

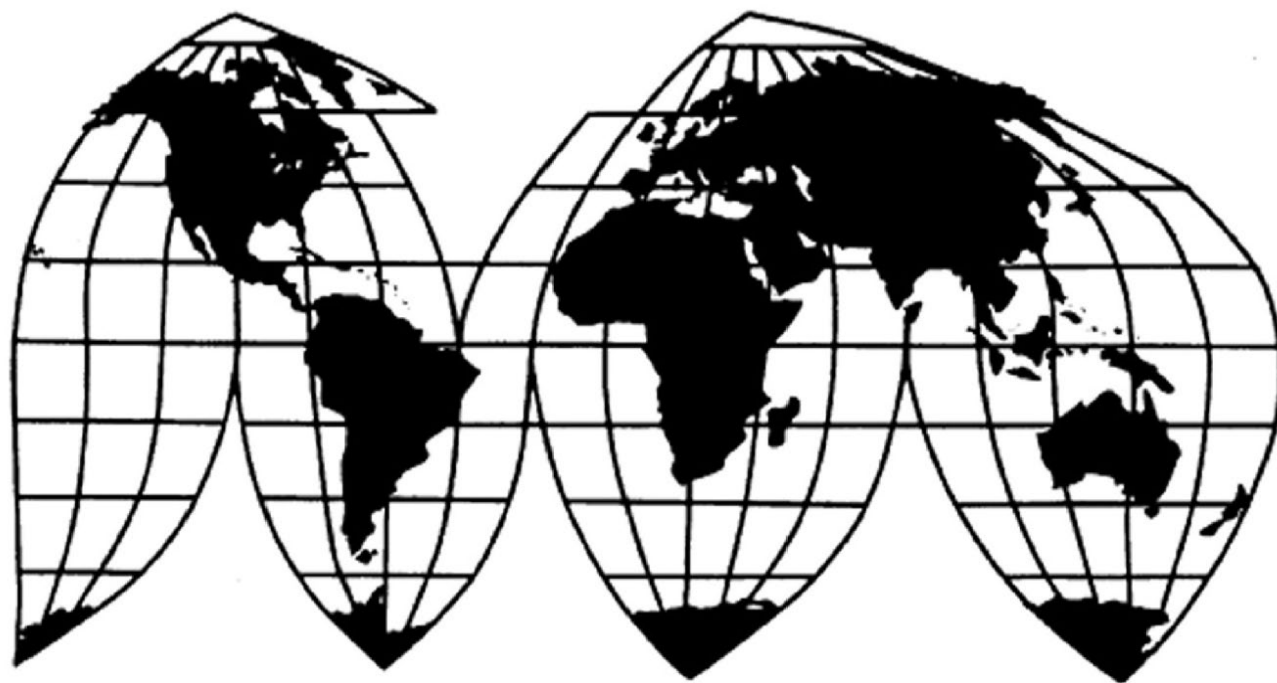
Ferrosilicon from Brazil, Kazakhstan, and Malaysia

Investigation Nos. 701-TA-712–714 and 731-TA-1679–1681 (Final)

Publication 5620

May 2025

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note.—Information that would reveal confidential operations of individual firms may not be published. Such information is identified by brackets ([]) in confidential reports and is deleted and replaced with asterisks (***) in public reports. Zeroes, null values, and undefined calculations are suppressed and shown as em dashes (—) in tables. If using a screen reader, we recommend increasing the verbosity setting.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701-TA-712-714 and 731-TA-1679-1681 (Final)

Ferrosilicon from Brazil, Kazakhstan, and Malaysia

DETERMINATIONS

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of ferrosilicon from Brazil, Kazakhstan, and Malaysia, provided for in subheadings 7202.21 and 7202.29 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”) and subsidized by the governments of Brazil, Kazakhstan, and Malaysia.^{2 3}

BACKGROUND

The Commission instituted these investigations effective March 28, 2024, following receipt of petitions filed with the Commission and Commerce by CC Metals and Alloy, LLC, Calvert City, Kentucky, and Ferroglobe USA, Inc., Beverly, Ohio. The Commission scheduled the final phase of the investigations following notification of preliminary determinations by Commerce that imports of ferrosilicon from Russia were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of July 9, 2024 (89 FR 56407). All persons who requested the opportunity were permitted to participate.

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

² 90 FR 14075, 14077, 14105, 14108, 14112, and 14114 (March 28, 2025).

³ The Commission also finds that imports subject to Commerce’s affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the countervailing duty orders on Brazil and Malaysia.

The investigation schedules became staggered when Commerce postponed its preliminary determinations for the antidumping and countervailing duty investigations with respect to Brazil, Kazakhstan, and Malaysia, but not its preliminary determinations for the antidumping and countervailing duty investigations with respect to Russia. Following notification of final determinations by Commerce that imports of ferrosilicon from Brazil, Kazakhstan, and Malaysia were being subsidized by the governments of Brazil, Kazakhstan, and Malaysia within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)), notice of the supplemental scheduling of the final phase of the Commission's countervailing duty and antidumping duty investigations was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of April 4, 2025 (90 FR 14869).

Views of the Commission

Based on the record in the final phase of these investigations, we determine that an industry in the United States is materially injured by reason of imports of ferrosilicon from Brazil, Kazakhstan, and Malaysia found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”) and to be subsidized by the governments of Brazil, Kazakhstan, and Malaysia. We also find that critical circumstances do not exist with respect to imports of Brazil and Kazakhstan that are subject to Commerce’s final affirmative critical circumstances determinations in its countervailing duty investigations.

I. Background

The antidumping duty and countervailing duty petitions for ferrosilicon from Brazil, Kazakhstan, and Malaysia were all filed on the same day, March 28, 2024, by Ferroglobe USA, Inc., (“Ferroglobe”) and CC Metals and Alloys, LLC, (“CC Metals”) (collectively, “Petitioners”), U.S. producers of ferrosilicon.¹ The investigation schedules became staggered when Commerce did not postpone the preliminary determinations for its antidumping and countervailing duty investigations regarding Russia,² while it did postpone its preliminary determinations for the antidumping duty investigations with respect to Brazil, Kazakhstan, and Malaysia and aligned the final determinations for its countervailing duty investigations regarding Brazil, Kazakhstan,

¹ Supplemental Confidential Report (“Supplemental CR”), INV-XX-049 (Apr. 23, 2025); Ferrosilicon from Brazil, Kazakhstan, and Malaysia, Inv. Nos. 701-TA-712-714 and 731-TA-1679-1681 (Final), USITC Pub. 5620 (May 2025) (“Supplemental PR”) at 1.1.

² *Ferrosilicon from the Russian Federation: Preliminary Affirmative Countervailing Duty Determination*, 89 Fed. Reg. 53949 (June 28, 2024); *Ferrosilicon from the Russian Federation: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 89 Fed. Reg. 53953 (June 28, 2024).

and Malaysia with those of its corresponding antidumping duty investigations.³ This necessitated an earlier Commission determination in the final phase antidumping and countervailing duty investigations on ferrosilicon from Russia (the “leading investigations”) than in the trailing investigations, and the Commission reached affirmative determinations in the leading investigations on November 4, 2024.⁴

As a result, the Commission must now make its determinations in the antidumping duty and countervailing duty investigations of ferrosilicon from Brazil, Kazakhstan, and Malaysia (the “trailing investigations”).⁵ Pursuant to the statutory provision on staggered investigations, the record for the current trailing investigations regarding ferrosilicon from Brazil, Kazakhstan, and Malaysia closed on October 7, 2024, but Commerce’s final antidumping duty and countervailing duty determinations on subject imports from Brazil, Kazakhstan, and Malaysia, and the parties’ final comments concerning those determinations have been added to the record.⁶

³ *Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Countervailing Duty Investigations*, 89 Fed. Reg. 46860 (May 30, 2024); *Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations*, 89 Fed. Reg. 66678 (Aug. 16, 2024); *Ferrosilicon From Malaysia: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination*, 89 Fed. Reg. 73364 (Sept. 10, 2024); *Ferrosilicon From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 89 Fed. Reg. 73369 (Sept. 10, 2024); *Ferrosilicon From Brazil: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination in Part, and Alignment of Final Determination With Final Antidumping Duty Determination*, 89 Fed. Reg. 73371 (Sept. 10, 2024).

