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injury

Evidence of Material Injury and Causation

What is “*material injury*”? *Material injury* is defined as harm that is not inconsequential or immaterial.

What is “*causation*”? *Causation* is the linkage between the dumped and/or subsidized imports and the injury experienced by the domestic industry.

A petition must provide reasonably available evidence that the domestic industry has experienced, or is threatened with, material injury by reason of the allegedly dumped and/or subsidized imports.

Key Elements of the Injury Allegation:

- Analysis of import volume and value data for the past three years and year-to-date interim periods
- Analysis of market share, U.S. consumption, and prices
- Evidence of the types of material injury the domestic industry has experienced, or is threatened with, including, but not limited to:
 - declining or suppressed domestic prices
 - reduced levels of production and capacity utilization
 - sales and revenues lost to imported merchandise, declining market share
 - declining net sales, profitability, and financial performance
 - reduced levels of employment, plant closures, bankruptcy
- Discussion of the causal link between the allegedly dumped and/or subsidized imports and the injury experienced by the domestic industry

Important Considerations:

- The Department of Commerce examines whether the petition contains sufficient evidence of material injury or threat thereof and causation that meets the requirements for initiation.
- After an investigation is initiated, the International Trade Commission (ITC) determines whether a domestic industry is material injured, or threatened with material injury, as a result of the impact of the allegedly dumped and/or subsidized imports.

Helpful Resources:

Section 771(7) of the Tariff Act of 1930, as amended

ITC – AD/CVD Handbook

ITC– Import Injury Investigations

ITC – DataWeb (U.S. trade data)