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May 15, 2023

**VIA ELECTRONIC FILING**

The Honorable Gina M. Raimondo  
Secretary of Commerce  
Attention: Enforcement and Compliance  
APO/Dockets Unit, Room 18022  
U.S. Department of Commerce  
14<sup>th</sup> Street and Constitution Avenue, NW  
Washington, DC 20230

Case No. A-570-028  
Total No. of Pages: 1244  
§§ 781(a), (b) Anti-Circumvention  
Inquiries  
AD/CVD Operations, Office II

**PUBLIC VERSION**

Business Proprietary Information  
Removed from Brackets Pages 2, 4,  
10-11, 14-16, 19-20, 24, 29-32, 35-38,  
40, 43-45, and 48; Exhibits 1, 7, 9, 11,  
15-A, 15-B, 16, 18-B, 19-A, 20-D; and  
the Exhibit List.

**Re: Hydrofluorocarbon Blends from the People’s Republic of China:  
Request to Initiate Anti-Circumvention Inquiries With Respect to  
Imports of R-410A and R-410B from Turkey Pursuant to Sections  
781(a) and (b) of the Act**

Dear Secretary Raimondo:

On behalf of the American HFC Coalition (“HFC Coalition”) and its individual members,<sup>1</sup> we herein submit to the U.S. Department of Commerce (“Commerce”) the enclosed request for a country-wide anti-circumvention inquiry pursuant to 19 CFR § 351.226 and section 781(a) of the Tariff Act of 1930, as amended (“the Act”) with respect to the antidumping duty

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<sup>1</sup> American HFC Coalition’s members include: Arkema, Inc., The Chemours Company FC LLC, Honeywell International Inc., and Mexichem Fluor Inc.

The Hon. Gina M. Raimondo  
May 15, 2023

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order on Hydrofluorocarbon (“HFC”) Blends from the People’s Republic of China.<sup>2</sup> The HFC Coalition was the petitioner in the underlying antidumping duty investigation.<sup>3</sup> HFC Coalition members include “manufacturer{s}, producer{s}, or wholesaler{s} in the United States of a domestic like product,” within the meaning of section 771(9)(C) of the Act (19 U.S.C. § 1677(9)(C)). The HFC Coalition is also “a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States” within the meaning of section 771(9)(E) of the Act (19 U.S.C. § 1677(9)(E)).<sup>4</sup> Accordingly, the HFC Coalition is a domestic interested party for purposes of section 771(9) of the Act and 19 CFR § 351.226(c)(1). The HFC Coalition is also filing a business proprietary version of this circumvention request today under separate cover.

Pursuant to 19 U.S.C. § 1677f(b)(1) and 19 CFR § 351.304, the HFC Coalition requests that confidential treatment be accorded the business proprietary information contained in brackets (“[ ]”) in this submission. The information for which we request proprietary treatment includes the business confidential information of Coalition members, which contain the sales, cost of goods sold, customer names, and other information of three major, integrated domestic producers of HFC blends, as well as market research and import and export data obtained by subscription, and independent market research. These data are not otherwise publicly available. Disclosure of such information could cause substantial harm to the business operations and

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<sup>2</sup> See *Hydrofluorocarbon Blends from the People’s Republic of China: Antidumping Duty Order*, 81 Fed. Reg. 55,436 (Aug. 19, 2016).

<sup>3</sup> See *Hydrofluorocarbon Blends and Components Thereof from the People’s Republic of China: Initiation of Less-Than-Fair-Value Investigation*, 80 Fed. Reg. 43387 (July 22, 2015).

<sup>4</sup> See also 19 CFR §§ 351.102(b)(29)(v), (vii).

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**CASSIDY LEVY KENT**

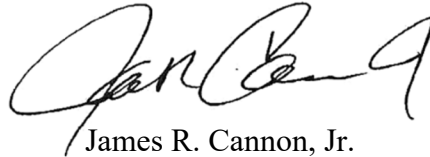
The Hon. Gina M. Raimondo  
May 15, 2023

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competitive position of the submitters, and disclosure would impair the ability of Commerce to obtain similar information in future proceedings. This information warrants proprietary treatment pursuant to 19 CFR §§ 351.105(c)(2), (3), and (11).

Please contact the undersigned if you have any questions about this request.

Respectfully submitted,



James R. Cannon, Jr.

Chase J. Dunn

**CASSIDY LEVY KENT (USA) LLP**

*Counsel for the American HFC Coalition*

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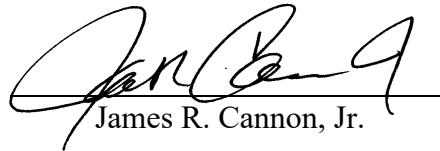
**CASSIDY LEVY KENT**

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## REPRESENTATIVE CERTIFICATION

I, James R. Cannon, Jr., with Cassidy Levy Kent (USA) LLP, counsel to the American HFC Coalition and its individual members, certify that I have read the attached submission of "Request to Initiate Anti-Circumvention Inquiries With Respect to Imports of R-410A and R-410B from Turkey Pursuant to Sections 781(a) and (b) of the Act," filed on May 15, 2023, pursuant to the antidumping duty order on Hydrofluorocarbon Blends from the People's Republic of China (A-570-028). In my capacity as counsel to this submission, I certify that the information contained in this submission is accurate and complete to the best of my knowledge. I am aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signature: \_\_\_\_\_



James R. Cannon, Jr.

Date: \_\_\_\_\_

May 15, 2023

## COMPANY CERTIFICATION

I, Bradley Aulick, Associate General Counsel, currently employed by The Chemours Company FC LLC, certify that I prepared or otherwise supervised the preparation of the attached submission of "Request to Initiate Anti-Circumvention Inquiries With Respect to Imports of R-410A and R-410B from Turkey Pursuant to Sections 781(a) and (b) of the Act" filed on May 15, 2023, pursuant to the Circumvention Inquiry of the Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China (A-570-028). I certify that the public information and any proprietary information of Honeywell International Inc. contained in this submission is accurate and complete to the best of my knowledge. I am aware the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signed:   
Bradley Aulick

Dated: 5-11-2023

## COMPANY CERTIFICATION

I, Peter Geosits, Americas Commercial Director of Mexichem Fluor Inc., certify that I prepared or otherwise supervised the preparation of the attached submission of “Request to Initiate Anti-Circumvention Inquiries With Respect to Imports of R-410A and R-410B from Turkey Pursuant to Sections 781(a) and (b) of the Act” filed on May 15, 2023, pursuant to the Circumvention Inquiry of the Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China (A-570-028). I certify that the public information and any proprietary information of Mexichem Fluor Inc. contained in this submission is accurate and complete to the best of my knowledge. I am aware the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signed:   
Peter Geosits

Dated: May 15, 2023

### COMPANY CERTIFICATION

I, Scot Swan, Business Manager, Refrigerants, currently employed by Arkema Inc., certify that I prepared or otherwise supervised the preparation of the attached submission of "Request to Initiate Anti-Circumvention Inquiries With Respect to Imports of R-410A and R-410B from Turkey Pursuant to Sections 781 (a) and (b) of the Act" filed on May 15, 2023, pursuant to the Circumvention Inquiry of the Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China (A-570-028). I certify that the public information and any proprietary information of Arkema Inc. contained in this submission is accurate and complete to the best of my knowledge. I am aware the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signed: \_\_\_\_\_



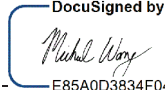
Scot Swan

Dated: \_\_\_\_\_

5/12/2023

## COMPANY CERTIFICATION

I, Michael Wong, Vice President and General Counsel, currently employed by Honeywell International Inc., certify that I prepared or otherwise supervised the preparation of the attached submission of "Request to Initiate Anti-Circumvention Inquiries With Respect to Imports of R-410A and R-410B from Turkey Pursuant to Sections 781(a) and (b) of the Act" filed on May 15, 2023, pursuant to the Circumvention Inquiry of the Antidumping Duty Order on Hydrofluorocarbon Blends from the People's Republic of China (A-570-028). I certify that the public information and any proprietary information of Honeywell International Inc. contained in this submission is accurate and complete to the best of my knowledge. I am aware the information contained in this submission may be subject to verification or corroboration (as appropriate) by the U.S. Department of Commerce. I am also aware that U.S. law (including, but not limited to, 18 U.S.C. 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government. In addition, I am aware that, even if this submission may be withdrawn from the record of the AD/CVD proceeding, the U.S. Department of Commerce may preserve this submission, including a business proprietary submission, for purposes of determining the accuracy of this certification. I certify that a copy of this signed certification will be filed with this submission to the U.S. Department of Commerce.

