***	***	***	***	***	***	***	***	***

(1) Report data are in percent and period changes are in percentage points.

(2) Undefined.

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

**APPENDIX D**

**PURCHASER QUESTIONNAIRE RESPONSES**



As part of their response to the notice of institution, interested parties were asked to provide a list of three to five leading purchasers in the U.S. market for the domestic like product. A response was received from domestic interested parties, and it provided contact information for the following five firms as top purchasers of silicomanganese: \*\*\*. Purchaser questionnaires were sent to these five firms and no firms submitted a response to the Commission's request for information.

