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Hapag-Lloyd



Industry Support

Industry Support

In order to initiate an investigation, the Department of Commerce (Commerce) must determine that a petition is filed on behalf of and has the support of the industry producing the domestic like product in the United States (“**industry support**”).

Commerce will determine that the petition has sufficient **industry support** if it meets two criteria: the “**25% Test**” and the “**50% Test**”.

Key Elements of Industry Support:

- “**25% Test**”: The domestic producers or workers who support the petition must account for at least 25% of the total production of the domestic like product.

The ratio for the “**25% Test**” is derived by:

$$\frac{\text{petitioners and supporters}}{\text{Total U.S. production volume of all domestic like product}} \geq 25\%$$

- “**50% Test**”: The domestic producers or workers who support the petition must account for more than 50% of the production of the domestic like product produced by that portion of the industry expressing support for or opposition to the petition.

The ratio for the “**50% Test**” is derived by:

$$\frac{\text{petitioners and supporters}}{\text{Total U.S. production volume of those expressing an opinion}} \geq 50\%$$

Important Considerations:

- The petition must identify all known producers of the domestic like product along with their contact information.
- The petition must include information relating to the degree of industry support for the petition, including:
 1. the total volume of U.S. production of the domestic like product, and
 2. the volume of U.S. production of the domestic like product produced by each petitioner and each domestic producer identified.
- Typically, production information should be provided for the most recently completed calendar year.
- If the domestic producers or workers who support the petition do not account for at least 50% of total U.S. production, Commerce must poll the industry to determine its views on the petition or rely on other available information to determine industry support.

Helpful Resources:

- [Sections 702\(c\)\(4\) and 732\(c\)\(4\) of the Tariff Act of 1930, as amended](#)
- [19 CFR 351.202\(b\)\(2\)-\(3\) of Commerce's Regulations](#)