Signed:  \_\_\_\_\_  
E85A0D3834F04AA...  
Michael Wong

Dated: 11-May-2023  
\_\_\_\_\_



**U.S. DEPARTMENT OF COMMERCE  
PUBLIC CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2023, and in accordance with 19 CFR 351.226(n) and 351.303(f), service is being made, via e-mail, on all persons on the annual inquiry service list for the antidumping duty order on Hydrofluorocarbon Blends from the People's Republic of China (A-570-028):

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/s/ Katlyn E. Ashman  
Katlyn E. Ashman  
*International Trade Specialist*  
**CASSIDY LEVY KENT (USA) LLP**

**PUBLIC VERSION**

Case No.: A-570-028  
§§781(a), (b) Anti-Circumvention  
Inquiries  
AD/CVD Operations, Office II

*Business Proprietary Information For  
Which Confidential Treatment Is  
Requested Is Removed from Brackets  
on Pages 2, 4, 10-11, 14-16, 19-20, 24,  
29-32, 35-38, 40, 43-45, and 48;  
Exhibits 1, 7, 9, 11, 15-A, 15-B, 16, 18-  
B, 19-A, 20-D; and the Exhibit List.*

BEFORE THE  
UNITED STATES DEPARTMENT OF COMMERCE

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**Hydrofluorocarbon (HFC) Blends from China:  
Request to Initiate Anti-Circumvention Inquiries With Respect to  
Imports of R-410A and R-410B from Turkey  
Pursuant to Sections 781(a) and (b) of the Act**

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On Behalf of

The American HFC Coalition

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May 15, 2023

Katlyn Ashman  
*International Trade Specialist*

James R. Cannon, Jr.  
Chase J. Dunn  
CASSIDY LEVY KENT (USA) LLP  
*Counsel for the American HFC Coalition  
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BEFORE THE  
UNITED STATES DEPARTMENT OF COMMERCE

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**Hydrofluorocarbon (HFC) Blends from China:  
Request to Initiate Anti-Circumvention Inquiries With Respect to  
Imports of R-410A and R-410B blended in Turkey Using Chinese Components**

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On behalf of the American HFC Coalition and its individual members,<sup>1</sup> we herein request that the U.S. Department of Commerce (“Commerce”) initiate anti-circumvention inquiries pursuant to sections 781(a) and (b) of the Tariff Act of 1930, as amended (“the Act”),<sup>2</sup> and 19 C.F.R. § 351.226, with respect to the antidumping duty order on Hydrofluorocarbon Blends from the People’s Republic of China (“*HFC Blends Order*”).<sup>3</sup> This request is made with respect to imports of two HFC blends — R-410B and R-410A — that are blended in Turkey using Chinese-origin HFC components. Such imports of R-410B and R-410A are circumventing the *HFC Blends Order* within the meaning of section 781 of the Act, as follows:

- 1) R-410B imported from Turkey—R-410B is being blended in Turkey using R-32 and/or R-125 produced in China before export to the United States, where it is re-blended into in-scope R-410A. Blending HFC components does not constitute a substantial transformation and therefore the R-410B imported from Turkey is Chinese-origin under the *HFC Blends Order*. R-410B undergoes only “minor or insignificant” processing in the United States and is therefore circumventing the *HFC Blends Order* pursuant to section 781(a) of the Act.

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<sup>1</sup> The American HFC Coalition’s members include: Arkema, Inc., The Chemours Company FC LLC, Honeywell International Inc., and Mexichem Fluor Inc.

<sup>2</sup> See 19 U.S.C. §§ 1677j(a), (b).

<sup>3</sup> See *Hydrofluorocarbon Blends and Components Thereof From the People’s Republic of China: Antidumping Duty Order*, 81 Fed. Reg. 55,436 (Aug. 19, 2016) (“*HFC Blends Order*”); see also *Hydrofluorocarbon Blends and Components Thereof From the People’s Republic of China: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 81 Fed. Reg. 42,314 (June 29, 2016) (“*Final Determination*”), and accompanying Issues and Decision Memorandum (“*HFC Blends IDM*”).

- 2) R-410A imported from Turkey—R-410A is being blended in Turkey using HFC components R-32 and/or R-125 produced in China. The Chinese HFC components undergo only “minor or insignificant” processing in Turkey before exportation to the United States as a finished, in-scope HFC blend. Such imports are circumventing the *HFC Blends Order* within the meaning of section 781(b) of the Act.

For the reasons set forth in detail below, the HFC Coalition respectfully requests that Commerce (1) initiate an anti-circumvention inquiry pursuant to section 781(a) of the Act and find that imports of R-410B from Turkey (produced using Chinese-origin components) that are re-blended in the United States into in-scope R-410A are circumventing the *HFC Blends Order*, and (2) initiate an anti-circumvention inquiry pursuant to section 781(b) of the Act and find that imports of R-410A from Turkey that were produced using Chinese-origin components are circumventing the *HFC Blends Order*.

## I. INTRODUCTION

Since the first quarter of 2021, U.S. imports of HFC blends from Turkey have surged.<sup>4</sup> These imported blends are circumventing the *HFC Blends Order* pursuant to section 781 of the Act. *First*, imports of R-410B from Turkey are circumventing the *HFC Blends Order* pursuant to section 781(a) of the Act. Available evidence indicates that Chinese-origin HFC components (*i.e.*, R-32 and R-125) are being blended in Turkey into HFC blend R-410B. Blending HFC components, however, does not change the country of origin of the finished blend for purposes of the antidumping law.<sup>5</sup> As such, the R-410B exported from Turkey is Chinese origin for anti-

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<sup>4</sup> See **Exhibit 1** ([                    ]).

<sup>5</sup> See *HFC Blends IDM* at Comment 4 (“the evidence on the record does not support a finding that blending operations are so significant that, when they are undertaken, they change the country of origin of the finished product”).

dumping purposes. It follows that imports of R-410B from Turkey that are re-blended in the United States into in-scope R-410A are produced “from parts or components produced in the foreign country with respect to which such order or finding applies.”<sup>6</sup> Moreover, Commerce has previously found re-blending an out-of-scope HFC blend into an in-scope HFC blend constitutes a “minor or insignificant” process pursuant to 781(a) of the Act.<sup>7</sup> The processing of R-410B into R-410A in the United States is no different. Accordingly, imports of R-410B from Turkey (which are Chinese-origin) that are re-blended into in-scope R-410A in the United States are circumventing the *HFC Blends Order* pursuant to section 781(a) of the Act.

It should be noted that the recent, dramatic surge of imports of R-410B produced in Turkey from Chinese-origin HFC components reflects yet another effort by Chinese producers/exporters and blenders in the United States to evade the *HFC Blends Order* by importing a nominally out-of-scope blend, then re-formulating that blend in the United States to meet the specifications for R-410A. Indeed, this same strategy was used *Unfinished Blends from China* and *R-421A from China*. For example, in *R-421 from China* the importer and blender BMP was importing unpatented R-421A that had to be re-blended in the United States to be sold

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<sup>6</sup> 19 U.S.C. § 1677j(a)(1)(B).

<sup>7</sup> See *Hydrofluorocarbon Blends from the People’s Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Unfinished R-32/R-125 Blends*, 85 Fed. Reg. 15,428, 15,429 (Mar. 18, 2020) (“*Unfinished Blends from China*”); *Hydrofluorocarbon Blends from the People’s Republic of China: Final Scope Ruling on Unpatented R-421A; Affirmative Final Determination of Circumvention of the Antidumping Duty Order for Unpatented R-421A*, 85 Fed. Reg. 34,416 (June 4, 2020) (“*R-421A from China*”) and accompanying IDM (“*R-421A from China—IDM*”) at 26-27.



without violating the patent on R-421A. Here, likewise, BMP's imports of R-410B<sup>8</sup> are being re-blended after importation into in-scope R-410A prior to sale in the U.S. market because there is no commercial use for R-410B in the United States. Accordingly, imports of R-410B from Turkey (produced using Chinese HFC components) are circumventing the *HFC Blends Order* pursuant to section 781(a) of the Act insofar as such imports are re-blended in the United States into in-scope HFC blends.

*Second*, Chinese HFC components (*i.e.*, R-32 and/or R-125) are blended in Turkey into R-410A, a blend covered by the *HFC Blends Order*, which is then exported to the United States. The R-410A, marked "made in Turkey," is imported and re-sold in the United States without posting duty deposits required by the *HFC Blends Order*. However, Commerce has previously determined that merely blending Chinese components into an HFC blend circumvents the *HFC Blends Order* within the meaning of section 781(b) of the Act.<sup>9</sup> In *Indian Blends*, for example, Commerce found that the blending operations of the Indian respondent were minor or insignificant, the value of the processing in the third country was small (accounting for 1.65% to 12.84% of the value of the finished product sold in the United States), and found the value of the

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<sup>8</sup> **Exhibit 1** ([ ]) shows that the importer of much of the R-410B from Turkey is BMP (USA) Inc., an importer and blender that has previously been found to be circumventing the *HFC Blends Order*. See *R-421A from China*.

<sup>9</sup> See *Hydrofluorocarbon Blends from the People's Republic of China: Final Negative Scope Ruling on Gujarat Fluorochemicals Ltd.'s R-410A Blend; Affirmative Final Determination of Circumvention of the Antidumping Duty Order by Indian Blends Containing Chinese Components*, 85 Fed. Reg. 61,930 (Oct. 1, 2020) ("*Indian Blends*") and accompanying Issues and Decision Memorandum ("*Indian Blends—IDM*"); see also *Hydrofluorocarbon Blends From the People's Republic of China: Preliminary Scope Ruling on Gujarat Fluorochemicals Ltd.'s R-410A Blend; Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order for Indian Blends Containing Chinese Components*, 85 Fed. Reg. 20,244 (Apr. 10, 2020) ("*Indian Blends—Prelim*") and accompanying Decision Memorandum ("*Indian Blends—PDM*").

Chinese HFC components made up a significant portion of the total value of the merchandise sold in the United States (*i.e.*, a weighted average of 89.42%).<sup>10</sup> The R-410A blended in Turkey from Chinese-origin components involves very similar processes and values. As such, the blending operations in Turkey meet the standards for application of section 781(b) of the Act.

## II. GENERAL INFORMATION

### A. Description of the Merchandise

1. The physical characteristics (including chemical, dimensional or technical characteristics) of the product

Hydrofluorocarbons are a class of man-made chemical components that contain fluorine, carbon, and hydrogen atoms. HFC blends are zeotropic and azeotropic mixtures of two or more single HFC components and are colorless, odorless, and hydrophobic gases.<sup>11</sup> The scope of the *HFC Blends Order* covers five HFC blends — R-404A, R-407A, R-407C, R-410A, and R-507A — that are comprised of two or more of the following HFC components: R-134a (1,1,1,2-Tetrafluoroethane); R-32 (Difluoromethane); R-125 (1,1,1,2,2-Pentafluoroethane); and R-143a (1,1,1-Trifluoroethane).

