

NMMA GUIDE

HOW TO REQUEST AN EXCLUSION FROM SECTION 301 TARIFFS

The U.S. Trade Representative (USTR) has established a process by which U.S. stakeholders may request that particular products subject to [the first list of Section 301 tariffs](#) be excluded from the additional duties. This guide sets out the specific procedures and criteria related to submitting a request for product exclusions.

USTR must receive requests by October 9, 2018. Requests will be evaluated by USTR, and if an exclusion is granted it will apply retroactively to July 6, 2018 and extend for one year after the publication of the exclusion.

Procedures to Request the Exclusion of Particular Products

Follow this link to access the online portal: <https://www.regulations.gov/document?D=USTR-2018-0025-0001>.

When requesting a product be excluded, you **MUST** submit a separate request for each individual product impacted. You should **NOT** request exclusion of multiple products or multiple HTS codes in a single filing.

USTR provides two options to request an exclusion:

- 1) Complete the [product exclusion form](#) and attach any relevant evidence to support your request.
- 2) Follow the instructions outlined below and provide all required information.

Any request for exclusion must include the following information:

- ▶ A complete and detailed description of the particular product in terms of the physical characteristics (e.g., dimensions, material composition, or other characteristics) that distinguish it from other products within the covered 8- digit subheading. USTR will not consider requests that identify the product using criteria that cannot be made available to the public.
- ▶ The 10 digit subheading of the HTSUS most applicable to the particular product requested for exclusion.
- ▶ Requestors also may submit information on the ability of U.S. Customs and Border Protection to administer the exclusion.
- ▶ Requestors must provide the annual quantity and value of the Chinese-origin product that the requestor purchased in each of the last three years. If precise annual quantity and value information is not available, please provide an estimate and explain the basis for the estimation.
- ▶ Whether the particular product is available only from China. In addressing this factor, requestors should address specifically whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.
- ▶ Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- ▶ Whether the particular product is strategically important or related to “Made in China 2025” or other Chinese industrial programs. Requestors may also provide any other information or data that they consider relevant to an evaluation of the request.

Ready to submit? Click on the blue “Comment Now!” box and upload a PDF file of your request documents. Any request that contains business confidential information (BCI) must be accompanied by a public version. The public version will be posted on [regulations.gov](https://www.regulations.gov).

Have questions? Call USTR Help Line at (202) 395-5725 or email Traderemedycbp@dhs.gov.

For more information, please contact NMMA Senior Vice President of Government Relations and Legal Affairs, Nicole Vasilaros at nvasilaros@nmma.org or NMMA Director of Federal Affairs, Lance West at lwest@nmma.org.