

ITC Says Vietnamese Pressure Washer Cos. Hosed US Rivals

By Alyssa Aquino

Law360 (September 25, 2023, 5:28 PM EDT) -- U.S. producers of gas-powered pressure washers are smarting from Vietnamese imports that are being sold in the U.S. at unfairly low prices, the U.S. International Trade Commission ruled Monday.

An ITC panel ruled 4-0 that the imports were harming U.S. businesses, with one commissioner — Randolph Stayin — not participating in the vote. The ruling gives the U.S. Department of Commerce the final green light to issue antidumping duties on Vietnamese products topping more than 225%.

"A U.S. industry is materially injured by reason of certain imports," the commission said.

The ruling wraps up one leg of a multipart investigation into the Wisconsin-based FNA Group's claims that it was facing a "low-priced, high-volume assault" from Chinese and Vietnamese pressure washer producers.

FNA Group, which describes itself as America's largest gas-powered pressure washer manufacturer, had alleged in a December petition that rival Chinese and Vietnamese companies were selling their products at artificially cheap prices. Amid the dumping, U.S. companies have been losing their share of the U.S. market, even as demand for pressure washers increased during the COVID-19 pandemic, FNA Group said.

It further accused Chinese producers of receiving illegal subsidies from Beijing.

ITC and Commerce both accepted the petition and launched parallel probes into the imports, with the investigations that centered on the Vietnamese products advancing faster than the Chinese investigation.

While the ITC's final vote means Commerce will soon issue its final antidumping duties — calculated in August — on Vietnamese pressure washers, both Commerce and the commission have yet to finalize their findings on Chinese pressure washers.

In May, Commerce preliminarily determined that Chinese pressure washers were being subsidized at rates between 11.19% and 206.57%. Two months later, the department preliminarily found the same products were being dumped in the U.S. at margins between 263.25% and 274.37%.

Most of those tariffs, according to fact sheets from Commerce, were calculated based on adverse facts

available, after several Chinese companies refused to participate in the investigation. Commerce's final results are slated to be released in October.

Counsel for FNA and the importers didn't immediately respond to requests for comment.

FNA is represented by Matthew J. McConkey, Duane W. Layton and Fabian P. Rivelis of Mayer Brown LLP.

The importers are represented by Kristin Mowry, Jeffrey Grimson, Bryan Cenko, Jill Cramer, RONALDA SMITH, Sarah Wyss and Yixin Li of Mowry & Grimson PLLC.

The case is Gas-Powered Pressure Washers From Vietnam, investigation numbers 731-TA-1598, in the International Trade Commission.

--Editing by Jeremy Abrams.