

CLIENT ALERT

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INTERNATIONAL TRADE

SECTION 232 STEEL AND ALUMINUM TARIFFS – COMMERCE ISSUES REQUIREMENTS FOR EXCLUSION REQUESTS

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In President Trump's March 8, 2018 proclamations announcing new tariffs on imported steel and aluminum, he directed the Commerce Department to issue procedures within ten days for requests to exclude specific products from the tariffs. Those procedures have now been issued in the form of an interim final rule and provide much clearer direction for affected firms that wish to seek an exclusion.

As expected, Commerce indicated that an exclusion will only be granted if an article is not produced in the United States in a sufficient and reasonably available amount or is not produced in the United States in a satisfactory quality, or for a specific national security consideration.

Exclusion requests are required to be submitted on Commerce's fillable electronic forms with no more than 25 pages of additional supplementary material. The forms call for detailed information about the requesting party and its dealings in the product for which exclusion is requested, as well as a detailed description of the product itself and the availability of the product from U.S. manufacturers. Requests should clearly identify, and provide support for, the basis upon which exclusion is sought.

Only individuals and organizations using steel or aluminum in business activities (e.g., construction, manufacturing or supplying the product to users) in the United States may submit exclusion requests.

Any individual or organization in the United States may file objections to specific exclusion requests. Both requests and objections will be made available for public review and copying. Objections must be filed no later than 30 days after the related exclusion request is posted.

Exclusion requests may be submitted at any time. Requests will normally be decided within 90 days, including any related objections. Approved exclusions will be effective five days after publication in *regulations.gov* and generally will be approved for a period of one year. Approved exclusions may be relied upon only by the requesting individual or organization, unless Commerce approves application of the product-based exclusion for additional importers.

For more information about the Section 232 tariffs, see our March 12 Client Alert [here](#).

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