⁴ *Ferrosilicon From Russia*, 701-TA-715 and 731-TA-1682, USITC Pub. 5556 (Nov. 2024) (Final). The Commission cumulatively assessed subject imports from Brazil, Kazakhstan, Malaysia, and Russia for purposes of its material injury analysis in the leading investigations. *Ferrosilicon From Russia*, USITC Pub. 5556 at 21.

⁵ See *Ferrosilicon From Brazil, Kazakhstan, and Malaysia; Supplemental Schedule for the Final Phase of Countervailing Duty and Antidumping Duty Investigations*, 90 Fed. Reg. 14869 (April 4, 2025).

⁶ See 19 U.S.C. § 1677(7)(G)(iii).

Petitioner filed supplemental final comments with respect to the investigations of ferrosilicon from Brazil, Kazakhstan, and Malaysia.⁷ Respondent parties Cia Ferro Ligas da Bahia - FERBASA; Minasligas S.A. (“Minasligas”); Bozel Brasil S.A., Rima Industrial S.A., Nova Era Silicon S.A., and Libra Ligas do Brasil S.A. (collectively “Brazilian Respondents”);⁸ TNC Kazchrome JSC (“Kazchrome”);⁹ and OM Materials (Sarawak) Sdn. Bhd. (“OMSA”)¹⁰ also filed supplemental final comments.

II. Negligible Imports

Pursuant to Section 771(24) of the Tariff Act, imports from a subject country of merchandise corresponding to a domestic like product that account for less than 3 percent of all such merchandise imported into the United States during the most recent 12 months for which data are available preceding the filing of the petition shall generally be deemed negligible.¹¹ The statute further provides that subject imports from a single country which comprise less than 3 percent of total such imports of the product may not be considered negligible if there are several countries subject to investigation with negligible imports and the sum of such imports from all those countries collectively accounts for more than 7 percent of the volume of all such merchandise imported into the United States.¹² In the case of countervailing duty investigations involving developing countries (as designated by the United States Trade Representative), the statute indicates that the negligibility limits are 4 percent and

⁷ Petitioners’ Supplemental Final Comments, Apr. 11, 2025 (EDIS Doc. 848523).

⁸ Brazilian Respondents’ Supplemental Final Comments, Apr. 11, 2025 (EDIS Document No. 848548).

⁹ Kazchrome’s Supplemental Final Comments, Apr. 11, 2025 (EDIS Doc. 848543).

¹⁰ OMSA’s Supplemental Final Comments, Apr. 11, 2025 (EDIS Doc. 84841).

¹¹ 19 U.S.C. § 1677(24)(A)(i).

¹² 19 U.S.C. § 1677(24)(A)(ii).

9 percent, rather than 3 percent and 7 percent.¹³ Petitioners and Respondents did not make arguments regarding negligibility.¹⁴

As previously stated, the petitions for the antidumping and countervailing duty investigations of ferrosilicon from Brazil, Kazakhstan, and Malaysia were filed on the same day, March 28, 2024. Based on questionnaire responses and official import statistics¹⁵ during the most recent 12-month period for which data are available preceding the filing of the petitions, March 2023 through February 2024, with respect to the antidumping duty investigations, subject imports from Brazil accounted for *** percent of total imports, subject imports from Kazakhstan accounted for 6.7 percent of total imports, and subject imports from Malaysia accounted for 13.0 percent of total imports.¹⁶ With respect to the countervailing duty investigations, subject imports from Brazil accounted for 17.9 percent of total imports, subject imports from Kazakhstan accounted for 6.7 percent of total imports, and subject imports from

¹³ 19 U.S.C. § 1677(24)(B). Brazil, Malaysia, and Kazakhstan, the three sources of imports subject to these countervailing duty investigations, are not on USTR's list of developing countries for purposes of applicability of the 4 percent and 9 percent negligibility limits. *See Designations of Developing Countries and Least Developed Countries Under the Countervailing Duty Law*, 85 Fed. Reg. 7613 (USTR Feb. 10, 2020).

¹⁴ *See generally* Petitioners' Supplemental Final Comments; Brazilian Respondents' Supplemental Final Comments; OMSA's Supplemental Final Comments; Kazchrome's Supplemental Final Comments.

¹⁵ Commission staff compiled the data in Table 1.8 of the staff report using U.S. importers' U.S. shipments data submitted in importer questionnaires for subject imports from Russia and official U.S. import statistics using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 for subject imports from Brazil, Kazakhstan, Malaysia, and nonsubject sources. Commission staff adjusted the reported data for the negligibility analysis for subject imports from Brazil in the antidumping duty investigation to remove imports from Minasligas, for which Commerce determined a *de minimis* dumping margin in its final antidumping duty investigation. Supplemental CR/PR at Tables 1.8 and I.5, Source and Note; *Ferrosilicon From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 Fed. Reg. 14112 (Mar. 28, 2025).

¹⁶ Supplemental CR/PR at Table 1.8.

Malaysia accounted for 13.0 percent of total imports.¹⁷ Because subject imports from Brazil, Kazakhstan, and Malaysia exceed the three percent negligibility threshold for all investigations, we find that imports from Brazil, Kazakhstan, and Malaysia subject to the antidumping and the countervailing duty investigations are not negligible.

III. Material Injury by Reason of Cumulated Subject Imports

Section 771(7)(G)(iii) of the Tariff Act of 1930, as amended (“the Act”), provides that the Commission must make its material injury determinations in these trailing investigations on the basis of the same record as that in the leading investigations, except to the extent discussed above.¹⁸ Therefore, in these investigations, we adopt the findings and analyses from our determinations and views in the leading investigations with respect to the issues of domestic like product, domestic industry, cumulation, conditions of competition, and material injury by reason of cumulated subject imports.¹⁹

¹⁷ Supplemental CR/PR at Table 1.8. Subject import volumes from Kazakhstan and Malaysia are the same with respect to the antidumping and countervailing duty investigations for each source. However, the volume of subject imports from Brazil is lower in the antidumping duty investigation than in the countervailing duty investigation because Commerce determined a *de minimis* dumping margin for Brazilian producer Minasligas in its final antidumping duty determination for Brazil, while it determined an above *de minimis* subsidy rate for this firm in its final countervailing duty determination for Brazil. See *Ferrosilicon From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 Fed. Reg. 14112 (Mar. 28, 2025); *Ferrosilicon From Brazil: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part*, 90 Fed. Reg. 14114 (Mar. 28, 2025).

¹⁸ 19 U.S.C. § 1677(7)(G)(iii).

¹⁹ The statute additionally instructs the Commission to consider the “magnitude of the dumping margin” in an antidumping duty proceeding as part of its consideration of the impact of subject imports. 19 U.S.C. § 1677(7)(C)(iii)(V). In its final antidumping duty determination regarding Brazil, Commerce calculated dumping margins of 13.66 percent for Companhia de Ferro Ligas da Bahia S.A., 21.78 percent for Ligas de Alumínio S.A. (“LIASA”), 0.78 percent (*de minimis*) for Minasligas, and 13.66 percent for all others. *Ferrosilicon From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 90 Fed. Reg. 14112 (Mar. 28, 2025). In its final antidumping duty determination regarding Kazakhstan, Commerce calculated dumping margins of 6.20 percent for TNC Kazchrome JSC, 6.01 percent for three entities (YDD Corporation LLP; Asia FerroAlloys LLP; and KazSilicon Metallurgical Combine LLP), and 6.05 (Continued...)

IV. Critical Circumstances

A. Legal Standards

On March 28, 2025, Commerce also issued its final affirmative critical circumstances determinations in its countervailing duty investigations regarding Brazil and Malaysia.²⁰ For subject imports from Brazil, Commerce found that critical circumstances exist for ferrosilicon from LIASA and Minasligas.²¹ For subject imports from Malaysia, Commerce found that critical circumstances exist for ferrosilicon from all producers except OMSA and Pertama.²²

Because we have determined that the domestic industry is materially injured by reason of subject imports from Brazil, Malaysia, and Kazakhstan, we must further determine "whether the imports subject to the affirmative {Commerce critical circumstances} determination ... are likely to undermine seriously the remedial effect of the antidumping {and/or countervailing duty} order{s} to be issued."²³

percent for all others. *Ferrosilicon From Kazakhstan: Final Affirmative Determination of Sales at Less-Than-Fair-Value and Final Negative Determination of Critical Circumstances*, 90 Fed. Reg. 14077 (Mar. 28, 2025). In its final antidumping duty determination regarding Malaysia, Commerce calculated dumping margins of 5.13 percent for OM Materials (Sarawak) Sdn. Bhd, 21.26 percent for Pertama Ferroalloys Sdn. Bhd ("Pertama"), and 12.24 percent for all others. *Ferrosilicon From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 90 Fed. Reg. 14105 (Mar. 28, 2025).