This anti-circumvention request covers imports of R-410A and R-410B from Turkey. The formulas for the two blends covered by this request are as follows:

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<sup>10</sup> See *Indian Blends—IDM* at Comment 3; see also **Exhibit 2-A** (Commerce Memorandum, “Preliminary Analysis Memorandum for Gujarat Fluorochemicals Limited” (Apr. 3, 2020) (“*GFL Preliminary Analysis Memo*”) at 6).

<sup>11</sup> More information concerning the chemical composition and other physical characteristics of HFC components and blends can be found at **Exhibit 3-A** (Petition) at 12-15.

HFC Blend	R-125	R-32
<i>R-410A</i>	50%	50%
<i>R-410B</i>	55%	45%

Source: **Exhibit 4** (ASHRAE Designations).

R-410A is explicitly covered by the scope language in the *HFC Blends Order*. Although R-410B is not named in the *HFC Blends Order*, it uses the identical components found in R-410A and has similar physical characteristics. As discussed below, however, R-410B cannot be used in the same applications as R-410A. Hence, BMP and other blenders import the R-410B and simply re-blends it to meet the specifications for R-410A for sale in the U.S. market. Indeed, given the lack of commercial usability, the only reason to import R-410B at all is to avoid antidumping duty cash deposits.

All HFC blends share key properties derived from each of the constituent components, which taken together enable their use in air conditioning and refrigeration applications. During the transition from R-22 (an HCFC that was ozone-depleting), manufacturers of such equipment settled on the five HFC blends covered by the *HFC Blends Order* for use in that equipment.<sup>12</sup> For example, R-410A was commercialized by Carrier Corporation, Emerson Climate Technologies, and Allied Signal (now Honeywell).<sup>13</sup> The air-conditioning equipment manufacturers then designed and built new equipment to operate at the higher pressure levels required by R-410A.<sup>14</sup> By 2010, when the EPA banned production of new air-conditioning and

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<sup>12</sup> See **Exhibit 5-A** (ITC Final Tr.) at 55 (Sassano); *id.* at 70-71 (Minor).

<sup>13</sup> See **Exhibit 6** (Carrier Corp. website); *see also* **Exhibit 7** (OEM warranty items).

<sup>14</sup> *Id.*

refrigeration machinery that utilized R-22, the industry had shifted to production of equipment designed to use R-410A.<sup>15</sup>

The R-410B subject to this request does not include R-125 and R-32 in the same proportions as the in-scope blend, R-410A. As such, the physical characteristics of R-410B from Turkey are not within the approved specifications for commercial applications. However, after importation, the R-410B is re-blended with additional R-32 to bring it into the 50/50 specifications for R-410A. Indeed, but for the antidumping duty deposits that apply to imports of in-scope HFC blends or HFC components R-134a, R-32, and R-125, it would not make commercial sense to incur the additional costs of making a R-410B blend only to then incur additional blending costs after importation. That the Chinese exporters go to these lengths to evade the *HFC Blends Order* is itself evidence of circumvention.

2. Manufacturing process of the products subject to the *HFC Blends Order* and the anti-circumvention request

Manufacturing of HFC components, which include R-32, R-125, R-134a, and R-143a, is a complex, multi-stage process, involving the reaction of hydrofluoric acid with a chlorine-containing compound, such as methylene chloride, tetrachloroethylene or trichloroethane.<sup>16</sup> This reaction, known as hydrofluorination, yields a carbon-hydrogen-fluorine compound and hydrochloric acid. R-32 is manufactured by hydrofluorination of methylene chloride. R-125 (1,1,1,2,2-pentafluoroethane) is manufactured by either vapor-phase or liquid-phase catalytic fluorination in a continuous process. R-143a (1,1,1-trifluoroethane) is produced through the hydrofluorination of 1,1,1-trichloroethane (methyl chloroform) in an iterative process that

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<sup>15</sup> See **Exhibit 8-A** (ITC Pub. 4629) at 20 and I-15.

<sup>16</sup> See **Exhibit 3-A** (Petition) at 15-16.

involves production of intermediates R-141b and HCFC-142b. R-134a (1,1,1,2-tetrafluoroethane) is produced by reacting hydrogen fluoride (HF) with a compound containing carbon and chlorine.

By comparison, blending HFC components is a relatively simple mixing process in which component HFCs are blended in precise quantities under controlled pressure for a specific period of time.<sup>17</sup> As Commerce explained in the *Indian Blends* anti-circumvention inquiry, the blending process “is neither complex nor significant”<sup>18</sup> and is “the least labor and capital intensive” stage of production.<sup>19</sup> Commerce described the Indian blender’s process as follows:

GFL’s blending process is straightforward. GFL states that its Ranjitnagar facility is the only facility where it produces HFC blends. According to GFL, the following steps are the blending process followed for processing HFC components into R-410A and R-407C: (1) the components are unloaded into a mixing tank; (2) the components are mixed via a pump to obtain a homogenous blend; (3) gas chromatography analysis is performed to ensure a proper blend; and (4) the blend is sent to the filling station to be packaged. There is no chemical reaction or temperature change involved in blending HFCs. In addition, available information shows that the production of HFC blends requires only basic setups (i.e., tanks, pumps, valves, pipes, and testing equipment) and only a handful of workers directly related to blending the components. Moreover, GFL reports it only takes [ ] hours to produce [ ] tons from start to finish.<sup>20</sup>

To blend the in-scope refrigerant R-410A, for example, R-32 and R-125 are piped from separate tanks into a blending tank. In the case of R-410A, the blending tank produces a uniform blend of the R-32 and R-125 in prescribed proportions (i.e., 50/50).<sup>21</sup> The blend is continuously

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<sup>17</sup> See *id.* at 16, footnote 17.

<sup>18</sup> See **Exhibit 2-A** (*GFL Prelim. Analysis Memo*) at 4.

<sup>19</sup> *Indian Blends Prelim—PDM* at 18.

<sup>20</sup> **Exhibit 2-A** (*GFL Preliminary Analysis Memo*).

<sup>21</sup> See **Exhibit 4** (ASHRAE Designations) at 7.

recirculated in the blending tank for a period of time, and then a liquid sample is drawn and analyzed in a laboratory. If the blend is within the specification, then the blend is ready for packaging; if not, additional HFC components are added as necessary.<sup>22</sup>

The same production process is true when altering out-of-scope HFC blends like R-410B. In *Unfinished Blends from China*, Commerce considered imports consisting of a blend of R-32 and R-125 from China that did not quite meet the ANSI/ASHRAE specification for R-410A. Because those imports were converted to R-410A by the simple addition of R-32, Commerce found that the imports were circumventing the *HFC Blends Order* pursuant to section 781(a) of the Act.<sup>23</sup> In *R-421A from China*, Commerce found that BMP was re-blending the imported R-421A into in-scope HFC blends.<sup>24</sup> Regarding the blending operations performed in the United States, Commerce found “the evidence placed on the record overwhelmingly supports that the process of assembly or completion is minor or insignificant within the meaning of section 781(a)(1)(C) of the Act, as informed by the factors in section 781(a)(2) of the Act.”<sup>25</sup>

The same strategy is now being applied to R-410B. By simply adding a small volume of R-32 to a tank of R-410B, the final product becomes R-410A:

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<sup>22</sup> More information concerning the manufacturing process of HFC components and blends can be found at **Exhibit 3-A** (Petition) at 15-16.

<sup>23</sup> See *Unfinished Blends from China*, 85 Fed. Reg. at 15,429.

<sup>24</sup> *R-421A from China—IDM* at 26-27.

<sup>25</sup> *Id.* at 23.

R-410B			R-410A	
HFC Component	Percent of Blend		HFC Component	Percent of Blend
R-32	45.0	→	R-32	50.0
R-125	55.0		R-125	50.0

That is the extent of the “manufacturing process” for re-blending R-410B into R-410A in the United States.

3. The country(ies) where the product is produced, the country from where it is exported, and the declared country of origin

Although the HFC Coalition is unable to obtain the country of origin declared to U.S. Customs and Border Protection (“CBP”) on entry documents, available information indicates that these imports are declared as “China” origin or “Turkish” origin.<sup>26</sup> Moreover, Census import statistics identify HFC blends from Turkey, also indicating that the country-of-origin declared with respect to these imports was Turkey. Indeed, Turkey was the second-largest exporter of HFC blends to the United States in 2020:

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<sup>26</sup> See Exhibit 1 ([ ]).

<b>Table 1: HFC Blends Imports for Consumption, 2019-2022</b>				
<b>Row Labels</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
China*	1,371,559	829,832	10,705,431	5,042,881
Turkey			257,640	3,027,428
India*	441,954	335,930	4,233,797	2,811,319
France*		41,038	952,918	1,157,818
Spain	160,060	138,000	404,013	340,849
Malaysia			32,295	246,789
Italy	24,658	124,577	105,928	233,370
Liechtenstein				90,400
Germany*		58	68,298	60,880
Mexico*	37,509	30,862	7,746	55,325
United Kingdom*	262,870	1,283,469	169	15,790
Netherlands	28,078	89,896	55,170	7,240
Belgium	11,675	1,091	16,186	1,800
All other	202,271	853,410	181,495	2,051

\* - HFC or HCFC components are manufactured in these countries. See **Exhibit 9** ([ ]).  
Source: **Exhibit 10** (ITC Dataweb). Imports of HFC blends classified under HTSUS 3824780020 and 3824780050 (2019-2021), and 3827610000, 3827620000, 3827630000, 3827640000, 3827650000, 3827660000, 3827670000, 3827680000, and 3827690000 (2022).

