

Import Injury Questionnaires – Frequently Asked Questions

The U.S. International Trade Commission (“USITC”) is an independent, nonpartisan, quasi-judicial federal agency that investigates and makes determinations in proceedings involving imports claimed to injure a domestic industry. The USITC and the U.S. Department of Commerce (“Commerce”) are responsible for conducting antidumping (“AD”) and countervailing duty (“CVD”) investigations and five-year (sunset) reviews¹ under Title VII of the Tariff Act of 1930. Under this law, U.S. industries may petition the USITC and Commerce for relief from imports that are sold in the United States at less than fair value (“dumped”) or imports that benefit from countervailable subsidies provided through foreign government programs (“subsidized”). Dumping and certain subsidization are considered unfair trade practices.

The USITC issues questionnaires to domestic producers, importers, purchasers, and foreign producers of the covered product as part of its investigative process to gather data on a firm-level basis. The USITC collects data through questionnaires during the preliminary and final phases of investigations and in subsequent full reviews.

For further information on definitions and investigation phases, please [click here](#).

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¹ For more information, see the definition for five-year reviews [here](#).

USITC Background

Q.A1 – What organization/agency are you with? What is the USITC?

The USITC is an independent, nonpartisan, quasi-judicial federal agency that investigates and makes determinations in proceedings involving imports claimed to injure a domestic industry or violate U.S. intellectual property rights; provides independent analysis and information on tariffs, trade and competitiveness; and maintains the U.S. tariff schedule. For more information, please visit the [USITC's website](#).

General Questions

Q.B1 – Why is this investigation happening? What is the purpose of the questionnaire?

Domestic producers (and/or workers) have filed a [petition](#) with the USITC and Commerce requesting an import injury investigation.² The USITC is collecting information from firms that produced, imported, purchased, and/or exported the product under investigation during the specified period to make its determination in this matter.

The information in the questionnaire is requested under the authority of the Tariff Act of 1930, Title VII. For more information on the USITC's current investigations, please [click here](#).

Q.B2 – How was my firm identified? How did you get my contact information?

Firms are identified by the petitioner(s) as well as through USITC staff research.

Q.B3 – Why does the USITC need this information? Can it be obtained through other sources?

The USITC's questionnaires are designed to collect comprehensive data provided by individual firms to compile accurate information based on a very specific and narrow scope.

Q.B4 – Can our firm be removed from the USITC's contact list for this investigation?

The USITC is required to contact and collect data from relevant firms for its investigations and reviews. Providing a complete and timely questionnaire response will minimize additional requests for information during the course of this proceeding.

² In rare instances, Commerce may self-initiate an investigation. Also, Congress or the United States Trade Representative may request a safeguard investigation.

Mandatory Response

Q.C1 – Is a response to the USITC’s questionnaire mandatory? Is there a penalty if my firm does not complete a response?

A response from U.S. firms to the USITC’s producer, purchaser, and importer questionnaire(s) is mandatory and failure to respond as directed can result in a subpoena or other order to compel the submission of records or information in your firm’s possession (19 U.S.C. § 1333(a)).

Q.C2 – My firm imports this product, but not from any of the countries being investigated. Do we still need to complete this questionnaire?

Yes. If your firm imported the product subject to the investigation from any country at any time during the specified period, you are required to provide a response to the USITC’s questionnaire.

Q.C3 – Our firm does not produce/import/purchase the product defined in the questionnaire. Do we still need to fill it out?

For a full definition of the product under investigation, see p. 2 of the questionnaire. If your firm has not produced, imported, or purchased the product at any time during the data collection period, please provide a signed copy of the certification page (p. 1) of the questionnaire, and indicate “NO”.

Q.C4 – My firm no longer produces/imports/purchases this product and/or my firm closed down. Do we still need to complete a questionnaire response?

If your firm produced, imported, or purchased the product during the specified period, you are required to provide a response to the USITC’s questionnaire. For more information, see response Q.C1.

Q.C5 – My firm produced and/or imported a very small quantity of the product under investigation. Do we still need to complete a questionnaire?

Yes. A response to the USITC’s questionnaire is required. For more information, see response Q.C1. You may also contact the USITC staff listed within the questionnaire for assistance.

Q.C6 – My firm is small, with limited staff and/or resources to complete the USITC’s questionnaire. Do we still need to provide a response?

Yes, a response is required regardless of firm size. You may also contact the USITC staff listed within the questionnaire for assistance.

Q.C7 – How do I opt out of filling out this questionnaire?

A response to the questionnaire is mandatory. See response Q.C1.

Q.C8 – My firm does not support this petition. Do we still need to complete this questionnaire?

Yes. A response to the questionnaire is mandatory. The Commission utilizes information from all firms in the industry regardless of position on the petition or order.

