

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-160]

**2,4-Dichlorophenoxyacetic Acid From the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that 2,4-dichlorophenoxyacetic acid (2,4-D) from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is July 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable November 14, 2024.

**FOR FURTHER INFORMATION CONTACT:** Matthew Palmer or Anjali Mehindiratta, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1678 or (202) 482-9127, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 30, 2024.<sup>1</sup> On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.<sup>2</sup> On August 20, 2024, Commerce postponed the preliminary determination of this investigation and

the revised deadline is now November 6, 2024.<sup>3</sup>

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.<sup>4</sup> A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Scope of the Investigation**

The products covered by this investigation is 2,4-D from China. For a complete description of the scope of this investigation, *see* Appendix I.

**Scope Comments**

In accordance with the *Preamble* to Commerce's regulations,<sup>5</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (scope).<sup>6</sup> No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. However, on June 11, 2024, in response to a supplemental questionnaire,<sup>7</sup> the petitioner clarified its intent to include in the scope Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3808.93.0500 and 3808.93.1500.<sup>8</sup> As a result, Commerce is preliminarily modifying the scope language as it

appeared in the *Initiation Notice* to replace HTSUS subheadings 3808.93.0050 and 3808.93.1400 with HTSUS subheadings 3808.93.0500 and 3808.93.1500. *See* the scope in Appendix I to this notice.

**Methodology**

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Because China is a non-market economy, within the meaning of section 771(18) of the Act, Commerce has calculated normal value in accordance with section 773(c) of the Act. Furthermore, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily relied upon facts otherwise available, with adverse inferences, for the China-wide entity, which includes Shandong Weifang Rainbow Chemical Co., Ltd. (Weifang Rainbow), and the following companies: (1) CAC Nantong Chemical Co., Ltd.; (2) Changzhou Wintafone Chemical; (3) Gansu Xinlengmao Science and Tech Co.; (4) Gansu Yufengyuan Science and Tec Co., Ltd.; (4) Jilin Ivsheng Agrochemical Co., Ltd.; (6) Jingma Chemicals Ltd.; (7) Nanjing Agrochemical Co., Ltd.; (8) Ningxia Hanrun Biotechnology Co., Ltd.; and (9) Tangshan Shengdong Chemical Co., Lt. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

**Combination Rates**

In the *Initiation Notice*,<sup>9</sup> Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.<sup>10</sup>

**Preliminary Determination**

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

<sup>9</sup> *See Initiation Notice*, 89 FR at 34204.

<sup>10</sup> *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries," (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at [enforcement.trade.gov/policy/bull05-1.pdf](https://enforcement.trade.gov/policy/bull05-1.pdf).

<sup>1</sup> *See 2,4-Dichlorophenoxyacetic Acid from the People's Republic of China and India: Initiation of Less-Than-Fair-Value Investigation*, 89 FR 34200 (April 30, 2024) (*Initiation Notice*).

<sup>2</sup> *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

<sup>3</sup> *See 2,4-Dichlorophenoxyacetic Acid from India and the People's Republic of China: Postponement of Preliminary Determinations of Antidumping Duty Investigations*, 89 FR 67420 (August 20, 2024).

<sup>4</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of 2,4-Dichlorophenoxyacetic Acid from the People's Republic of China," dated concurrently with this notice (Preliminary Decision Memorandum).

<sup>5</sup> *See Antidumping Duties: Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>6</sup> *See Initiation Notice*, 89 FR at 34201.

<sup>7</sup> *See* Commerce's Letter, "Scope Supplemental Questions," dated June 4, 2024.

<sup>8</sup> *See* Petitioner's Letter, "Response to Scope Supplemental Questions," dated June 11, 2024.

Producer	Exporter	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Jiangxi Tianyu Chemical Co., Ltd .....	Thai Harvest Ltd. <sup>11</sup> .....	17.07	16.44
China-Wide Entity <sup>12</sup> .....	.....	* 127.21	* 126.58

\* Rate based on facts available with adverse inferences.

### Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of China producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the China producer/exporter combination (or the China-wide entity) that supplied that third-country exporter.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion

countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s). Any such adjusted rates may be found in the “Preliminary Determination” section’s table of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time that the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

### Disclosure

Commerce intends to disclose to parties to the proceeding the calculations and analysis it performed in this preliminary determination within five days of public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

### Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify information relied upon in making its final determination with regard to the cooperative mandatory respondent.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last final verification report is issued in this investigation.<sup>13</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>14</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>15</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>16</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive

<sup>11</sup> We preliminarily find that Thai Harvest and Jiangxi Tianyu Chemical Co., Ltd., are affiliated and should be treated as a single entity pursuant to 19 CFR 351.401(f)(1) for the purposes of this preliminary determination. See Preliminary Determination Memorandum at Section V. “Single Entity Analysis” for further discussion of the preliminary collapsing determination.