From 2021 to 2022, imports of HFC blends from Turkey increased from 257,640 kg to 3,027,428 kg.<sup>27</sup> This increase in HFC blends, and particularly R-410B, is the result of circumvention. Independent market research and industry publications (e.g., [ ]) indicate that there is no production of HFC components in Turkey, or in any country other than China, France, Germany, India, Japan, the United States and the United Kingdom.<sup>28</sup> However, comparing China's HFC component exports (HTS 2903.42, 2903.44, 2903.45) with U.S. imports from these sources indicates that Turkey received more than sufficient imports of HFC components from China to account for their exports of HFC blends to the United States.

<sup>27</sup> See **Exhibit 10** (ITC Dataweb).

<sup>28</sup> **Exhibit 11** (market research) and **Exhibit 9** ([ ]).



<b>Table 2: U.S. Imports of HFC Blends versus Chinese Exports of HFC Components to Turkey in 2022</b>		
	<b>Chinese Exports of HFC Components (kg)</b>	<b>Imports of HFC Blends into the United States (kg)</b>
Turkey	13,096,868	3,027,428

Source: **Exhibit 12-A** (GTA balance of trade data), **Exhibit 10** (ITC Dataweb).

Taken together, these data support the conclusion that Turkish exports of HFC blends incorporate HFC components originally produced in China.

4. The product's tariff classification under the Harmonized Tariff Schedule of the United States and copies of any Customs rulings relevant to the tariff classification

Attached as **Exhibit 13-A** are the relevant subheadings of the Harmonized Tariff Schedules of the United States (“HTSUS”) from 2019 through 2022, and as **Exhibit 13-B** is the HTSUS Change Record for 2022 for HFC blends and components. From 2019 through 2021, HFC blends were classified under 3824.78.0020 and 3824.78.0050, HTSUS, which includes mixtures containing “perfluorocarbons (PFCs) or hydrofluorocarbons (HFCs).” In 2022, U.S. Customs and Border Protection (“CBP”) discontinued the subheading 3824.78 and classified HFC blends under the new subheadings as listed below:

HTS Codes	Description
3827	Mixtures containing halogenated derivatives of methane, ethane or propane, not elsewhere specified or included: (con.) 3827 (con.) Containing other hydrofluorocarbons (HFCs) but not containing chlorofluorocarbons (CFCs) or hydrochlorofluorocarbons (HCFCs):
3827.61.0000	Containing 15 percent or more by mass of 1,1,1-trifluoroethane (HFC-143a).
3827.62.0000	Other, not included in the subheading above, containing 55 percent or more by mass of pentafluoroethane (HFC- 125) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs).
3827.63.0000	Other, not included in the subheadings above, containing 40 percent or more by mass of pentafluoroethane (HFC-125).
3827.64.0000	Other, not included in the subheadings above, containing 30 percent or more by mass of 1,1,1,2-tetrafluoroethane (HFC-134a) but not containing unsaturated fluorinated derivatives of acyclic hydrocarbons (HFOs).
3827.65.0000	Other, not included in the subheadings above, containing 20 percent or more by mass of difluoromethane (HFC-32) and 20 percent or more by mass of pentafluoroethane (HFC-125).
3827.68.0000	Other, not included in the subheadings above, containing substances of subheadings 2903.41 to 2903.48. <sup>29</sup>
3827.69.0000	Other.

This circumvention inquiry covers R-410A blended in Turkey using Chinese components, as well as R-410B blended in Turkey and re-blended after importation into the United States. R-410A is classified under subheading 3827.63.0000 and R-410B is classified under subheading 3827.62.0000, HTSUS.

Lastly, pursuant to 19 CFR § 351.226(c)(2)(C), the HFC Coalition has searched for any Customs rulings relevant to the classification of the subject goods. **Exhibit 14** contains such a ruling. In HQ H276411, CBP ruled that merely blending Chinese refrigerant gas in the U.K., with “waste refrigerant gas” recovered in the U.K. and Europe, did not constitute a substantial transformation. Hence CBP found that the finished R-410A, R-407C, and R-404A imported from

<sup>29</sup> See **Exhibit 13-A** (HTS materials) (2903.41 to 2903.48 include the following HFC components: R-23, **R-32**, R-41, R-152, R-152a, **R-125**, **R-143a**, R-143, **R-134a**, R-134, R-227ea, R-236cb, R-236ea, R-236fa, R-245fa, R-245ca, R-365mfc, and R-4310mee).

the United Kingdom should not be marked as U.K. origin, but may be marked to indicate the origin of the component gases in each blend. This is consistent with Commerce’s determination in the underlying investigation that blending HFC components is “not so significant that it results in a substantial transformation for country of origin purposes.”<sup>30</sup>

#### 5. The uses of the product

The in-scope blends covered by the *HFC Blends Order* are “suitable for use in low- to medium-temperature refrigeration, including residential and certain commercial air conditioning applications, and commercial, transport and some process refrigeration.”<sup>31</sup> HFC blends are nonflammable, recyclable, energy-efficient refrigerants of low toxicity.<sup>32</sup> The HFC blends are excellent low- and medium-temperature refrigerants that do not cause ozone depletion.<sup>33</sup>

The vast majority of residential air-conditioning systems in the U.S. market, including both OEM equipment and service of installed equipment, utilize R-410A.<sup>34</sup> The imported R-410A from Turkey may be used in the identical applications.

Imports of R-410B, however, are not being used as-is the same applications. Instead, the R-410B is being imported from Turkey in order to evade antidumping duty deposits. Only after importation is it re-blended to meet the specifications for R-410A or another in-scope blends

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<sup>30</sup> See *HFC Blends IDM* at Comment 4.

<sup>31</sup> **Exhibit 8-A** (USITC Pub. 4629) at I-15.

<sup>32</sup> See **Exhibit 3-A** (Petition) at 3 of Exhibit I-3.

<sup>33</sup> See *id.*; see also **Exhibit 8-A** (ITC Pub. 4629) at I-14.

<sup>34</sup> See **Exhibit 8-A** (ITC Pub. 4629) at I-15; see also **Exhibit 9** ([ ] at 58.

covered by the *HFC Blends Order*.<sup>35</sup> The very fact that Turkish blenders are producing R-410B only for the purpose of re-blending that material after importation indicates that these products are intended to circumvent the antidumping law.

Nor does the fact that R-410B is ANSI/ASHRAE registered exclude this blend from the scope of the *HFC Blends Order*. Such standards are not identified in the scope language of the *HFC Blends Order*. At the time of the original investigation, there was no production or consumption of R-410B even though some 50 different blends including HFC components have been registered with ANSI/ASHRAE. R-410B is defined by ANSI/ASHRAE, but it is not approved by air-conditioning or refrigeration equipment manufacturers for use in their equipment. The fact that R-410B meets ANSI/ASHRAE specifications has been relied upon by importers to avoid antidumping duty deposits, but does not change the fact that these blends are re-blended into in-scope products after importation. Indeed, unpatented R-421A imported by BMP likewise meets ANSI/ASHRAE specifications, but Commerce found that such imports were circumventing the *HFC Blends Order*.<sup>36</sup>

As explained by a witness for Chemours during original injury investigation, there are numerous HFC blends defined by ANSI/ASHRAE standards but that were not produced or sold in the United States: “many of those blends are registered . . . , but nobody makes them.”<sup>37</sup> Indeed, because there is no market for R-410B, no cylinder color code was assigned to R-410B

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<sup>35</sup> See, e.g., **Exhibits 15-A** (Declaration of [ ]) and **Exhibit 15-B** (Declaration of [ ]); see also **Exhibit 16** (offering a custom blend for the purpose of re-blending).

<sup>36</sup> See *R-421 from China*.

<sup>37</sup> **Exhibit 5-B** (ITC Prelim. Tr.) at 48.

under AHRI Guideline N.<sup>38</sup> Moreover, even though blends may be registered with ANSI/ASHRAE, to be salable in the U.S. market they must be approved by government standards boards at federal, state, and local levels.<sup>39</sup> For these reasons, although R-410B is registered and defined by ANSI/ASHRAE, it may nevertheless circumvent the *HFC Blends Order* when imported for re-blending and sold at R-410A.<sup>40</sup>

Indeed, in testimony before the U.S. International Trade Commission (“USITC”) in 2016, years before there were any imports of R-410B into the United States, Ms. Sassano of Chemours explained that only five HFC blends were included in the petition because these were the only non-patented blends that were commercially salable in the U.S. market:

... when R-22 was being phased out, I think I mentioned that there was a lot of different HFC blends that were being formulated and {debated}, and the industry naturally converges to a subset of those.

So you’ll even see one on the list, 410B. That was one of the ones in the running. It didn’t get chosen by manufacturers to use and it’s not a commercially sold product. So in summary, the five blends are the main ones in the market and that’s why we chose them, and they’re interchangeable in some applications.<sup>41</sup>

The absence of any commercial production or sales of out-of-scope blends (other than patented blends) reflects the history of the product. HFC blends were invented to replace R-22,

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<sup>38</sup> **Exhibit 17** (Robert P. Scaringe et al., “Environmentally Safe Refrigerant Service Tips & Techniques for Type I HVAC/R Technicians” at 87-88, Table C-06); *see also* **Exhibit 4-B** (AHRI Guideline N).

<sup>39</sup> **Exhibit 5-B** (ITC Prelim. Tr.) at 50-51 (Clark; Sassano).

<sup>40</sup> *See* **Exhibit 15-A** (Declaration of [                    ]); **Exhibit 15-B** (Declaration of [                    ]); *see also* **Exhibit 5-A** (ITC Final Tr.) at 55 (Sassano; Irani).

<sup>41</sup> **Exhibit 5-A** (ITC Final Tr.) at 55.

an HCFC that was ozone-depleting.<sup>42</sup> As many different refrigerant blends were invented, the manufacturers of air-conditioning and refrigeration equipment over time standardized their equipment based on the five in-scope blends. Patented blends that could directly replace R-22 in existing equipment filled a small part of the market, but the majority of air-conditioning and refrigeration equipment was manufactured to use one of the five in-scope HFC blends. Producers of residential air-conditioning equipment, for example, designed their equipment to use R-410A.