We take into account in our analysis the fact that Commerce has made final findings that subject imports from Brazil, Kazakhstan, and Malaysia are sold in the United States at LTFV, including the magnitude of the margins of dumping found by Commerce. In addition to this consideration, other factors that support our analysis from the leading determination remain unchanged and do not require modification, for example, our analysis of the significant price effects of cumulated subject imports. See *Ferrosilicon from Russia*, USITC Pub. 5556 at 40-48.

²⁰ Supplemental CR/PR at 1.6.

²¹ *Ferrosilicon From Brazil: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part*, 90 Fed. Reg. 14114 (Mar. 28, 2025).

²² *Ferrosilicon From Malaysia: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances, in Part*, 90 Fed. Reg. 14075 (Mar. 28, 2025).

²³ 19 U.S.C. §§ 1671d(b)(4)(A)(i), 1673d(b)(4)(A)(i).

The Statement of Administrative Action to the Uruguay Round Agreements Act (“SAA”) indicates that the Commission is to determine “whether, by massively increasing imports prior to the effective date of relief, the importers have seriously undermined the remedial effect of the order” and specifically “whether the surge in imports prior to the suspension of liquidation, rather than the failure to provide retroactive relief, is likely to seriously undermine the remedial effect of the order.”²⁴ The legislative history for the critical circumstances provision indicates that the provision was designed “to deter exporters whose merchandise is subject to an investigation from circumventing the intent of the law by increasing their exports to the United States during the period between initiation of an investigation and a preliminary determination by {Commerce}.”²⁵ An affirmative critical circumstances determination by the Commission, in conjunction with an affirmative determination of material injury by reason of subject imports, would normally result in the retroactive imposition of duties for those imports subject to the affirmative Commerce critical circumstances determination for a period 90 days prior to the suspension of liquidation.²⁶

The statute provides that, in making this determination, the Commission shall consider, among other factors it considers relevant,

- (I) the timing and the volume of the imports,
- (II) a rapid increase in inventories of the imports, and

²⁴ H.R. Rep. No. 103-316, Vol. I at 877 (1994).

²⁵ *ICC Industries, Inc. v United States*, 812 F.2d 694, 700 (Fed. Cir. 1987), quoting H.R. Rep. No. 96-317 at 63 (1979), *aff’d* 632 F. Supp. 36 (Ct. Int’l Trade 1986). See 19 U.S.C. §§ 1671b(e)(2), 1673b(e)(2).

²⁶ 19 U.S.C. §§ 1671b(e)(2), 1673b(e)(2).

(III) any other circumstances indicating that the remedial effect of the {order} will be seriously undermined.²⁷

In considering the timing and volume of subject imports, the Commission's practice is to consider import quantities prior to the filing of the petition with those subsequent to the filing of the petition using monthly statistics on the record regarding those firms for which Commerce has made an affirmative critical circumstances determination.²⁸

B. Party Arguments

Petitioner's Arguments. Petitioner argues that Commerce's findings of critical circumstances on certain imports from Brazil and Malaysia based on a "surge of imports" satisfy the statutory requirements for the Commission to find critical circumstances as well.²⁹

Petitioner argues that critical circumstances exist with respect to subsidized imports from Brazil that were produced and imported by Minasligas and LIASA and subsidized imports from Malaysia that were produced and imported by all other producers and importers not individually examined.³⁰

Respondents' Arguments. The Brazilian Respondents argue that the Commission should make a negative critical circumstances finding with respect to the CVD investigation on subject import from Brazil.³¹ Brazilian Respondents argue that the record data does not allow for separation of the import data for Minasligas and LIASA from FERBASA (for which Commerce

²⁷ 19 U.S.C. §§ 1671d(b)(4)(A)(ii), 1673d(b)(4)(A)(ii).

²⁸ See *Lined Paper School Supplies from China, India, and Indonesia*, Inv. Nos. 701-TA-442-43, 731-TA-1095-97, USITC Pub. 3884 at 46-48 (Sept. 2006); *Carbazole Violet Pigment from China and India*, Inv. Nos. 701-TA-437 and 731-TA-1060-61 (Final), USITC Pub. 3744 at 26 (Dec. 2004); *Certain Frozen Fish Fillets from Vietnam*, Inv. No. 731-TA-1012 (Final), USITC Pub. 3617 at 20-22 (Aug. 2003).

²⁹ Petitioner's Supplemental Final Comments at 4-5.

³⁰ Petitioner's Supplemental Final Comments at 4-5.

³¹ Brazilian Respondents' Supplemental Final Comments at 2-3.

made a negative critical circumstances determination), and given FERBASA's size, the data is highly distorted.³² The Brazilian Respondents argue that a proper analysis, based on four-month periods, shows that imports of subject merchandise produced by Minasligas and LIASA were small in relation to overall subject imports and apparent consumption and, therefore, unlikely to undermine the remedial effect of the CVD order.³³ They argue that the inventories of these imports were not significant, as they accounted for *** percent of total import inventories at the end of June 2024 and *** percent of total apparent consumption from January to June 2024 ("interim 2024").³⁴ They further argue that the *** in inventories during the post-petition period was *** and that the ***.³⁵

C. Analysis

1. Choice of Time Period

We first consider the appropriate period for comparisons in our critical circumstances analysis of pre-petition and post-petition levels of subject imports from Brazil and Malaysia. The petitions in these investigations were filed on March 28, 2024; since the petitions were filed near the end of the month, March 2024 is the last month of the pre-petition period.³⁶ The Commission frequently relies on comparisons of the six-month periods preceding and following the filing of the petition, but has relied on shorter periods when there were not six full calendar

³² Brazilian Respondents' Supplemental Final Comments at 3. This argument is no longer applicable since FERBASA's imports from Brazil have been removed from the data for critical circumstances. Supplemental CR/PR at Tables 1.9-1.10.

³³ Brazilian Respondents' Supplemental Final Comments at 3-4.

³⁴ Brazilian Respondents' Supplemental Final Comments at 3-4-5.

³⁵ Brazilian Respondents' Supplemental Final Comments at 4-5.

³⁶ Supplemental CR/PR at Table 1.1.

months of data between the petition and Commerce’s preliminary determination.³⁷ When the Commission closed the record in the leading investigations on October 7, 2024, to make its final leading determinations on October 11, 2024, monthly import data for the period after July 31, 2024, were not available either from official import statistics or U.S. importer questionnaires.³⁸ Therefore, the administrative record, as defined by the statute, contains post-petition monthly import data only for April-July 2024. The statute does not authorize the Commission to supplement the record to include additional import data available at the time of Commerce’s critical circumstances findings in these trailing investigations. Thus, we will compare the volume of subject imports in the four months prior to the filing of the petition (December 2023 – March 2024) with the volume of subject imports in the four months after the filing of the petition (April 2024 – July 2024).³⁹ No party contested four-month comparisons periods for this analysis.

2. Brazil CVD Investigation

Imports from Brazil subject to Commerce’s affirmative critical circumstances determination increased from *** short tons contained silicon (“STCS”) in the pre-petition

³⁷ See *Certain Hot-Rolled Steel Flat Products from Australia, Brazil, Japan, Korea, the Netherlands, Turkey, and the United Kingdom*, Inv. Nos. 701-TA-545-547, 731-TA-1291-1297 (Final), USITC Pub. 4638 at 49-50 (Sept. 2016); *Certain Corrosion-Resistance Steel Products from China, India, Italy, Korea, and Taiwan*, Inv. No. 701-TA-534-537 and 731-TA-1274-1278 (Final), USITC Pub. 4630 at 35-40 (July 2016); *Carbon and Certain Steel Wire Rod from China*, Inv. Nos. 701-TA-512, 731-TA-1248 (Final), USITC Pub. 4509 at 25-26 (Jan. 2015) (using five-month periods because Commerce made its preliminary countervailing duty determination within six months after the petition).

The Commission is not required to examine the same periods that Commerce examined in performing the critical circumstances analysis. See *Certain Polyester Staple Fiber from China*, Inv. No. 731-TA-1104 (Final), USITC Pub. 3922 at 35 (June 2007); *Steel Concrete Reinforcing Bars from Turkey*, Inv. No. 731-TA-745 (Final), USITC Pub. 3034 at 34 (Apr. 1997).

