

Defending Domestic Interests in the MTB Duty Reduction and Elimination Process – Important Next Steps and Deadlines

Jennifer E. McCadney

February 4, 2020

At the end of 2019, more than 4,000 petitions were filed with the International Trade Commission (ITC) seeking the temporary elimination or reduction of tariffs on products ranging from chemical manufacturing inputs to consumer products. Over the next several months, the ITC will be reviewing and accepting public comments on these petitions. Many of these petitions may be non-controversial, but some could threaten other U.S. companies that produce competitive products. **For U.S. companies that may face this competitive concern, the window is now open to raise objections.**

The tariff suspension petitions are part of the Miscellaneous Tariff Bill (MTB) process, which seeks to suspend tariffs on products not produced in the United States for the benefit of consumers – often manufacturing companies as these tariff suspensions frequently involve input products. In the coming months, the ITC working with other federal agencies (most notably the Department of Commerce and U.S. Customs and Border Protection) will review all of the filed petitions and seek public comments. A final report to Congress from the ITC on the petitions recommended for approval is due on August 10, 2020, with the hope that legislation to implement those recommendations will be signed into law by the end of the year.

MTB petitions are initiated by private companies who are motivated by financial benefits rather than the competitive impact they might have on other American companies. **The primary purpose of the extensive vetting and public comment process is to identify those suspensions that might adversely affect domestic companies.**

The rules and procedures for identifying objections to MTB petitions are designed to give companies that feel they might be adversely impacted because they make the same product for which a suspension is sought the opportunity to object. There are two upcoming opportunities to raise objections or concerns:

VETTING PROCESS. The ITC and the Department of Commerce have already started contacting domestic industries that may have concerns on petitions. Relevant agencies have been willing to accept – and even solicit input – from interested companies.

PUBLIC COMMENT. On **January 10, 2020** the ITC posted all the MTB petitions it is considering on its website. This is an opportunity for interested domestic interests to review the complete list of

petitions filed. The deadline for posting public comments- whether in support of opposition - is **February 24, 2020.**

Kelley Drye stands ready to work with clients to navigate through the process of analyzing and potentially objecting to MTB petitions, whether through the public comment process or working with the agencies. For further information please contact Jennifer McCadney.