

LOST SALES AND LOST REVENUE SURVEY

DISPOSABLE ALUMINUM CONTAINERS, PANS, AND TRAYS FROM CHINA

This survey must be received by the Commission by **May 30, 2024**

See last page for instructions regarding how to file this questionnaire.

The information called for in this survey is for use by the United States International Trade Commission in connection with its countervailing and antidumping duty investigations concerning disposable aluminum containers, pans, and trays ("disposable aluminum containers") from China (Inv. Nos. 701-TA-727 and 731-TA-1695 (Preliminary)). The information requested in the survey is requested under the authority of the Tariff Act of 1930, title VII. This report is mandatory and failure to reply as directed can result in a subpoena or other order to compel the submission of records or information in your possession (19 U.S.C. § 1333(a)). Further information on this survey can be obtained from Lauren McLemore (lauren.mclemore@usitc.gov, 202-205-3489).

Name of firm _____

Address _____

City _____ State _____ Zip Code _____

Website _____

Has your firm purchased, or imported for its own use or retail sale, disposable aluminum containers (as defined on next page) at any time since January 1, 2021?

☐ **NO** (Sign the certification below and promptly return **only** this page of the survey to the Commission)

☐ **YES** (Complete all parts of the survey, and return the entire survey to the Commission)

Return questionnaire via the Commission's secure portal by clicking on the following link:

<https://usitc.gov/qportal>. (PIN: **DISP**). See last page for detailed instructions.

CERTIFICATION

I certify that the information herein supplied in this survey is complete and correct to the best of my knowledge and belief and understand that the information submitted is subject to audit and verification by the Commission. By submitting this certification I also grant consent for the Commission, and its employees and contract personnel, to use the information provided in this survey and throughout this proceeding in any other import-injury proceedings conducted by the Commission on the same or similar merchandise.

I, the undersigned, acknowledge that information submitted in response to this request for information and throughout this investigation or other proceeding may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. I understand that all contract personnel will sign appropriate nondisclosure agreements.

Name of Authorized Official

Title of Authorized Official

Date

Signature

Phone

Email address

GENERAL INFORMATION

Background.--This proceeding was instituted in response to petitions filed on May 16, 2024, by the Aluminum Foil Container Manufacturers Association, Lexington, Kentucky, and its individual members Durable Packaging International, Wheeling, Illinois; D&W Fine Pack, LLC, Wood Dale, Illinois; Handi-Foil Corp., Wheeling, Illinois; Penny Plate, LLC, Fishersville, Virginia; Reynolds Consumer Products, LLC, Lake Forest, Illinois; Shah Foil Products, Inc., Piscataway Township, New Jersey; Smart USA, Inc., Bay Shore, New York; and Trinidad/Benham Corp., Denver, Colorado. Countervailing and antidumping duties may be assessed on the subject imports as a result of these proceedings if the Commission makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce (“Commerce”) makes an affirmative determination of subsidization and/or dumping. Pertinent information to this proceeding is available at:

Questionnaires: https://usitc.gov/reports/active_import_injury_questionnaires.

Other case information: <https://ids.usitc.gov/case/8199/investigation/8570>.

Disposable aluminum containers covered by this proceeding is disposable aluminum containers, pans, and trays produced primarily from flat-rolled aluminum. The subject merchandise includes disposable aluminum containers, pans, and trays regardless of shape or size and whether or not wrinkled or smooth, as well as aluminum lids intended to be used in combination with disposable containers produced from aluminum or other materials (e.g., paper or plastic). Disposable aluminum containers are typically used in food-related applications, including but not limited to food preparation, packaging, baking, barbecuing, reheating, takeout, or storage, but also have other uses. Regardless of end use, certain disposable aluminum containers, pans, and trays that meet the scope definition are subject merchandise.

The term “disposable” means the aluminum article is designed to be used once, or for a limited number of times, and then recycled or otherwise disposed.

Disposable aluminum containers are also included within the scope regardless of whether the surface has been embossed, printed, coated (including with a non-stick substance), or decorated, and regardless of the style of the edges. The inclusion of a nonaluminum lid or dome sold or packaged with an otherwise in-scope article does not remove the article from the scope.