³⁸ 19 U.S.C. § 1677(7)(G)(iii).

³⁹ Supplemental CR/PR at Tables 1.9 and 1.11. Because the petitions were filed on March 28, 2024, that month is included in the pre-petition period.

period to *** STCS in the post-petition period, an increase of *** percent.⁴⁰ However, the increase in post-petition imports subject to the critical circumstances finding (*** STCS) was equivalent to only *** percent of subject imports from Brazil from April through July 2024 and *** percent of total subject imports over the same period. The increase in post-petition imports subject to the critical circumstances was equivalent to only *** percent of apparent U.S. consumption in interim 2024.⁴¹

End-of-period U.S. inventories of the relevant subject imports from Brazil were *** STCS at the end of the pre-petition period and *** STCS at the end of the post-petition period, an increase of *** percent.⁴² Although end-of-period inventories substantially increased in the post-petition period relative to the pre-petition period, the inventory build-up (***) is comparatively small to the volume of total subject imports from Brazil from April through July 2024 (equivalent to *** percent). The increase in post-petition inventories was equivalent to *** percent of apparent U.S. consumption in interim 2024. These data do not indicate a deleterious stockpiling of the relevant subject imports from Brazil after the filing of the petition.⁴³

⁴⁰ Supplemental CR/PR at Table 1.9.

⁴¹ *Calculated from* Supplemental CR/PR at Table 1.9 and Leading CR/PR at Table IV-16. The volume of total imports from Brazil was 13,251 STCS from April through July 2024 and the total subject imports from all sources for this same period was 32,812 STCS. Leading CR/PR at Table IV-16. While we recognize that the interim 2024 period is six months (January – June 2024) and the post-petition period is four months (April – July 2024), the available data do not allow a comparison of imports subject to Commerce’s critical circumstances determination relative to apparent U.S. consumption over only the post-petition period. Apparent U.S. consumption was *** STCS during the interim 2024 period. Supplemental CR/PR at C.1.

⁴² Supplemental CR/PR at Table 1.10.

⁴³ *Calculated from* Supplemental CR/PR at Tables 1.10 and C.1 and Leading CR/PR at Table IV-16.

Furthermore, pricing data and trends for subject imports from Brazil do not evidence that post-petition imports would undermine seriously the remedial effect of the order. Specifically, Brazilian imports were heavily concentrated in pricing products 2 and 7. For pricing product 2, *** in 2022 and 2023 turned to *** in the first quarters of 2024, but at low margins (*** percent in the first quarter and *** percent in the second quarter). For pricing product 7, Brazilian imports *** the domestic like product in all available comparisons since the second quarter of 2023, including the second quarter of 2024 (there were *** domestic pricing data reported for the first quarter of 2024 for pricing product 7).⁴⁴

In light of the foregoing, in particular the comparatively small volume of Brazilian product imported in the post-petition period, the comparatively small increase in the inventories over this period, and the absence of any apparent price trends in the post-petition period that would indicate that the remedial effect of the order would be undermined, we find that subject imports from Brazil subject to Commerce's affirmative determinations of critical circumstances are not likely to undermine seriously the remedial effects of the countervailing duty order. Consequently, we make a negative finding with respect to subject imports from Brazil subject to Commerce's affirmative determination of critical circumstances.

3. Malaysia CVD Investigation

Imports from Malaysia subject to Commerce's affirmative critical circumstances determination increased from *** STCS in the pre-petition period to *** STCS in the post-petition period, an increase of *** percent.⁴⁵ However, these post-petition imports were small

⁴⁴ Leading CR/PR at Tables V-7 and V-12.

⁴⁵ Supplemental CR/PR at Table 1.11.

relative to imports from Malaysia, total subject imports, and apparent U.S. consumption. The increase in post-petition imports (** STCS) represented just ** percent of subject imports from Malaysia from April through July 2024 and ** percent of total subject imports over the same period. The increase was equivalent to ** percent of apparent U.S. consumption over the interim 2024 period.⁴⁶ In addition, no responding U.S. importer reported inventories from subject Malaysian producers (aside from inventories from the two Malaysian producers that were excluded from Commerce’s affirmative critical circumstances determination).⁴⁷ Furthermore, the available pricing data provide no indication that U.S. importers increased their subject imports at lower prices during the post-petition period prior to the imposition of the provisional deposit requirement.⁴⁸

In light of the comparatively small volume of Malaysian product imported in the post-petition period, the absence of inventories held in the U.S. from Malaysian producers subject to

⁴⁶ *Calculated from* Supplemental CR/PR at Table 1.11 and Leading CR/PR at Table IV-16. The volume of total imports from Malaysia was 11,593 STCS from April through July 2024 and the total subject imports from all sources for this same period was 32,812 STCS. Leading CR/PR at Table IV-16. While we recognize that the interim 2024 period is six months and the post-petition period is four months, the available data do not allow a comparison of imports subject to Commerce’s critical circumstances determination relative to apparent U.S. consumption over only the post-petition period. Apparent U.S. consumption was ** STCS during the interim 2024 period. Supplemental CR/PR at C.1.

⁴⁷ Supplemental CR/PR at Table 1.12, Note.

⁴⁸ Specifically, over the full period of investigation (“POI”), from January 2021 to June 2024, there was a greater volume and number of quarterly comparisons of overselling than underselling for imports from Malaysia. Furthermore, the quarterly average unit values for pricing product 1 from Malaysia (which had the ** of Malaysian imports) ** from the last quarter of 2023 to the first two quarters of 2024, while the margins of underselling ** (the first quarter of 2024 accounted for 3 of the 4 months in the pre-petition period, while the second quarter of 2024 accounted for 3 of the 4 months of the post-petition period). For pricing product 2, which had the next ** of Malaysian product, the average unit values for Malaysian imports again ** from the last quarter of 2023 Q4 to the first two quarters of 2024. There are no domestic price comparisons for the last quarter of 2023, but a small ** margin of ** percent by Malaysian imports in the first quarter of 2024 turned to ** in the second quarter. Leading CR/PR at Tables V-6, V-7, and V-16.

Commerce's final affirmative critical circumstances determination, and the absence of any apparent price trends in the post-petition period that would indicate that the remedial effect of the order would be undermined, we do not find that the increase in subject imports from Malaysia in the post-petition period are of such a magnitude as to seriously undermine the remedial effect of the order. Consequently, we make a negative finding with respect to subject imports from Malaysia subject to Commerce's affirmative determination of critical circumstances.

V. Conclusion

For the reasons stated above, we determine that an industry in the United States is materially injured by reason of subject imports of ferrosilicon from Brazil, Kazakhstan, and Malaysia found by Commerce to be sold in the United States at LTFV and subsidized by the governments of Brazil, Kazakhstan, and Malaysia.

We also find that critical circumstances do not exist with respect to imports of ferrosilicon from Brazil and Malaysia that are subject to Commerce's final affirmative critical circumstances determinations in its countervailing duty investigations.

Part 1: Introduction

Background

These investigations result from petitions filed with the U.S. Department of Commerce (“Commerce”) and the U.S. International Trade Commission (“USITC” or “Commission”) by Ferroglobe USA, Inc. (“Ferroglobe”), Beverly, Ohio, and CC Metals and Alloys, LLC (“CC Metals”), Calvert City, Kentucky, on March 28, 2024, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized and less-than-fair-value (“LTFV”) imports of ferrosilicon¹ from Brazil, Kazakhstan, Malaysia, and Russia. Table 1.1 presents information relating to the background of these investigations.^{2 3}

Table 1.1 Ferrosilicon: Information relating to the background and schedule of this proceeding

Effective date	Action
March 28, 2024	Petitions filed with Commerce and the Commission; institution of the Commission’s investigations (89 FR 23042, April 3, 2024)
April 17, 2024	Commerce’s notice of initiation of countervailing duty (CVD) and antidumping duty (AD) investigations (89 FR 31133 and 89 FR 31137, April 24, 2024)
May 13, 2024	Commission’s preliminary determinations (89 FR 43435, May 17, 2024)
June 28, 2024	Commerce’s preliminary affirmative CVD and AD determinations regarding imports from Russia (89 FR 53949 and 89 FR 53953, June 28, 2024); scheduling of final phase of Commission investigations (89 FR 56407, July 9, 2024)
August 6, 2024	Commission’s notice of revised schedule pursuant to Commerce’s tolling of deadlines (89 FR 65671, August 12, 2024)
August 28, 2024	Commerce’s preliminary affirmative CVD and AD critical circumstances determinations regarding imports from Russia (89 FR 68860, August 28, 2024)
September 10, 2024	Commerce’s preliminary affirmative CVD determinations regarding imports from Brazil, Kazakhstan, and Malaysia; alignment of final CVD determinations with final AD determinations; and preliminary affirmative critical circumstances determinations regarding imports from Brazil and Malaysia (89 FR 73364, 89 FR 73369, and 89 FR 73371, September 10, 2024)
September 12, 2024	Commission’s hearing

¹ For a complete description of the merchandise subject to this proceeding, see the section entitled “The Subject Merchandise” in Part 1 of Ferrosilicon from Russia (Final), USITC Publication 5556, November 2024.