Also in the original investigation, the record included price lists showing the HFC blends offered by importers and domestic producers in the U.S. market. **Exhibit 18-A** includes copies of the price lists appended to the original antidumping petition and submitted in the original injury investigation. Neither R-410B, R-407G, or any other out-of-scope or unpatented HFC blend whether or not defined by ANSI/ASHRAE appeared on any of the price lists circulated in 2015 and 2016, when the antidumping petition was filed.

**Exhibit 18-B** includes recent price lists offered by iGas, R-Gas, and other importers of HFC blends. Even in 2021 and 2022, none of the price lists offer R-410B. Similarly, **Exhibit 19** demonstrates that none of the websites maintained by importers of R-410B offer this blend to the public. As attested in **Exhibit 15**, none of these blends have been imported into the U.S. market until very recently and none are being sold as-is.

For the same reason, original equipment manufacturers of air-conditioning and refrigeration equipment do not approve R-410B under their equipment warranties. **Exhibit 7** includes copies of the warranty terms offered by the numerous OEM manufacturers of air-

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<sup>42</sup> See **Exhibit 8-B** (*Hydrofluorocarbon Blends and Components from China*, Inv. No. 731-TA-1279 (Preliminary) (Aug. 2015), USITC Pub. 4558 at 6); see also **Exhibit 8-A** (ITC Pub. 4629) at I-15.

conditioning and refrigeration equipment. The only approved HFC blends that will qualify for OEM warranty protection by the major equipment manufacturers are the in-scope HFC blends.

It follows that the only use for R-410B from Turkey is to evade the *HFC Blends Order* at the time of importation and then further process the imported blend into an in-scope HFC blends. The declarations appended to this request attest that such further processing is occurring and there is simply no other commercial use for these products. Commerce should therefore establish a rebuttable presumption that any imported R-410B is intended for further processing to produce an in-scope HFC blend.

**B. A concise public summary of the product's description under paragraphs (c)(2)(i)(A) through (C) of this section**

There are two separate but interrelated products subject to this request, which include the following:

The products subject to this anti-circumvention inquiry are Hydrofluorocarbon (HFC) blends containing HFC components produced in China. The HFC blends covered by this inquiry include R-410A, a mixture consisting of 50 percent Difluoromethane (R-32) and 50 percent Pentafluoroethane (R-125); and R-410B, a mixture consisting of 45 percent R-32 and 55 percent R-125. These HFC blends are blended in Turkey and then imported from Turkey into the United States for sale (R-410A) or for re-blending into in-scope HFC blends (R-410B). The foregoing percentages are nominal percentages by weight. Actual percentages of single component refrigerants by weight may vary by plus or minus two percent points from the nominal percentage identified above.

**C. The name and address of the producer, exporter, and importer of the product**

The full universe of potential Chinese producers and importers is unknown. The original petition identified 44 exporters of HFC blends in China, but there have likely been new entrants

since 2015.<sup>43</sup> The petition also identified 33 importers,<sup>44</sup> but new and different importers were identified in the subsequent investigations of R-134a, R-32, and R-125.<sup>45</sup> These importers are likely also to import HFC blends. Moreover, various importers, most notably BMP USA, Inc., iGas USA, Inc., R-Gas, Inc.,<sup>46</sup> and their affiliates, have either directly imported the various types of un-approved HFC blends identified above,<sup>47</sup> or have purchased such blends after importation from another importer with an EPA Allowance in order to avoid the *HFC Blends Order*.

Over the past two years, the producers and importers include the following:

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<sup>43</sup> See **Exhibit 3-A** (Petition).

<sup>44</sup> See *id.* at Exhibit II-4.

<sup>45</sup> See **Exhibit 3-B** (R-134a Petition), **Exhibit 3-C** (R-32 Petition), and **Exhibit 3-D** (R-125 Petition).

<sup>46</sup> Although the [ ], **Exhibit 16** indicates that [ ] has offered [ ] for purposes of re-blending the material into R-410A. See also **Exhibit 15-B** (Declaration of [ ]).

<sup>47</sup> At last count, BMP, and iGas had some 20 different affiliates engaged in importation of HFC blends and individual components. In addition, these entities are also affiliated with 6 companies in third-country markets that are transshipping HFC blends and components. See **Exhibit 20-A** (information submitted to EPA in the context of AIM Act regulations) and **Exhibit 20-E** (iGas and BMP affiliates list).



<b>Table 3: Chinese Producers, Exporters and Importers of Un-Approved Blends and Blends Processed in Turkey for Importation and Re-Blending in the United States</b>			
<b>HFC Blend</b>	<b>Chinese Producer/Exporter</b>	<b>Third-Country Exporter</b>	<b>U.S. Importers</b>
R-410A	Unknown	Cantas Kimya Sanayi Ve Ticaret A.S. (Turkey)	AFK & Company, Inc.
R-410B	America PAK Agency Inc. (Shanghai) Hangzhou JM Chemical Co., Ltd. Shanghai Top Ideal International Yongtaiyun Chemical Logistics Co., Ltd	N/A	SDS Refrigerant Services RTR Suppliers, Inc. Western Overseas Corporation R-Gas, Inc.
	Unknown	Ice Sogutma Sanayi Ve Ticaret Ltd (Turkey)	BMP USA, Inc.

Source: Exhibit 1 ([ ]).

### III. THE NATURE OF THE ALLEGED CIRCUMVENTION UNDER SECTION 781 OF THE ACT

Congress has provided Commerce with the necessary tools to combat circumvention of antidumping and countervailing duties.<sup>48</sup> To combat circumvention, the statute expressly contemplates that “Commerce may determine that certain types of articles are within the scope of a duty order, even when the articles do not fall within the order’s literal scope.”<sup>49</sup> Specifically, section 781 of the Act provides Commerce with authority to find that imported merchandise outside the “literal scope” of an antidumping order may nonetheless be covered by that order when (a) the merchandise is completed or assembled in the United States into in-scope merchandise, or (b) the merchandise is completed or assembled in a third country into in-scope merchandise that is exported to the United States. Congress has expressed its belief that

<sup>48</sup> See *Deacero S.A. de C.V. v. United States*, 817 F.3d 1332, 1337-1338 (Fed. Cir. 2016).

<sup>49</sup> *Id.* at 1337.

Commerce's "aggressive implementation" of section 781 is necessary to prevent circumventing activity.<sup>50</sup>

Pursuant to section 781(a) of the Act Commerce considers whether merchandise "completed or assembled" in the United States should be subject to an antidumping duty order by evaluating the following statutory criteria:

(a) Merchandise completed or assembled in United States

(1) In general. If—

(A) merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject of—

(i) an antidumping duty order issued under section 1673e of this title, ...

(B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order or finding applies,

(C) the process of assembly or completion in the United States is minor or insignificant, and

(D) the value of the parts or components referred to in subparagraph (B) is a significant portion of the total value of the merchandise,

the administering authority, after taking into account any advice provided by the Commission under subsection (e), may include within the scope of such order or finding the imported parts or components referred to in subparagraph (B) that are used in the completion or assembly of the merchandise in the United States at any time such order or finding is in effect.

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<sup>50</sup> S. Rep. No. 71, 100th Cong. 1st Sess. (1987) at 101.

Pursuant to section 781(b) of the Act Commerce considers whether merchandise “completed or assembled” in a third country should be subject to an antidumping duty order by evaluating the following statutory criteria:

(b) Merchandise completed or assembled in Other Foreign Countries

(1) In general. If—

(A) merchandise imported into the United States is of the Same Class or Kind as any merchandise produced in a foreign country that is subject of —

(i) an antidumping duty order issued under section 1673e of this title, ...

(B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which—

(ii) is produced in the foreign country with respect to which such order of finding applies,

(C) the process of assembly or completion in the foreign country referred to in subparagraph (B) is minor or insignificant,

(D) the value of merchandise produced in the foreign country to which the antidumping duty order applies is a significant portion of the total value of the merchandise exported to the United States, and

(E) the administering authority determines that action is appropriate under this paragraph to prevent evasion of such order or finding.

the administering authority, after taking into account any advice provided by the Commission under subsection (e), may include such imported merchandise within the scope of such order or finding at any time such order or finding is in effect.

Under both sections 781(a) and (b) of the Act, the statute instructs Commerce to evaluate the following five factors in determining whether the assembly or completion operations in the United States or third country, respectively, are “minor or insignificant:”

- (A) The level of investment in the United States/foreign country,
- (B) The level of research and development in the United States/foreign country,
- (C) The nature of the production process in the United States/foreign country,
- (D) The extent of production facilities in the United States/foreign country, and
- (E) Whether the value of the processing performed in the United States/foreign country represents a small proportion of the value of the merchandise sold/imported in {to} the United States.

Finally, under both sections 781(a)(3) and (b)(3) of the Act, Commerce is instructed to take into account three additional factors in determining whether to find circumvention:

- (A) The pattern of trade, including sourcing patterns,
- (B) Whether the manufacturer or exporter of the parts or components from the country subject to the order is affiliated with the person who assembled or completes the merchandise sold in the United States/imported into the United States
- (C) Whether imports into the United States/foreign country of the parts or components produced in the country subject to the order have increased after the initiation of the investigation which resulted in the issuance of the order.<sup>51</sup>

As demonstrated below, publicly available evidence indicates that all of the statutory criteria outlined in sections 781(a) and 781(b), as appropriate, are met in this case.

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<sup>51</sup> See section 781(a)(3) and section 781(b)(3) of the Act.