The flat-rolled aluminum used to produce the subject articles may be made to ASTM specifications ASTM B479 or ASTM B209-14, but can also be made to other specifications. Regardless of the specification, however, all disposable aluminum containers meeting the scope description are included in the scope.

Disposable aluminum containers are currently imported under statistical reporting number 7615.10.7125 of the Harmonized Tariff Schedule of the United States (HTSUS). They may also be imported under HTSUS statistical reporting numbers 7612.90.1090, 7615.10.3015, 7615.10.3025, 7615.10.7130, 7615.10.7155, 7615.10.7180, and 7615.10.9100. The HTSUS provisions are for convenience and customs purposes; the written description of the scope is dispositive.

Reporting of information.-- If information is not readily available from your records, provide carefully prepared estimates.

Confidentiality.--The data furnished in response to this survey that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, general characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Release of information.--The information provided by your firm in response to this survey, as well as any other business proprietary information submitted by your firm to the Commission in connection with this proceeding, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with this proceeding or other import-injury proceedings conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals. Please also retain a copy of the final document that you submit.

Contact information.--Please identify the responsible individual and the manner by which Commission staff may contact that individual regarding the confidential information submitted in this survey. This may or may not be the person whose signature is at the bottom of page 1.

| | |
|-----------|--|
| Name | |
| Title | |
| Email | |
| Telephone | |

Firms operating more than one establishment should combine the data for all establishments into a single response.

PURCHASE INFORMATION

1. **Purchases and imports.**— Report separately your firm’s domestic purchases and imports of disposable aluminum containers.

“Purchase” – Purchase from a U.S. entity such as a U.S. producer, a U.S. importer, or other U.S. firm.

“Import” – Purchase directly from a foreign supplier and your firm is the importer of record.

| Item | 2021 | 2022 | 2023 | Jan-Mar 2024 |
|--|----------------------------|------|------|--------------|
| | Quantity (in 1,000 pounds) | | | |
| Purchases of disposable aluminum containers produced in— | | | | |
| United States | | | | |
| China | | | | |
| All other countries ¹ | | | | |
| Sources unknown ² | | | | |
| Total purchases | 0 | 0 | 0 | 0 |
| Imports of disposable aluminum containers from— | | | | |
| China | | | | |
| All other countries ¹ | | | | |
| Total imports ³ | 0 | 0 | 0 | 0 |
| ¹ Please identify these countries: ² Please indicate the firm(s) from which you purchased this merchandise: ³ If your firm imported disposable aluminum containers at any time since January 1, 2021, please also complete and return a U.S. importers' questionnaire in this proceeding. | | | | |

2. **Changes in purchasing patterns.**— Please indicate whether the shares of your firm’s purchases of disposable aluminum containers steadily increased, fluctuated but ended higher, were constant, fluctuated but ended lower, or steadily decreased since January 1, 2021 from the listed sources.

Select one box per row.

| Source of purchases | Did not purchase | Steadily increased | Fluctuated up | No change | Fluctuated down | Steadily decreased | Explanation for trend |
|---------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-----------------------|
| United States | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| China | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| All other countries | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Sources unknown | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

3. **Purchasing subject imports rather than domestic products.**—

- (a) Since January 1, 2021, did your firm import and/or purchase imports of disposable aluminum containers from China instead of purchasing U.S.-produced disposable aluminum containers?

| Source | Yes (also respond to parts (b) and (c)) | No (If “No”, skip to next question) |
|--------|--|--|
| China | <input type="checkbox"/> | <input type="checkbox"/> |

- (b) If you responded “Yes” to part (a), was the imported product priced lower than the domestic product?

| Source | Yes | No |
|--------|--------------------------|--------------------------|
| China | <input type="checkbox"/> | <input type="checkbox"/> |

- (c) If you responded “Yes” to part (a), was price a primary reason for importing and/or purchasing subject imports rather than domestic product?