² Pertinent Federal Register notices are referenced in appendix A and may be found at the Commission’s website (www.usitc.gov).

³ Appendix B presents a list of witnesses that appeared at the Commission’s hearing.

Effective date	Action
September 18, 2024	Commerce's final affirmative CVD and AD determinations and critical circumstances determinations regarding imports from Russia (89 FR 76454 and 89 FR 76450, September 18, 2024)
October 17, 2024	Commission's vote (Russia)
November 4, 2024	Commission's views (Russia)
November 6, 2024	Commerce's preliminary affirmative AD determinations regarding imports from Brazil, Kazakhstan, and Malaysia; and postponement of final determinations (89 FR 88004, 89 FR 88007, and 89 FR 88010, November 6, 2024)
November 21, 2024	Commerce's CVD and AD orders (Russia) (89 FR 92092, November 21, 2024)
March 28, 2025	Commerce's final CVD and AD determinations regarding imports from Brazil, Kazakhstan, and Malaysia (90 FR 14075, 90 FR 14077, 90 FR 14105, 90 FR 14108, 90 FR 14112, and 90 FR 14114, March 28, 2025); scheduling of final phase of Commission's investigations regarding imports from Brazil, Kazakhstan, and Malaysia (90 FR 14869, April 4, 2025)
April 30, 2025	Commission's vote (Brazil, Kazakhstan, and Malaysia)
May 12, 2025	Commission's views (Brazil, Kazakhstan, and Malaysia)

The information contained in this report is intended to be used in conjunction with data presented in Ferrosilicon from Russia (Final), USITC Publication 5556, November 2024, and its corresponding confidential report contained in memorandum INV-WW-123, October 2, 2024.⁴ No new information except for Commerce's final CVD and LTFV determinations concerning ferrosilicon from Brazil, Kazakhstan, and Malaysia, and party comments thereon is included in the record for this proceeding.⁵

Nature and extent of subsidies and sales at LTFV

Subsidies

On March 28, 2025, Commerce published notices in the Federal Register of its final determinations of countervailable subsidies for producers and exporters of ferrosilicon from

⁴ Appendix C of this report reproduces summary data referenced in the Commission's views.

⁵ Comments consistent with the statutory limitation for subsequently completed investigations were filed on behalf of Ferroglobe and CC Metals (collectively "Petitioners"), Cia Ferro Ligas da Bahia – FERBASA; Minasligas S.A.; Bozel Brasil S.A.; Rima Industrial S.A.; Nova Era Silicon S.A.; and Libra Ligas do Brasil S.A. (collectively "the Brazilian respondents"), OM Materials (Sarawak) Sdn. Bhd. ("OMSA"), and TNC Kazchrome JSC ("Kazchrome").

Brazil, Kazakhstan, and Malaysia.⁶ Tables 1.2 through 1.4 present Commerce’s findings of subsidization of ferrosilicon from Brazil, Kazakhstan, and Malaysia, respectively.

Table 1.2 Ferrosilicon: Commerce’s final subsidy determination with respect to imports from Brazil

Entity	Final countervailable subsidy rate (percent)
Companhia de Ferro Ligas da Bahia—FERBASA	5.25
Ligas de Alumínio S.A.	61.73
Minasligas S.A.	4.44
All others	5.01

Source: 90 FR 14114, March 28, 2025.

Note: The subsidy rate for Ligas de Alumínio S.A. is based on an adverse inference.

Table 1.3 Ferrosilicon: Commerce’s final subsidy determination with respect to imports from Kazakhstan

Entity	Final countervailable subsidy rate (percent)
TELF AG	265.38
TNC Kazchrome JSC	265.38
YDD Corporation LLP	16.76
All others	16.76

Source: 90 FR 14108, March 28, 2025.

Note: The subsidy rates for TELF AG and TNC Kazchrome JSC are based on facts available with adverse inferences. The rate for TNC Kazchrome JSC also applies to its cross-owned companies: Eurasian Energy Corporation JSC and Shubarkol Komir JSC. The rate for YDD Corporation LLP also applies to its cross-owned companies: ASIA FerroAlloys LLP; and KazSilicon Metallurgical Combine LLP.

Table 1.4 Ferrosilicon: Commerce’s final subsidy determination with respect to imports from Malaysia

Entity	Final countervailable subsidy rate (percent)
OM Materials (Sarawak) Sdn. Bhd	2.78
Pertama Ferroalloys Sdn. Bhd	3.48
All others	3.08

Source: 90 FR 14075, March 28, 2025.

Note: Commerce has found the following companies to be cross-owned with OM Materials (Sarawak) Sdn. Bhd: OM Materials & Logistics (M) Sdn. Bhd; OM Materials (Samalaju) Sdn. Bhd; and OM Engineering Tech (M) Sdn. Bhd.

⁶ 90 FR 14075, 90 FR 14108, and 90 FR 14114, March 28, 2025.

Sales at LTFV

On March 28, 2025, Commerce published notices in the Federal Register of its final determinations of sales at LTFV with respect to imports from Brazil, Kazakhstan, and Malaysia.⁷ Tables 1.5 through 1.7 present Commerce’s dumping margins with respect to imports of ferrosilicon from Brazil, Kazakhstan, and Malaysia.

Table 1.5 Ferrosilicon: Commerce’s final weighted-average LTFV margins with respect to imports from Brazil

Exporter/Producer	Final dumping margin (percent)
Companhia de Ferro Ligas da Bahia S.A.	13.66
Ligas de Alumínio S.A.	21.78
Minasligas S.A.	0.78
All others	13.66

Source: 90 FR 14112, March 28, 2025.

Note: The dumping margin for Ligas de Alumínio S.A. is based on adverse facts available. The dumping margin for Minasligas S.A. is de minimis.

Table 1.6 Ferrosilicon: Commerce’s final weighted-average LTFV margins with respect to imports from Kazakhstan

Exporter/Producer	Final dumping margin (percent)
TNC Kazchrome JSC	6.20
YDD Corporation LLP; Asia FerroAlloys LLP; KazSilicon Metallurgical Combine LLP	6.01
All others	6.05

Source: 90 FR 14077, March 28, 2025.

Note: Commerce has found that YDD Corporation LLP, Asia FerroAlloys LLP, and KazSilicon Metallurgical Combine LLP comprise a single entity.

Table 1.7 Ferrosilicon: Commerce’s final weighted-average LTFV margins with respect to imports from Malaysia

Exporter/Producer	Final dumping margin (percent)
OM Materials (Sarawak) Sdn. Bhd	5.13
Pertama Ferroalloys Sdn. Bhd	21.26
All others	12.24

Source: 90 FR 14105, March 28, 2025.

⁷ 90 FR 14077, 90 FR 14105, and 90 FR 14112, March 28, 2025.

Negligibility

The statute requires that an investigation be terminated without an injury determination if imports of the subject merchandise are found to be negligible.⁸ Negligible imports are generally defined in the Act, as amended, as imports from a country of merchandise corresponding to a domestic like product where such imports account for less than 3 percent of the volume of all such merchandise imported into the United States in the most recent 12-month period for which data are available that precedes the filing of the petition or the initiation of the investigation. However, if there are imports of such merchandise from a number of countries subject to investigations initiated on the same day that individually account for less than 3 percent of the total volume of the subject merchandise, and if the imports from those countries collectively account for more than 7 percent of the volume of all such merchandise imported into the United States during the applicable 12-month period, then imports from such countries are deemed not to be negligible.⁹ Table 1.8 presents the individual shares of total imports by source during March 2023 through February 2024.