**A. Imports of Blends of R-410B from Turkey, Produced Using Chinese-origin R-32 and/or R-125, That Are Thereafter Re-Blended Into In-Scope HFC Blends in the United States Circumvent the *HFC Blends Order* Pursuant to Section 781(a) Act**

1. Introduction

Imports of R-410B from Turkey, incorporating HFC components produced in China, are being imported into the United States where they are re-blended into in-scope HFC blends prior to sale.<sup>52</sup> The reason that R-410B is re-blended after importation is that R-410B is not acceptable for use in air-conditioning and refrigeration equipment in the United States. Nor is it offered for sale as-is at the time of importation. Instead, these imports are re-blended into in-scope R-410A prior to sale in the United States, either by the importer or by a blender in the United States. Accordingly, the merchandise ultimately sold in the United States is “of the same class or kind as” merchandise subject to the *HFC Blends Order* and is completed in the United States from parts or components from China pursuant to sections 781(a)(1)(A) and (1)(B) of the Act.

Additionally, Commerce has previously found that the process “of assembly or completion,” which involves blending R-410B into R-410A, amounts to a “minor or insignificant” process within the meaning of section 781(a)(1)(C) of the Act. The blending of additional HFC components (R-32) into the imported R-410B is a simple operation, requires relatively little investment or R&D, and accounts for a minimal amount of the cost of manufacture.<sup>53</sup> Here, as in *Indian Blends*, the evidence demonstrates that the nature of the blending process “is far less extensive than it would be to produce HFC blends without Chinese

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<sup>52</sup> See, e.g., **Exhibit 1** ([ ]), **Exhibit 15-A** ([ ]) and **Exhibit 15-B** ([ ]).

<sup>53</sup> See, e.g., *Indian Blends—IDM* at 14-15; see also **Exhibit 2-A** (*GFL Preliminary Analysis Memo*).

components.”<sup>54</sup> As such, the value of processing in the United States is small proportion of the value of the merchandise sold in the United States.<sup>55</sup> Moreover, because HFC components are the primary input of HFC blends, the value of the HFC components constitute a significant portion of the total value of the HFC blends within the meaning of section 781(a)(1)(D) of the Act.

Finally, import data indicate that a surge of imports of R-410B is a recent phenomenon that appears to have increased substantially following the last round of circumvention determinations issued by Commerce. Because there is no commercial use for R-410B, this blend is imported for the purpose of evading antidumping duty deposits and, after importation, is re-blended into R-410A for sale in the United States. Although the full extent of affiliation between the Chinese producers and/or exporters of these blends and U.S importers and blenders is unknown, publicly available evidence indicates there is some affiliation between these parties. Accordingly, all the 781(a) factors are met in this case.

2. The Merchandise Sold in the United States is of the Same Class or Kind as the Merchandise Subject to the *HFC Blends Order* and is Completed or Assembled in the United States from Chinese-Origin Components

Imports of R-410B from Turkey are being re-blended in the United States into an in-scope HFC blend — R-410A— prior to sale in the U.S. market. As noted above, R-410B cannot be used in refrigeration or air-conditioning equipment in the United States and, therefore, must be re-blended after importation to meet the specifications of blends subject to the *HFC Blends Order* to be commercially usable. Accordingly, the merchandise sold in the United States — R-

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<sup>54</sup> *Indian Blends*—IDM at 20.

<sup>55</sup> *See id.* at 16-20.

410A — is of the same class or kind as merchandise subject to the *HFC Blends Order* pursuant to section 781(a)(1)(A) of the Act insofar as R-410A is an in-scope HFC blend. Moreover, because blending Chinese-origin HFC components (*i.e.*, R-32 and R-125) in Turkey does constitute a substantial transformation, the imported R-410B is Chinese-origin and, therefore, the merchandise sold in the United States— R-410A— is completed or assembled from parts or components from the country subject to the *HFC Blends Order* pursuant to section 781(a)(1)(B) of the Act.<sup>56</sup>

Commerce has seen this circumvention fact pattern before. In *R-421 from China*, the U.S. importer BMP imported unpatented HFC blend R-421A and HFC components R-32, R-125, and R-143a from China. Because BMP had no rights to sell the patented R-421A, the “imported HFC components and the unpatented R-421A, from China, were used to create HFC blends” by blending in the United States, which BMP “then sold” in the U.S. market.<sup>57</sup> Similarly, in *Unfinished Blends from China* Commerce found “imports of unfinished blends of HFC components R-32 and R-125 from China {were} being finished and sold in the United States.”<sup>58</sup> In both cases, the imports of unpatented R-421A or “unfinished blends” from China offered a way to get the underlying HFC components — namely R-32 and R-125 — into the United States

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<sup>56</sup> See *HFC Blends IDM* at Comment 4 (“the evidence on the record does not support a finding that blending operations are so significant that, when they are undertaken, they change the country of origin of the finished product”).

<sup>57</sup> *Hydrofluorocarbon Blends from the People’s Republic of China: Scope Ruling on Unpatented R-421A; Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order for Unpatented R-421A; and Extension of Time Limit for Final Determination*, 85 Fed. Reg. 12,511 (Mar. 3, 2020) (“*R-421A from China Prelim*”) and accompanying PDM (“*R-421A from China—PDM*”) at 16-17; see also *R-421A from China*.

<sup>58</sup> See *Unfinished Blends from China*.

without having to post antidumping or countervailing duty deposits. Once here, the components, in the form of an unfinished blend or R-421A, were re-blended in the United States into an in-scope HFC blend before sale in the U.S. market.

Here, once again, Chinese producers are attempting to get R-125 and R-32 into the United States without posting cash deposits or incurring liability under the antidumping law. In this case, the route involves blending Chinese R-125 and R-32 into R-410B in Turkey, then re-blending that product after importation into the United States into in-scope R-410A. This processing may be performed by the importer or a toll blender, but may also be undertaken by any of over fifty HFC reclaimers authorized by the EPA to reconstitute HFC blends to bring out-of-scope blends into conformity with the specifications for the in-scope blends. As such, these blends are no different than the “unfinished” blends of R-32 and R-125, or the unpatented (and hence unsalable) blends covered by Commerce’s prior anti-circumvention findings.<sup>59</sup> Though more complicated, this strategy is no less circumvention under section 781(a) of the Act than the previous strategies employed in *Unfinished Blends from China* or *R-421A from China*.

3. The Process of Re-Blending or Completion in the United States is Minor or Insignificant Within the Meaning of Section 781(a)(2) of the Act
  - a. Blending Requires a Relatively Small Investment and Minimal R&D

As a general matter, the USITC explained in the underlying investigation that “the capital investments required and the expertise of the personnel to blend the HFC components can be relatively minimal compared to the capital investment and expertise necessary for an HFC single component facility.”<sup>60</sup> Indeed, the “blending process is not as capital intensive as the process to

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<sup>59</sup> See *Unfinished Blends from China* and *R-421A from China*.

<sup>60</sup> See **Exhibit 8-A** (USITC Pub. 4629) at I-15.



produce HFC components, and an HFC blending facility costs significantly less than an HFC component facility.”<sup>61</sup> In fact, “the investment to produce individual components can be hundreds of millions of dollars.”<sup>62</sup> In contrast, “the cost of constructing a blending facility” can be as little as “\$1 million.”<sup>63</sup>

Put simply, blending HFC components does not require significant investment or R&D. As Ms. Sassano of Chemours testified before the USITC, a production facility to manufacture HFC components requires “an investment of hundreds of millions of dollars in equipment needed to handle these high-hazard reaction and purification processes.”<sup>64</sup> In comparison, “the investment to set up a blending operation is very small.”<sup>65</sup> Richard Rowe, CEO of Arkema, testified: “there is a significant order of magnitude difference between the investments that are required to get into the component manufacture, manufacture of HFC components, to maintain your operating unit in a safe and reliable fashion for component manufacture, as distinguished from blending operations. Depending upon these standards that are set, that order of magnitude referenced investment can be 25 to 1, 50 to 1. It’s significant.”<sup>66</sup> Accordingly, available evidence indicates that the level of investment and level of R&D in the United States for blending out-of-

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<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*; see also **Exhibit 5-B** (ITC Conference Tr.) at 151 (Mr. Ponder: “I think it’s a lot lower than that...I mean if you like bells and whistles and state of the art things, you could spend that easily.”).

<sup>64</sup> *Id.* at 26-27 (Sassano).

<sup>65</sup> *Id.* at 27 (Sassano).

<sup>66</sup> *Id.* at 119 (Rowe).

scope HFC blends into in-scope HFC blends is minor or insignificant within the meaning of sections 781(a)(2)(A) and (2)(B) of the Act.

b. Blending is a Relatively Simple Process

Blending HFC components into HFC blends is a simple process that does not require major investment, complex equipment, or significant R&D. Blending does not require extensive or sophisticated production facilities; rather, it only requires a holding tank for the finished HFC blend, some pipes, and valves.<sup>67</sup> There is no chemical reaction and no temperature change involved in blending two or more HFC components. Even TTI, a major Chinese producer of HFC blends, has admitted that “{t}he blending process simply combines the single components together according to the blending recipe and then {the blend is} packed in various containers.”<sup>68</sup> For example, photographs of BMP’s facility in Tampa, Florida, show ISO containers filled with HFC blends sitting in the parking lot.<sup>69</sup> Containers of R-410B are being discharged into a holding tank to produce R-410A. There is no more to the operation than is shown by the photograph.<sup>70</sup>

Additional evidence related to imports of R-410B from Turkey confirms this analysis. For example, BMP, a U.S. importer, is importing R-410B from Turkey into the port of Savannah, Georgia. As shown by **Exhibit 1**, BMP imported 124 ISO tanks into Savannah in October and November 2022, containing 2,831,979 kg of R-410B shipped by Ice Sogutma

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<sup>67</sup> *Id.* at 25-27 (Sassano).