| Source | Yes | If Yes, estimate the quantity of imports purchased and/or imported instead of domestic product since January 1, 2021 (in 1,000 pounds) | No | If No, please indicate the reason your firm imported and/or purchased imports instead of domestic product |
|---|--------------------------|---|--------------------------|---|
| China | <input type="checkbox"/> | | <input type="checkbox"/> | |
| If the quantity reported above exceeds the total quantity reported in Question 1, please explain. | | | | |

4. U.S. producers and import competition.—

- (a) Since January 1, 2021, in connection with a sale or offer to sell disposable aluminum containers to your firm, did U.S. producers reduce their prices of domestically produced disposable aluminum containers in order to compete with lower-priced imports of disposable aluminum containers from China?

| Source | Yes (also respond to question part (b)) | No (If “No”, skip to next question) | Don’t know |
|--------|---|-------------------------------------|--------------------------|
| China | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- (b) If your firm responded “yes” to the above, please provide an estimate of the reduction in U.S. producers’ prices and any additional explanations.

| Source | Estimated reduction in U.S. prices (percent) | Additional explanation, including such information as timing (e.g., months/years), frequency of price reductions, or other market/competitive factors |
|--------|--|---|
| China | % | |

- 5. Major purchasing factors.—**Please list, in order of their importance, the main factors your firm considers in deciding from whom to purchase disposable aluminum containers.

| | |
|---|--|
| 1. | |
| 2. | |
| 3. | |
| Please list any other factors that are very important in your purchase decisions: | |

6. **Other explanations**--Please provide any additional comments in this box.

| |
|--|
| |
|--|

7. **Stock symbol information**-- If your firm or parent firm is publicly traded, please specify the stock exchange and trading symbol: _____.

8. **External counsel**-- If your firm or parent firm is represented by external counsel in relation to this proceeding, having filed an entry of appearance, please specify the name of the law firm and the lead attorney(s).

| | |
|-------------------|--|
| Law firm: | |
| Lead attorney(s): | |

9. **Reporting requirements.**--Please report the actual number of hours required and the cost to your firm of completing this survey for use by the Office of Management and Budget.

| Hours | Dollars |
|-------|---------|
| | |

Public reporting burden for this survey is estimated to average 4 hours per response, including the time for reviewing instructions, gathering data, and completing and reviewing the survey.

We welcome comments regarding the accuracy of this burden estimate, suggestions for reducing the burden, and any suggestions for improving this questionnaire. Please provide such comments to the Office of Investigations, import_injury@usitc.gov.

HOW TO FILE YOUR SURVEY RESPONSE

Please do not attempt to modify the format or permissions of the survey document.

Please submit the completed survey using one of the methods noted below. If your firm is unable to complete the MS Word survey or cannot use one of the electronic methods of submission, please contact the Commission for further instructions.

- **Upload via Secure Drop Box.**— The questionnaire must be uploaded in two formats: (1) a Microsoft Word 97-2003 document; and (2) a PDF copy of the complete questionnaire with a signature on the first page. Please include any attachments at the end of the PDF (e.g., APO certification, additional comments, etc.).

Web address: <https://usitc.gov/qportal>

Pin: DISP

- **E-mail.**— E-mail the MS Word questionnaire to lauren.mclemore@usitc.gov; include a PDF copy of the complete questionnaire with a signature on the first page. Submitters are strongly encouraged to encrypt nonpublic documents that are electronically transmitted to the Commission to protect your sensitive information from unauthorized disclosure. The USITC secure submission portal and the Electronic Document Information System (EDIS) use Federal Information Processing Standards (FIPS) 140-2 cryptographic algorithms to encrypt data in transit. Submitting your nonpublic documents by a means that does not use these encryption algorithms (such as by email) may subject your firm's nonpublic information to unauthorized disclosure during transmission. If you choose a non-encrypted method of electronic transmission, the Commission warns you that the risk of such possible unauthorized disclosure is assumed by you and not by the Commission.

If your firm did not purchase this product, please fill out page 1, print, sign, and submit a scanned PDF copy via the Commission's secure submission portal or email.