Table 1.8 Ferrosilicon: U.S. imports in the twelve-month period preceding the filing of the petitions, March 2023 through February 2024

Quantity in short tons contained silicon; share in percent

Source of imports	Quantity	Share of quantity
Brazil AD	***	***
Brazil CVD	27,850	17.9
Kazakhstan	10,469	6.7
Malaysia	20,273	13.0
Russia	43,821	28.2
Nonsubject sources	53,042	34.1
All import sources	155,455	100.0

Source: Compiled from official U.S. import statistics of the U.S. Department of Commerce Census Bureau using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: Share of quantity is the share of total imports by quantity. Brazil AD excludes imports from Minasligas S.A. because it received a de minimis dumping margin (table 1.5).

⁸ Sections 703(a)(1), 705(b)(1), 733(a)(1), and 735(b)(1) of the Act (19 U.S.C. §§ 1671b(a)(1), 1671d(b)(1), 1673b(a)(1), and 1673d(b)(1)).

⁹ Section 771 (24) of the Act (19 U.S.C § 1677(24)).

Critical circumstances

On March 28, 2025, Commerce issued its final determinations in its CVD investigations that “critical circumstances” exist with regard to certain imports from Brazil and Malaysia.¹⁰ For Brazil, Commerce determined that critical circumstances exist with respect to imports of ferrosilicon from Ligas de Alumínio S.A. (Liasa) and Minasligas S.A. (Minasligas), but do not exist with respect to Companhia de Ferro Ligas da Bahia—FERBASA (Ferbasa) and all other exporters or producers. For Malaysia, Commerce determined that critical circumstances do not exist with respect to OM Materials (Sarawak) Sdn. Bhd. (OM Materials) and Pertama Ferroalloys Sdn. Bhd. (Pertama) but do exist with respect to imports of ferrosilicon from all other exporters or producers.¹¹ In these investigations, if both Commerce and the Commission make affirmative final critical circumstances determinations, certain subject imports may be subject to duties retroactive by 90 days from September 10, 2024, the effective date of Commerce’s affirmative preliminary CVD determinations. The record contains official import statistics and U.S. importer questionnaire data through July 31, 2024, the most recent complete month for which data were available prior to the Commission making its final release of information before closing the record. Thus, the monthly U.S. import volumes and end-of-period inventories tables below do not present data beyond July 31, 2024.¹² Tables 1.9 through 1.12 and figures 1.1 and 1.2 present these data.

¹⁰ 90 FR 14075 and 90 FR 14114, March 28, 2025. Commerce also made negative critical circumstances determinations in the context of its AD investigations with regard to certain imports from Kazakhstan and Malaysia. 90 FR 14077 and 90 FR 14105, March 28, 2025.

¹¹ 90 FR 14075 (Malaysia) and 90 FR 14114 (Brazil), March 28, 2025. When petitioners file timely allegations of critical circumstances, Commerce examines whether there is a reasonable basis to believe or suspect that (1) either there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at LTFV and that there was likely to be material injury by reason of such sales; and (2) there have been massive imports of the subject merchandise over a relatively short period.

¹² The Commission makes its final determinations based on the record compiled in the first investigation and the record may only be supplemented in subsequent investigations with Commerce’s subsequently completed final determinations and party comments on Commerce’s final determinations. 19 U.S.C. § 1677(7)(G)(iii).

Table 1.9 Ferrosilicon: U.S. imports from Brazil subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by month

Quantity in short tons contained silicon

Month	Relation to petition	Quantity
October 2023	Before	***
November 2023	Before	***
December 2023	Before	***
January 2024	Before	***
February 2024	Before	***
March 2024	Before	***
April 2024	After	***
May 2024	After	***
June 2024	After	***
July 2024	After	***

Table continued.

Table 1.9 (Continued) Ferrosilicon: U.S. imports from Brazil subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by month

Quantity in short tons contained silicon

Comparison pre-post petition period	Cumulative before period quantity	Cumulative after period quantity	Difference in percent
1 month	***	***	***
2 months	***	***	***
3 months	***	***	***
4 months	***	***	***

Source: Compiled from Proprietary, Census-edited Customs records using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent. Zeroes, null values, and undefined calculations are suppressed and shown as "--". The Commerce affirmative final CVD critical circumstances determination applies to Brazilian producers Liasa and Minasligas.

Figure 1.1 Ferrosilicon: U.S. imports from Brazil subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by month

* * * * *

Source: Compiled from Proprietary, Census-edited Customs records using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: The Commerce affirmative final CVD critical circumstances determination applies to Brazilian producers Liasa and Minasligas.

Table 1.10 Ferrosilicon: U.S. importers’ U.S. inventories of imports from Brazil subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by date

Quantity in short tons; index in percent

Inventories on or around	Quantity	Index
November 30, 2023	***	***
December 31, 2023	***	***
March 31, 2024	***	100.0
April 30, 2024	***	***
May 31, 2024	***	***
June 30, 2024	***	***
July 31, 2024	***	***

Source: Compiled from Proprietary, Census-edited Customs records using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: Index based on end-of-period inventories on March 31, 2024, equal to 100.0 percent. The Commerce affirmative final CVD critical circumstances determination applies to Brazilian producers Liasa and Minasligas. U.S. importer *** did not respond to the Commission’s supplemental questionnaire. Staff correspondence with ***, September 20, 2024. Staff estimated the firm’s monthly inventories of imports from the subject suppliers based on information the firm provided in its original questionnaire response and proprietary Customs records.

Table 1.11 Ferrosilicon: U.S. imports from Malaysia subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by month

Quantity in short tons contained silicon

Month	Relation to petition	Quantity
October 2023	Before	***
November 2023	Before	***
December 2023	Before	***
January 2024	Before	***
February 2024	Before	***
March 2024	Before	***
April 2024	After	***
May 2024	After	***
June 2024	After	***
July 2024	After	***

Table continued.

Table 1.11 (Continued) Ferrosilicon: U.S. imports from Malaysia subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by month

Quantity in short tons contained silicon

Comparison pre-post petition period	Cumulative before period quantity	Cumulative after period quantity	Difference in percent
1 month	***	***	***
2 months	***	***	***
3 months	***	***	***
4 months	***	***	***

Source: Compiled from Proprietary, Census-edited Customs records using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent. Zeroes, null values, and undefined calculations are suppressed and shown as "--". The Commerce affirmative final CVD critical circumstances determination applies to all Malaysian producers except OM Materials and Pertamina.

Figure 1.2 Ferrosilicon: U.S. imports from Malaysia subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by month

* * * * *

Source: Compiled from Proprietary, Census-edited Customs records using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: The Commerce affirmative final CVD critical circumstances determination applies to all Malaysian producers except OM Materials and Pertamina.

Table 1.12 Ferrosilicon: U.S. importers’ U.S. inventories of imports from Malaysia subject to Commerce’s affirmative final critical circumstances determination in the CVD investigation, by date

Quantity in short tons

Date	Quantity	Index
November 30, 2023	***	***
December 31, 2023	***	***
March 31, 2024	***	***
April 30, 2024	***	***
May 31, 2024	***	***
June 30, 2024	***	***
July 31, 2024	***	***

Source: Compiled from Proprietary, Census-edited Customs records using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed September 16, 2024. Imports are based on the imports for consumption data series.

Note: Shares and ratios shown as "0.0" represent values greater than zero, but less than "0.05" percent. Zeroes, null values, and undefined calculations are suppressed and shown as "---". The Commerce affirmative final CVD critical circumstances determination applies to all Malaysian producers except OM Materials and Pertamina. ***.