<sup>68</sup> **Exhibit 21** (excerpts from the TTI Response to Section D QR) at 7.

<sup>69</sup> See **Exhibit 22** (Ben Meng deposition) and **Exhibit 23** (BMP Photos)

<sup>70</sup> See **Exhibit 15-A** (Declaration of [ ]) and **Exhibit 15-B** (Declaration of [ ]).

Sanayi Ve Ticaret Ltd. in Turkey.<sup>71</sup> From the *R-421A* anticircumvention proceedings, it is known that BMP has equipment at its Tampa, Florida, facility for re-blending out-of-scope HFC blends into in-scope blends.<sup>72</sup> In its preliminary decision memorandum in *R-421A*, Commerce found as follows:

BMP's questionnaire response also demonstrates that its levels of investment spending in the United States is insignificant. BMP purchased equipment and started its own blending operations in 2017, using a total investment of \$[ ] dollars. Based on the ITC hearing transcripts placed on the record by the petitioners, a production facility requires an investment of "hundreds of millions of dollars." Therefore assuming costs of over one hundred million dollars, the amount of investment related to blending components represent less than [ ] of the investment for component production operations.

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We also note that T.T. International, a mandatory respondent in the original HFC AD investigation stated, "{t}he blending process simply combines the single components together according to the blending recipe and then {the blend is} packed in various containers." There is also no chemical reaction or temperature change involved in blending HFCs. As such, the nature of the production process in the United States is neither complex nor significant.<sup>73</sup>

Commerce went on to find that BMP's operations and payroll "are relatively limited and do not require a large workforce, and significant or sophisticated machinery."<sup>74</sup> Commerce therefore concluded that "BMP does not have significant production facilities in the United

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<sup>71</sup> See **Exhibit 1** ([ ])

<sup>72</sup> See, e.g., *R-421A from China—PDM* at 4.

<sup>73</sup> See *id.* at 3-4 (footnotes omitted).

<sup>74</sup> *Id.* at 4-5.

States.”<sup>75</sup> BMP’s facilities have not changed since 2020. As shown by photographs that BMP submitted in another lawsuit in 2021 and street-view photographs that Google Maps captured in August and November of 2022, BMP’s facility is unchanged since the 2020 circumvention proceedings.<sup>76</sup> In short, the nature of the blending process in the United States supports a finding that re-blending an out-of-scope HFC blend into an in-scope HFC blend is “minor or insignificant” within the meaning of sections 781(a)(2)(C) and (2)(D) of the Act.

c. The Value of Blending in the United States is Minor or Insignificant

**Exhibit 15** includes evidence regarding the cost of blending in the United States.

Specifically, **Exhibit 15-A** includes [

]. **Exhibit 15-B** includes [

].

As shown by **Exhibit 10**, the average unit value of the in-scope HFC blends in 2022 was \$3.88 to \$5.99 per kilogram. By comparison, the average cost to blend the HFC components ranges from [ ].<sup>77</sup> In other words, available evidence indicates that the cost

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<sup>75</sup> *Id.* at 5.

<sup>76</sup> See **Exhibit 23** (photos of BMP/iGas facilities and equipment) and **Exhibit 22** (excerpts from the deposition of Ben Meng).

<sup>77</sup> See appendices in **Exhibit 15-A** (Declaration of [ ]) and **Exhibit 15-B** (Declaration of [ ]).

to blend HFC components amounts to between [ ] percent of the price of the HFC blend, which is minor or insignificant within the meaning of section 781(a)(2)(E) of the Act.

4. The Value of the Chinese HFC Components Is a Significant Portion of the Value of the HFC Blend Sold in the United States

Section 781(a)(1)(D) of the Act requires that the parts or components account for a “significant portion of the total value of the merchandise.” In this case, the value of the imported Chinese HFC blends accounts for a “significant portion” of the value of the finished HFC blend. These components are the primary inputs in the finished HFC blends. For example, R-410A is a blend consisting of 50% R-32 and 50% R-125. However, R-410B consists of 45% R-32 and 55% R-125. Adding a sufficient volume of R-32 to change the specifications of R-410B so that the blend meets the specification for R-410A is not a “significant” change and does not add significant value to the finished blend.

Commerce’s practice in non-market economy (“NME”) anti-circumvention inquiries, such as this one, is to value the parts and components from the NME using surrogate values.<sup>78</sup> In *Indian Blends*, for example, Commerce calculated the value of Chinese R-32 blended into R-410A in India using the surrogate value for R-32 based on imports of R-32 into Mexico.<sup>79</sup> Here, because the R-410B (a blend of 45% R-32 and 55% R-125) originates in China, it is appropriate to utilize the surrogate value for both the R-32 and the R-125 found in the blend exported from China.

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<sup>78</sup> Commerce’s use of surrogate values in anti-circumvention inquiries involving NMEs has been affirmed by the U.S. Court of International Trade. *See Al Ghurair Iron & Steel LLC v. United States*, 536 F. Supp. 3d 1357, 1377-78 (Ct. Int’l Trade 2021).

<sup>79</sup> *Indian Blends*—IDM at 10-11 and 20.

	R-32/R-125 Surrogate Value			U.S. Imports of R-410A from China (\$/kg)
	Mexico (\$/kg)	Romania (\$/kg)	Costa Rica (\$/kg)	
Imports under HTS 2903.42, 2903.44	\$13.1743 <sup>80</sup>	\$8.8811	\$48.3524	
Adjusted to exclude add'l R-32 (90.91%)	\$11.9768	\$8.0738	\$43.9571	
U.S. Imports under HTS 3827.63.0000				\$3.8813
Surrogate value as % of In-scope imports	308.58%	208.02%	1,132.54%	

Source: **Exhibit 10** (ITC Dataweb); **Exhibit 12-B** (GTA surrogate country data)

The table above identifies the surrogate values for imports of HFC components (R-32 and R-125) used to produce R-410B. To convert R-410B to R-410A, an additional amount of R-32 must be added to the blend.<sup>81</sup> Conservatively assuming that the additional R-32 was not Chinese origin, the value of the Chinese-origin R-125 and R-32 was adjusted downward to reflect the addition of R-32 during the U.S. re-blending process.<sup>82</sup> Further, the table presents data for imports into Mexico, because that was the surrogate country selected in the prior HFC anti-circumventions investigations. However, data for Romania and Costa Rica are also presented, because these countries represent the high and low average unit values within the countries identified in **Exhibit 12-B**.<sup>83</sup>

<sup>80</sup> Mexico continues to report imports of R-32 and R-125 under subheading 2903.39 for 2022, even though this subheading was discontinued after 2021.

<sup>81</sup> As noted above, R-410B is 55% R-125 and 45% R-32; R-410A is a 50/50 blend.

<sup>82</sup> Specifically, to increase the R-32 content of a 45/55 blend requires an additional 10% R-32. Hence, the R-410B content of the re-blended R-410A is  $(45+55)/(55+55) = 0.9091$ .

<sup>83</sup> Commerce has more recently relied selected Romania as the primary surrogate for China in the administrative review of the R-134a antidumping order. See *1,1,1,2-Tetrafluoroethane (R-134a) From the People's Republic of China: Preliminary Results of Antidumping Duty* (footnote continued on next page)

As shown above, in 2022, imports of R-410A from China, classified under subheading 3827.63.0000,<sup>84</sup> had an average unit value of \$3.88 per kilogram. By comparison, the surrogate value of the Chinese R-32 and R-125 components contained in the R-410B blend produced in Turkey, excluding R-32 added to the imported blend, ranged from \$8.07 to \$43.96 per kilogram, depending on the surrogate country.<sup>85</sup> As such, the value of the Chinese components (R-125 and R-32) contained in the R-410B from Turkey accounted for 208.02 percent to nearly 1,132.54 percent of the value of the finished in-scope HFC blend made from the imports.

5. The Antidumping Duty Order Will Be Severely Undermined, or Nullified Altogether, if Out-of-Scope Chinese HFC Blends Can Be Re-Blended in the United States and Escape the Order

In determining whether to include components in an antidumping duty order, section 781(a)(3) of the Act instructs Commerce to consider the “pattern of trade,” whether the manufacturer or exporter is affiliated with party engaged in assembling or completing the merchandise in the United States, and “whether imports into the United States” of components “increased after initiation of the investigation which resulted in the issuance of such order or finding.”<sup>86</sup> While Commerce is instructed to consider these factors, the absence of any one of

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*Administrative Review, Partial Rescission, and Preliminary Determination of No Shipments; 2021–2022*, 88 Fed. Reg. 27,861 (May 3, 2023), and accompanying Preliminary Decision Memorandum at 17 (“*R-134a PDM*”).

<sup>84</sup> This subheading includes “mixtures containing 40 percent or more by mass of Pentafluoroethane (HFC-125), not elsewhere specified or included.” See **Exhibit 4-A** (ASHRAE Designations) at 7 and **Exhibit 13** (HTS materials).

<sup>85</sup> See **Exhibit 10** (ITC Dataweb); see also **Exhibit 12-B** (GTA surrogate country data).

<sup>86</sup> 19 U.S.C. §§ 1677j(a)(3)(A) - (C).

them does not preclude a finding of circumvention.<sup>87</sup> In any event, these statutory factors are compelling in this case.