Investigative Process

Q.D1 – My firm has recently filled out a questionnaire for this investigation. Does my firm still have to complete this questionnaire?

Yes. AD/CVD original investigations have two phases (preliminary and final) with subsequent reviews every five years, all with distinct, but mandatory, questionnaires. Please complete the questionnaire(s) for the current phase of the investigation.

Additionally, there may be instances of concurring investigations that cover overlapping or similar products. A questionnaire response is required for each investigation.

If needed, please contact the staff listed in the questionnaire for clarification.

Q.D2 – My firm's operations have not changed since the last time we completed this questionnaire. Do we still need to complete the questionnaire?

Yes. A response is required in both the preliminary and final phases of an investigation, and in any subsequent reviews, as the data collection may have changed (e.g., changes to either full-year and/or interim periods, or additional data as required).

Q.D3 – My firm imported minimal amounts and/or has not imported the product since the last time we completed this questionnaire. Do we still need to submit a questionnaire response?

Yes. A questionnaire response is required. Also see Q.D1.

Q.D4 – Does my firm need to complete every question in the questionnaire?

Please complete all the sections that apply to your firm. The USITC makes its determinations based on available data on the record.

Q.D5 – When will the investigation end? Will duties be implemented and how are they calculated?

Please check the [USITC's website](#) for the date or dates when the USITC issues its determinations and Views. Duty calculations and the applicability of orders fall under the jurisdiction of Commerce. Visit [Commerce's website](#) for more information on its proceedings. Enforcement of orders at the border falls under the jurisdiction of the United States Customs and Border Protection (“CBP”). Visit [CBP's website](#) for more information on its proceedings.

Protection of Confidential Business Information

Q.E1 – My firm has concerns about providing confidential business information. Can the USITC ensure that this information will not be made public?

The USITC is required by law (see 19 U.S.C. § 1677f) to protect confidential business information. Your response will be aggregated with others to develop broad statistics that do not reveal the identity or operations of any one response. Other than approved counsel, no firm will have access to another firm’s data.

Recordkeeping and Data Issues

Q.F1 – My firm does not use the same metrics and/or keep records in the way specified by the questionnaire. Do we still need to complete the questionnaire?

Yes. The USITC accepts carefully prepared estimates in cases where firms are unable to provide exact data. Please indicate in the questionnaire where estimates are provided. For additional guidance, please contact staff listed within the questionnaire.

Q.F2 – My firm internally used the product subject to the investigation. Where do we report these products?

If your firm internally consumed the product subject to the investigation, report these data under the rows labeled “internal consumption” in the applicable tables. Please note internal consumption must be reported at fair market value.

Q.F3 – Can my firm submit a partially completed questionnaire, then get back with finalized data a day or two later?

Firms in receipt of a USITC questionnaire must complete fully the information requested. Please fill out the entire questionnaire to the best of your ability by the established deadline. If there are concerns or questions, please contact the USITC staff listed within the questionnaire for guidance prior to the submission deadline.

Importer of Record

Q.G1 – Another firm manages the imports of this product for my firm. Do we still need to complete this questionnaire?

The firm registered as the importer of record for the product is the party responsible for completing the questionnaire. Please contact the staff listed in the questionnaire for guidance if it is unclear whether your firm is the importer of record.

Extension Requests

Q.H1 – My firm is unable to complete the questionnaire by the due date. Can we have an extension?

The USITC grants extensions on a very limited basis for extenuating circumstances. These requests should be made through the point of contact specified in the questionnaire.

Definitions

Petition – A domestic producer(s) and/or other interested party (such as a trade association or union) may file an antidumping or countervailing duty petition with Commerce and the USITC alleging that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, by reason of imports that are being, or are likely to be, sold in the United States at less than fair value or by reason of imports that are being subsidized by the governments of one or more countries. The filing of a petition initiates the preliminary phase of an investigation.

Preliminary Phase – Within 45 days after the date on which the petition is filed, the USITC makes a determination based upon the available information, of whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the product under investigation.

Final Phase – The Commission typically conducts its investigative activities over a four-to six-month period following the Department of Commerce’s preliminary determinations. The USITC makes a final determination of whether an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the product under investigation. If both the USITC and Commerce reach affirmative final determinations, an order imposing a duty is issued for each country AD or CVD investigation.

Five-Year Reviews – The statute requires the USITC to conduct a review every five years after the publication of an AD/CVD duty order or suspended investigation. Commerce will revoke the order after review unless it determines that dumping or a countervailable subsidy would be likely to continue or recur, and the USITC determines that material injury would be likely to continue or recur.

Questionnaire – The USITC staff drafts questionnaires in the preliminary phase, final phase, and full five-year reviews to collect data and other information from U.S. producers, U.S. importers, purchasers, and foreign producers. The USITC collects this information to make its determinations in investigations and reviews.