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§ 751(b) Changed Circumstances
Review: NME Status CCR
AD/CVD Operations, Office IV

PUBLIC DOCUMENT

ELECTRONICALLY FILED

The Honorable Gina M. Raimondo
Secretary of Commerce
Attention: Enforcement and Compliance
APO/Dockets Unit, Room 18022
U.S. Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Re: *Response to Request for Changed Circumstances Review of the Antidumping Order on Raw Honey from the Socialist Republic of Vietnam*

Dear Secretary Raimondo:

On behalf of Steel Dynamics, Inc. (“SDI”), the American Shrimp Processors Association (“ASPA”), and the American Kitchen Cabinet Alliance (“AKCA”), we write to oppose the request filed by the Socialist Republic of Vietnam (“Vietnam”) seeking to have the U.S. Department of Commerce (“Commerce”) conduct a changed circumstances review to determine that Vietnam should no longer be treated as a nonmarket economy under Section 771(18) of the Trade Act of 1930, as amended (the “Act”). Vietnam remains a nonmarket economy as defined in the statute, and any determination otherwise would undermine the enforcement of the antidumping law and expose domestic producers of a wide range of products to unfair trade.

SDI, the ASPA, and the AKCA support the arguments made by U.S. raw honey petitioners in their October 6, 2023 submission in opposition to Vietnam’s changed circumstances review request. The raw honey petitioners demonstrated that Vietnam’s request suffers from fatal

procedural and substantive defects. First, while Section 751(b)(1) of the Act permits Commerce to review a “final affirmative determination that resulted in an antidumping duty order” in light of changed circumstances, Vietnam failed to identify *any* circumstances that had changed since Commerce issued its final affirmative determination on raw honey from Vietnam on April 14, 2022.¹ Instead, Vietnam focused its request entirely on circumstances that have allegedly changed in Vietnam since 2002, the last time Commerce determined that Vietnam remained a nonmarket economy.² Any such circumstances would have existed on April 14, 2022, and therefore cannot be “changed” within the meaning of Section 751(b)(1).

Although this procedural defect is sufficient by itself to reject Vietnam’s request, Vietnam has also failed to prove that it satisfies the statutory factors necessary to grant market economy status under Section 771(18)(B) of the Act.³ In their October 6, 2023 submission, the raw honey petitioners presented information showing that the Government of Vietnam (1) interferes with the currency and financial markets; (2) restricts the foreign exchange market; (3) restricts foreign investment; (4) controls the labor market; (5) controls the Vietnamese economy through its state-owned enterprise sector and distorts wages and prices; and (6) maintains complete ownership of real estate. Any determination that Vietnam is a market economy, despite the existence of these conditions, would prevent U.S. producers from competing on a level playing field. It would also signal a weakening of the standard for market economy status, encouraging other countries to follow Vietnam’s example and compounding the injury to American producers.

¹ See *Raw Honey From the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 87 Fed. Reg. 22,184 (Dep’t Commerce Apr. 14, 2022).

² See Memorandum from Shauna Lee-Alaia, George Smolik, Athanasios Mihalakas, and Lawrence Norton to Faryar Shirzad re: Antidumping Duty Investigation of Certain Frozen Fish Fillets From the Socialist Republic of Vietnam - Determination of Market Economy Status (Nov. 8, 2022) (A-552-801).

³ See 19 U.S.C. § 1677(18)(B) (requiring Commerce to consider six distinct factors when making a nonmarket economy status determination).

If Commerce nevertheless decides to initiate a changed circumstances review to evaluate Vietnam's nonmarket economy status — and it should not — domestic producers affected by unfair trade from Vietnam should be allowed to participate fully in the proceeding, including by submitting factual information and comments in opposition to granting Vietnam market economy status.

SDI, the ASPA, and the AKCA appreciate the opportunity to provide these comments. If you have any questions regarding this submission, please contact the undersigned.

Respectfully submitted,

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CERTIFICATE OF SERVICE

**Raw Honey from Vietnam
A-552-833
CCR - Changed Circumstances
CCR - NME Status CCR**

I, Karen Johnson, hereby certify that copies of the attached public document were served today, October 20, 2023 via electronic mail on the following:

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