<sup>12</sup> We preliminarily determine that application of facts available with an adverse inference is warranted with respect to mandatory respondent Shandong Weifang Rainbow Chemical Co., Ltd. (Weifang Rainbow). Accordingly, we are not granting a separate rate for Weifang Rainbow and consider the respondent a part of the China-wide Entity.

<sup>13</sup> See 19 CFR 351.309(c)(1)(i); see also 19 CFR 351.303 (for general filing requirements).

<sup>14</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>15</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>16</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>17</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.

### Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioners. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping duty determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On October 18, 2024, Thai Harvest requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.<sup>18</sup> On October 17, Corteva Agriscience LLC (the petitioner) also requested that Commerce postpone the final determination.<sup>19</sup> In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final

determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

### U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

### Notification to Interested Parties

This preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: November 6, 2024.

**Abdelali Elouaradia,**  
*Deputy Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The merchandise covered by this investigation is 2,4-dichlorophenoxyacetic acid (2,4-D) and its derivative products, including salt and ester forms of 2,4-D. 2,4-D has the Chemical Abstracts Service (CAS) registry number of 94-75-7 and the chemical formula  $C_8H_6Cl_2O_3$ .

Salt and ester forms of 2,4-D include 2,4-D sodium salt (CAS 2702-72-9), 2,4-D diethanolamine salt (CAS 5742-19-8), 2,4-D dimethyl amine salt (CAS 2008-39-1), 2,4-D isopropylamine salt (CAS 5742-17-6), 2,4-D tri-isopropanolamine salt (CAS 3234180-3), 2,4-D choline salt (CAS 1048373-72-3), 2,4-D butoxyethyl ester (CAS 1929-733), 2,4-D 2-ethylhexylester (CAS 1928-43-4), and 2,4-D isopropylester (CAS 94-11-1). All 2,4-D, as well as the salt and ester forms of 2,4-D, is covered by the scope irrespective of purity, particle size, or physical form.

The conversion of a 2,4-D salt or ester from 2,4-D acid, or the formulation of nonsubject merchandise with the subject 2,4-D, its salts, and its esters in the country of manufacture or in a third country does not remove the subject 2,4-D, its salts, or its esters from the scope. For any such formulations, only the 2,4-D, 2,4-D salt, and 2,4-D ester components of the mixture is covered by the scope of the investigations. Formulations of 2,4-D are products that are registered for end-use applications with the Environmental Protection Agency and contain a dispersion agent.

The country of origin of any 2,4-D derivative salt or ester is determined by the

country in which the underlying 2,4-D acid is produced. 2,4-D, its salts, and its esters are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2918.99.2010. Subject merchandise, including the abovementioned formulations, may also be classified under HTSUS 2922.12.0001, 2921.11.0000, 2921.19.6195, 2922.19.9690, 3808.93.0500, and 3808.93.1500. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes. The written description of the scope of the investigation is dispositive.

### Appendix II

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Application of Facts Available and Use of Adverse Inferences
- V. Single Entity Analysis
- VI. Discussion of the Methodology
  - A. Non-Market Economy Country
  - B. Surrogate Country and Surrogate Value Comments
  - C. Separate Rates
  - D. Combination Rates
  - E. The China-Wide Entity
  - F. Date of Sale
  - G. Comparisons to Fair Value
  - H. Export Price
  - I. Value-Added Tax
  - J. Normal Value
  - K. Factor Valuation Methodology
- VII. Adjustment Under Section 777(A)(F) of the Act
- VIII. Adjustment to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
- IX. Recommendation.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-839]

#### Common Alloy Aluminum Sheet From the Republic of Türkiye: Final Results of Antidumping Duty Administrative Review; 2022-2023

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that common alloy aluminum sheet (CAAS) from the Republic of Türkiye (Türkiye) was sold in the United States at less than normal value during the period of review (POR) April 1, 2022, through March 31, 2023. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable November 14, 2024.

<sup>17</sup> See APO and Service Final Rule.

<sup>18</sup> See Thai Harvest's Letter, "Postponement of Final Determination and Extension of Provisional Measures Period," dated October 18, 2024.

<sup>19</sup> See Petitioner's Letter, "Petitioner's Request to Postpone Final Antidumping Duty Determination," dated October 17, 2024.