APPENDIX A
FEDERAL REGISTER NOTICES

The Commission makes available notices relevant to its investigations and reviews on its website, 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 23042, April 3, 2024	Ferrosilicon From Brazil, Kazakhstan, Malaysia, and Russia; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations	https://www.govinfo.gov/content/pkg/FR-2024-04-03/pdf/2024-07067.pdf
89 FR 31133, April 24, 2024	Ferrosilicon From Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Countervailing Duty Investigations	https://www.govinfo.gov/content/pkg/FR-2024-04-24/pdf/2024-08675.pdf
89 FR 31137, April 24, 2024	Ferrosilicon From Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations	https://www.govinfo.gov/content/pkg/FR-2024-04-24/pdf/2024-08674.pdf
89 FR 43435, May 17, 2024	Ferrosilicon from Brazil, Kazakhstan, Malaysia, and Russia; Determinations	https://www.govinfo.gov/content/pkg/FR-2024-05-17/pdf/2024-10827.pdf
89 FR 46860, May 30, 2024	Ferrosilicon From Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Countervailing Duty Investigations	https://www.govinfo.gov/content/pkg/FR-2024-05-30/pdf/2024-11908.pdf
89 FR 53949, June 28, 2024	Ferrosilicon From the Russian Federation: Preliminary Affirmative Countervailing Duty Determination	https://www.govinfo.gov/content/pkg/FR-2024-06-28/pdf/2024-14197.pdf
89 FR 53953, June 28, 2024	Ferrosilicon From the Russian Federation: Preliminary Affirmative Determination of Sales at Less Than Fair Value	https://www.govinfo.gov/content/pkg/FR-2024-06-28/pdf/2024-14198.pdf
89 FR 56407, July 9, 2024	Ferrosilicon From Brazil, Kazakhstan, Malaysia, and Russia; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations	https://www.govinfo.gov/content/pkg/FR-2024-07-09/pdf/2024-15058.pdf
89 FR 65671, August 12, 2024	Ferrosilicon From Brazil, Kazakhstan, Malaysia, and Russia; Revised Schedule for the Subject Investigations	https://www.govinfo.gov/content/pkg/FR-2024-08-12/pdf/2024-17817.pdf
89 FR 66678, August 16, 2024	Ferrosilicon From Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations	https://www.govinfo.gov/content/pkg/FR-2024-08-16/pdf/2024-18384.pdf
89 FR 68860, August 28, 2024	Ferrosilicon From the Russian Federation: Preliminary Affirmative Critical Circumstances Determinations	https://www.govinfo.gov/content/pkg/FR-2024-08-28/pdf/2024-19393.pdf

Citation	Title	Link
89 FR 73364, September 10, 2024	Ferrosilicon From Malaysia: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination, in Part, and Alignment of Final Determination With Final Antidumping Duty Determination	https://www.govinfo.gov/cont ent/pkg/FR-2024-09-10/pdf/2024-20364.pdf
89 FR 73369, September 10, 2024	Ferrosilicon From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination	https://www.govinfo.gov/cont ent/pkg/FR-2024-09-10/pdf/2024-20365.pdf
89 FR 73371, September 10, 2024	Ferrosilicon From Brazil: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative Critical Circumstances Determination in Part, and Alignment of Final Determination With Final Antidumping Duty Determination	https://www.govinfo.gov/cont ent/pkg/FR-2024-09-10/pdf/2024-20363.pdf
89 FR 76450, September 18, 2024	Ferrosilicon From the Russian Federation: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances	https://www.govinfo.gov/cont ent/pkg/FR-2024-09-18/pdf/2024-21175.pdf
89 FR 76454, September 18, 2024	Ferrosilicon From the Russian Federation: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances	https://www.govinfo.gov/cont ent/pkg/FR-2024-09-18/pdf/2024-21181.pdf
89 FR 88004, November 6, 2024	Ferrosilicon From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures	https://www.govinfo.gov/cont ent/pkg/FR-2024-11-06/pdf/2024-25794.pdf
89 FR 88007, November 6, 2024	Ferrosilicon From Kazakhstan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures	https://www.govinfo.gov/cont ent/pkg/FR-2024-11-06/pdf/2024-25795.pdf
89 FR 88010, November 6, 2024	Ferrosilicon From Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures	https://www.govinfo.gov/cont ent/pkg/FR-2024-11-06/pdf/2024-25796.pdf
89 FR 88814, November 8, 2024	Ferrosilicon from Russia	https://www.govinfo.gov/cont ent/pkg/FR-2024-11-08/pdf/2024-25976.pdf
89 FR 92092, November 21, 2024	Ferrosilicon From the Russian Federation: Antidumping and Countervailing Duty Orders	https://www.govinfo.gov/cont ent/pkg/FR-2024-11-21/pdf/2024-27283.pdf

Citation	Title	Link
89 FR 99829, December 11, 2024	Ferrosilicon From Malaysia: Amended Preliminary Determination of Sales at Less Than Fair Value and Amended Preliminary Negative Determination of Critical Circumstances	https://www.govinfo.gov/cont ent/pkg/FR-2024-12-11/pdf/2024-29114.pdf
90 FR 14075, March 28, 2025	Ferrosilicon From Malaysia: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances, in Part	https://www.govinfo.gov/cont ent/pkg/FR-2025-03-28/pdf/2025-05306.pdf
90 FR 14077, March 28, 2025	Ferrosilicon From Kazakhstan: Final Affirmative Determination of Sales at Less-Than-Fair-Value and Final Negative Determination of Critical Circumstances	https://www.govinfo.gov/cont ent/pkg/FR-2025-03-28/pdf/2025-05303.pdf
90 FR 14105, March 28, 2025	Ferrosilicon From Malaysia: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances	https://www.govinfo.gov/cont ent/pkg/FR-2025-03-28/pdf/2025-05305.pdf
90 FR 14108, March 28, 2025	Ferrosilicon From the Republic of Kazakhstan: Final Affirmative Countervailing Duty Determination	https://www.govinfo.gov/cont ent/pkg/FR-2025-03-28/pdf/2025-05304.pdf
90 FR 14112, March 28, 2025	Ferrosilicon From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value	https://www.govinfo.gov/cont ent/pkg/FR-2025-03-28/pdf/2025-05302.pdf
90 FR 14114, March 28, 2025	Ferrosilicon From Brazil: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part	https://www.govinfo.gov/cont ent/pkg/FR-2025-03-28/pdf/2025-05301.pdf
90 FR 14869, April 4, 2025	Ferrosilicon From Brazil, Kazakhstan, and Malaysia; Supplemental Schedule for the Final Phase of Countervailing Duty and Antidumping Duty Investigations	https://www.govinfo.gov/cont ent/pkg/FR-2025-04-04/pdf/2025-05789.pdf

APPENDIX B

LIST OF HEARING WITNESSES

CALENDAR OF PUBLIC HEARING

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

Subject: Ferrosilicon from Brazil, Kazakhstan, Malaysia, and Russia
Inv. Nos.: 701-TA-712-715 and 731-TA-1679-1682 (Final)
Date and Time: September 12, 2024 9:30 a.m.

Sessions were held in connection with these investigations in the Main Hearing Room (Room 101), 500 E Street, SW., Washington, DC.

OPENING REMARKS:

In Support of Imposition (**Adam H. Gordon**, The Bristol Group PLLC)
In Opposition to Imposition (**Yujin McNamara**, Akin Gump Strauss Hauer & Feld LLP)

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

The Bristol Group PLLC
Washington, DC
on behalf of

CC Metals and Alloys, LLC ("CC Metals")
Ferroglobe USA, Inc. ("Ferroglobe")

John Hammer, North American Vice President of Sales, Ferroglobe

Eli David, Commercial Director Foundry Products North America, Ferroglobe

Delia Elazazy, Manager Marketing Services, Ferroglobe

Taylor Cook, Account Manager - North America, Ferroglobe

Phil Frerking, Account Manager - Foundry, Ferroglobe

Menachem Sossonko, Vice President and Treasurer, CC Metals

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

Chris Cobb, Plant Manager, CC Metals

Adam H. Gordon)
Jennifer M. Smith-Veluz) – OF COUNSEL
Benjamin J. Bay)

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

Akin Gump Strauss Hauer & Feld LLP
Washington, DC
on behalf of

Cia Ferro Ligas da Bahia – FERBASA
Minasligas S.A.
Bozel Brasil S.A.
Rima Industrial S.A.
Nova Era Silicon S.A.
Libra Ligas do Brasil S.A.
(collectively “Brazilian Respondents”)

Bruno Parreiras, Associação Brasileira dos Produtores de Ferroligas e Silício
Metálico (ABRAFE)

Felipe Zica, Minasligas S.A.

Marco Oliveira, Cia Ferro Ligas da Bahia – FERBASA

Samuel Fleming, CCMA, LLC

Marc Demaleingreau, LS Alloys Trading Sàrl

James P. Dougan, Partner, ION Economics, LLC

Yujin K. McNamara)
) – OF COUNSEL
Sydney L. Stringer)

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

Baker & McKenzie LLP
Washington, DC
on behalf of

TNC Kazchrome JSC ("Kazchrome")
OM Materials (Sarawak) Sdn Bhd
OM Materials (S) Pte Ltd
(collectively "OM Materials")

Christine M. Streatfeild) – OF COUNSEL

Mayer Brown LLP
Washington, DC
on behalf of

Ferronix, Inc. ("Ferronix")

Sydney Mintzer) – OF COUNSEL

Mayer Brown LLP
Washington, DC
on behalf of

YDD Corporation LLP ("YDD")

Matthew McConkey) – OF COUNSEL

REBUTTAL/CLOSING REMARKS:

In Support of Imposition (**Benjamin J. Bay**, The Bristol Group PLLC)
In Opposition to Imposition (**Christine M. Streatfeild**, Baker & McKenzie LLP)

APPENDIX C
SUMMARY DATA

Table C.1

Ferrosilicon: Summary data concerning the U.S. market, by item and period

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

Item	Reported data					Period changes				
	Calendar year			Jan-Jun		Comparison years			Jan-Jun	
	2021	2022	2023	2023	2024	2021-23	2021-22	2022-23	2023-24	
U.S. consumption quantity:										
Amount.....	***	***	***	***	***	▼***	▲***	▼***	▲***	
Producers' share (fn1).....	***	***	***	***	***	▲***	▲***	▲***	▼***	
Importers' share (fn1):										
Brazil.....	***	***	***	***	***	▲***	▲***	▲***	▲***	
Kazakhstan.....	***	***	***	***	***	▲***	▼***	▲***	▼***	
Malaysia.....	***	***	***	***	***	▲***	▲***	▲***	▲***	
Russia.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
Subject sources.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
Nonsubject sources.....	***	***	***	***	***	▲***	▲***	▼***	▲***	
All import sources.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
U.S. consumption value:										
Amount.....	***	***	***	***	***	▲***	▲***	▼***	▼***	
Producers' share (fn1).....	***	***	***	***	***	▲***	▲***	▲***	▼***	
Importers' share (fn1):										
Brazil.....	***	***	***	***	***	▲***	▲***	▲***	▲***	
Kazakhstan.....	***	***	***	***	***	▲***	▼***	▲***	▼***	
Malaysia.....	***	***	***	***	***	▲***	▼***	▲***	▲***	
Russia.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
Subject sources.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
Nonsubject sources.....	***	***	***	***	***	▲***	▲***	▲***	▲***	
All import sources.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
U.S. imports (or U.S. shipments of imports for Russia) from (fn2):										
Brazil:										
Quantity.....	18,049	24,886	27,729	14,980	21,844	▲53.6	▲37.9	▲11.4	▲45.8	
Value.....	34,838	82,201	64,349	38,083	39,940	▲84.7	▲136.0	▼(21.7)	▲4.9	
Unit value.....	\$1,930	\$3,303	\$2,321	\$2,542	\$1,828	▲20.2	▲71.1	▼(29.7)	▼(28.1)	
Ending inventory quantity.....	***	***	***	***	***	▼***	▲***	▼***	▲***	
Kazakhstan:										
Quantity.....	11,046	5,020	12,304	8,461	4,587	▲11.4	▼(54.6)	▲145.1	▼(45.8)	
Value.....	27,159	31,426	34,164	23,619	10,285	▲25.8	▲15.7	▲8.7	▼(56.5)	
Unit value.....	\$2,459	\$6,260	\$2,777	\$2,791	\$2,242	▲12.9	▲154.6	▼(55.6)	▼(19.7)	
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***	
Malaysia:										
Quantity.....	13,797	16,496	19,192	9,380	20,379	▲39.1	▲19.6	▲16.3	▲117.3	
Value.....	40,653	77,783	45,644	25,078	35,031	▲12.3	▲91.3	▼(41.3)	▲39.7	
Unit value.....	\$2,946	\$4,715	\$2,378	\$2,674	\$1,719	▼(19.3)	▲60.0	▼(49.6)	▼(35.7)	
Ending inventory quantity.....	***	***	***	***	***	▼***	▲***	▼***	▲***	
Russia (fn2):										
Quantity.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
Value.....	***	***	***	***	***	▼***	▲***	▼***	▲***	
Unit value.....	***	***	***	***	***	▼***	▲***	▼***	▼***	
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***	
Subject sources:										
Quantity.....	***	***	***	***	***	▼***	▼***	▼***	▲***	
Value.....	***	***	***	***	***	▼***	▲***	▼***	▲***	
Unit value.....	***	***	***	***	***	▼***	▲***	▼***	▼***	
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***	
Nonsubject sources:										
Quantity.....	39,707	72,218	49,990	23,638	30,115	▲25.9	▲81.9	▼(30.8)	▲27.4	
Value.....	113,837	340,237	198,030	102,434	94,247	▲74.0	▲198.9	▼(41.8)	▼(8.0)	
Unit value.....	\$2,867	\$4,711	\$3,961	\$4,333	\$3,130	▲38.2	▲64.3	▼(15.9)	▼(27.8)	
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***	
All import sources:										
Quantity.....	***	***	***	***	***	▼***	▲***	▼***	▲***	
Value.....	***	***	***	***	***	▼***	▲***	▼***	▼***	
Unit value.....	***	***	***	***	***	▲***	▲***	▼***	▼***	
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***	

Table continued.

Table C.1 (Continued)

Ferrosilicon: Summary data concerning the U.S. market, by item and period

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

Item	Reported data					Period changes			
	Calendar year			Jan-Jun		Comparison years			Jan-Jun
	2021	2022	2023	2023	2024	2021-23	2021-22	2022-23	2023-24
U.S. producers':									
Practical capacity quantity.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Production quantity.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Capacity utilization (fn1).....	***	***	***	***	***	▲***	▲***	▲***	▲***
U.S. shipments:									
Quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Value.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Unit value.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Export shipments:									
Quantity.....	***	***	***	***	***	▲***	▼***	▲***	▼***
Value.....	***	***	***	***	***	▲***	▼***	▲***	▼***
Unit value.....	***	***	***	***	***	▼***	▼***	▲***	▼***
Ending inventory quantity.....	***	***	***	***	***	▲***	▲***	▼***	▲***
Inventories/total shipments (fn1).....	***	***	***	***	***	▲***	▲***	▼***	▲***
Production workers.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Hours worked (1,000s).....	***	***	***	***	***	▲***	▲***	▲***	▼***
Wages paid (\$1,000).....	***	***	***	***	***	▲***	▲***	▲***	▼***
Hourly wages (dollars per hour).....	***	***	***	***	***	▲***	▲***	▼***	▲***
Productivity (STCS per 1,000 hours).....	***	***	***	***	***	▼***	▼***	▼***	▲***
Unit labor costs.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Net sales:									
Quantity.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Value.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Unit value.....	***	***	***	***	***	▲***	▲***	▼***	▼***
Cost of goods sold (COGS).....	***	***	***	***	***	▲***	▲***	▲***	▼***
Gross profit or (loss) (fn3).....	***	***	***	***	***	▼***	▲***	▼***	▼***
SG&A expenses.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Operating income or (loss) (fn3).....	***	***	***	***	***	▼***	▲***	▼***	▼***
Net income or (loss) (fn3).....	***	***	***	***	***	▼***	▲***	▼***	▼***
Unit COGS.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Unit SG&A expenses.....	***	***	***	***	***	▲***	▲***	▲***	▲***
Unit operating income or (loss) (fn3).....	***	***	***	***	***	▼***	▲***	▼***	▼***
Unit net income or (loss) (fn3).....	***	***	***	***	***	▼***	▲***	▼***	▼***
COGS/sales (fn1).....	***	***	***	***	***	▲***	▼***	▲***	▲***
Operating income or (loss)/sales (fn1)....	***	***	***	***	***	▼***	▲***	▼***	▼***
Net income or (loss)/sales (fn1).....	***	***	***	***	***	▼***	▲***	▼***	▼***
Capital expenditures.....	***	***	***	***	***	▲***	▲***	▲***	▼***
Research and development expenses....	***	***	***	***	***	***	***	***	***
Total assets.....	***	***	***	***	***	▲***	▲***	▲***	***

Source: Compiled from data submitted in response to questionnaires of the Commission and from official U.S. import statistics of the U.S. Department of Commerce Census Bureau using HTS statistical reporting numbers 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050, accessed on September 16, 2024. 508-compliant tables containing these data are contained in Parts 3, 4, 6, and 7 of this report.

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

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

fn2.--All sources except Russia show U.S. imports data based on official import statistics, while data for Russia reflects U.S. shipments of imports reported in response to Commission questionnaires. Official import statistics are based on the imports for consumption data series, import statistics value data reflect landed duty-paid values.

fn3.--Percent changes are calculated only when both comparison values represent profits. The directional change in profitability is provided when one or both comparison values represent a loss.