As demonstrated above, since the *HFC Blends Order* was issued, there has been a surge of imports of HFC blends from China, of which the largest volume in 2022 was R-410B.<sup>88</sup> The surge of these ANSI/ASHRAE-registered but commercially unusable blends occurred following the anti-circumvention findings in 2020 and the antidumping and countervailing duty petitions with respect to R-32 and R-125 in 2020 and 2021, respectively. In particular, out-of-scope blends R-410B were not imported into the United States until October 2021, following Commerce's Preliminary Scope Decision Memorandum in the R-125 investigation.<sup>89</sup> Notably, the *R-125 Scope Memo* created an exclusion from the antidumping duty order for "R-125 incorporated into a blend that conforms to ANSI/ASHRAE Standard 34."<sup>90</sup> Subsequently, this exclusion was included in the antidumping and countervailing duty orders on R-125.<sup>91</sup>

The fact that imports of R-410B commenced after the *R-125 Scope Memo* indicates that importers sought to exploit a potential loophole in the coverage of the various antidumping and countervailing duty orders applied to HFC blends and components. Indeed, U.S. imports of R-

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<sup>87</sup> See, e.g., *Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China: Affirmative Final Determination of Circumvention of Antidumping Duty Order*, 59 Fed. Reg. 15,155-15,156 (Mar. 31, 1994) at Comment 3 ("While the Department has noted that it is 'more likely' for related parties to engage in circumvention activity...Relationship among parties is not a mandatory criterion, but a qualitative 'factor to consider...').

<sup>88</sup> See **Exhibit 1** ([ ]) and **Exhibit 10** (ITC Dataweb).

<sup>89</sup> See **Exhibit 24** (Commerce Memorandum, "Antidumping and Countervailing Duty Investigations of Pentafluoroethane (R-125) from the People's Republic of China: Preliminary Scope Decision Memorandum," (Aug. 10, 2021) ("*R-125 Scope Memo*").

<sup>90</sup> *Id.* at 16.

<sup>91</sup> See *R-125 Order*.



410B now exceed the volume of import of R-410A, even though there is no approved application for these products.

HFC Blend	Identified in Order	2019	2020	2021	2022
<b>R410B</b>	N			<b>811,360</b>	<b>3,573,189</b>
R410A**	Y	640,830	958,360	2,828,210	2,218,543
R421A	Y	355,200	461,820	592,000	732,195
Combined entry*	Y	802,250	228,920	597,380	701,756
R422B	Y	369,870	155,200	14,946,280	541,776
R407C**	Y	191,930	465,390	859,180	237,987
R438A	Y		48,960	4,206,250	205,856
R448A	N				204,880
Unknown	Y	109,030	38,420	202,695	178,520
R404A**	Y	104,560	512,440	511,530	162,247
R422D	Y	286,700	173,600	985,180	134,976
R458A	N				74,560
R407A**	Y			9,390	18,780
R452A	N		28,137	7,790	3,720
R407F	Y	90	1,150		625
R417A	Y				60
<b>R407G</b>	<b>N</b>			<b>336,000</b>	
R453A	N			200,000	

\* - "Combined entry" refers to manifest entries in which more than one HFC blend is identified on a single bill of lading. The blends include R-404A, R-407A, R-407C, R-410A, R-417A, R-422D, R-438A, R-448A, and R-453A.

\*\* - identifies HFC blends subject to the *HFC Blends Order*.

Source: **Exhibit 1** ([ ]).

Every blend in the foregoing table is identified in the scope of the *HFC Blends Order*, except R-448A, R-452A, R-453A, R-458A, R-410B, and R-407G.<sup>92</sup> The first four blends, R-448A, R-452A, R-453A, and R-458A, are not identified in the *HFC Blends Order* because they all incorporate HCFCs or HFOs, which are expressly excluded from the scope of the *HFC*

<sup>92</sup> The *HFC Blends* order explicitly includes the following blends: R-404A, R-407A, R-407C, R-410A, and R-507A; and, it explicitly excludes the following blends: R-407F, R-417A, R-421A, R-421B, R-422A, R-422D, R-437A, and R-438A. *HFC Blends Order*, 81 Fed. Reg. at 55,436.

*Blends Order*.<sup>93</sup> As such, these blends are excluded from the scope of the *HFC Blends Order*.<sup>94</sup>

In contrast, R-410B does not include HCFCs, HCs, or HFOs, and is readily converted into R-410A or another in-scope blend. Given no significant commercial application for R-410B, the surge in these blends in 2021 indicates that these products are being imported for the purpose of re-blending in an attempt to circumvent the antidumping duty order.

Finally, it should be noted that the importer of R-410B from Turkey is BMP.<sup>95</sup>

Commerce has previously found that BMP is affiliated with Juhua Group Corporation, a state-owned producer of HFCs in China.<sup>96</sup> BMP was also the importer of unpatented R-421A already found to circumvent the HFC Blend Order in 2020. And, BMP has over 19 different affiliates created to import HFCs into the United States.<sup>97</sup> Given its affiliation with HFC producers in China and its use of numerous U.S. affiliates to import HFC's, BMP's importation of Chinese

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<sup>93</sup> **Exhibit 8-A** (ITC Pub. 4629) at I-37 – I-38 (R-448A and R-452A includes R-1234yf; R-453A includes R-227ea, R-600, and R-600a). R-458A was not identified in the original ITC determination, but it also includes out-of-scope components R-227ea and 236fa. *See Exhibit 4-A* (ASHRAE Designations) at 12.

<sup>94</sup> *HFC Blends Order*, 81 Fed. Reg. at 55,436 (“Excluded from this order are blends of refrigerant chemicals that include products other than the HFCs, such as blends including chlorofluorocarbons (HCFCs), hydrocarbons (HCs), or hydrofluoroolefins (HFOs).”).

<sup>95</sup> **Exhibit 1** ([ ]).

<sup>96</sup> Zhejiang Juhua Co., Ltd. (“Juhua”), a subsidiary of the Juhua Group, has identified iGas USA, Inc., (an affiliate of BMP) as a “joint venture partner,” “associated enterprise,” and “related party” with which it has substantial transactions. *See Exhibit 25* (Juhua 2021 Annual Report) at 67, 182, 236 (identifying a 34% interested in iGas), and 270 (identifying iGas as a “joint venture”). Notably, in the *R-134a from China* investigation Commerce determined the Juhua Group was “a 100 percent SASAC owned entity.” *See 1,1,1,2-Tetrafluoroethane From the People’s Republic of China: Final Determination of Sales at Less Than Fair Value*, 79 Fed. Reg. 62,597 (Oct. 20, 2014), IDM at Comment 1.

<sup>97</sup> BMP acknowledged affiliation between and among 16 entities in a public submission made on the record of the *R-421A from China* anti-circumvention inquiry. *See Exhibit 26* (BMP and Affiliates Quantity and Value Questionnaire Response (Nov. 21, 2019)).

HFC components blended in Turkey is part of a pattern of circumvention designed to evade the various antidumping duty orders covering HFCs.

In sum, the pattern of trade, including the origin of the HFC components from companies that were covered by the original investigation, the U.S. importers, including an importer (and its affiliates) that was also importing HFC blends during the original investigation, as well as the minimal value added to the imported R-410B in the United States after importation, the pattern of trade indicates that the R-410B imports from Turkey are attempting to circumvent the *HFC Blends Order*. In addition, at least one importer (*i.e.*, BMP) is associated with Chinese producers. Accordingly, the factors outlined in section 781(a)(3) of the Act weigh in favor of initiation and a preliminary affirmative finding of circumvention.

**B. Imports of R-410A From Turkey That Are Produced Using Chinese-Origin HFC Components Circumvent the *HFC Blends Order* Pursuant to Section 781(b) of the Act**

1. Introduction

Turkey does not produce R-32 or R-125 or any other HFCs.<sup>98</sup> As such, R-410A blended in Turkey cannot be blended from R-32 and R-125 produced in that country. Furthermore, as shown by Turkish import statistics, the vast majority of imports of HFC components into Turkey are Chinese origin.<sup>99</sup> As such, the imported R-410A arriving in the United States from Turkey consists in whole or in large part of Chinese-origin HFC components blended in Turkey. The origin of the underlying HFC components, China, is the “the foreign country with respect to

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<sup>98</sup> See **Exhibit 9** ([ ]) at 103 (“Fluorocarbons are not produced in the Middle East or Africa, so all consumption is currently imported.”).

<sup>99</sup> **Exhibit 12-A** (Turkish Import Statistics—GTA).

which such order or finding applies,” for purposes of section 781(b)(1)(B) of the Act. As such, the imported R-410A from Turkey is subject to section 781(b) of the Act.

In Turkey, the process “of assembly or completion,” or the mere blending of HFC components into in-scope R-410A, amounts to a “minor or insignificant” process within the meaning of section 781(b)(1)(C) of the Act. The blending of HFC components is a simple operation, requires relatively little investment or R&D, and accounts for a minimal amount of the cost of manufacture.<sup>100</sup> As Commerce found in *Indian Blends*, the evidence demonstrates that the nature of the blending process “is far less extensive than it would be to produce HFC blends without Chinese components.”<sup>101</sup> Moreover, because HFC components are the primary input of HFC blends, the value of the Chinese-origin HFC components constitute a significant portion of the total value of the HFC blends within the meaning of section 781(b)(1)(D) of the Act.<sup>102</sup>

2. The Merchandise Imported Into the United States is of The Same Class or Kind as The Merchandise Subject to the *HFC Blends Order*

The merchandise imported into the United States is HFC blend R-410A. HFC blend R-410A is explicitly identified in the scope language of the *HFC Blends Order*.<sup>103</sup> Accordingly, the merchandise imported into the United States is within the same class or kind as merchandise subject to the *HFC Blends Order* pursuant to section 781(b)(1)(A) of the Act.

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<sup>100</sup> See *Indian Blend—IDM* at 14-15.

<sup>101</sup> *Id.* at 20.

<sup>102</sup> See *id.* at 16-20.

<sup>103</sup> See *HFC Blends Order*.

3. Before Importation, R-410A is Completed or Assembled in Turkey Using a Blend of Chinese HFC Components

Available evidence indicates that before importation, the R-410A from Turkey is blended in Turkey using R-32 and R-125 produced in China. As noted above, Turkey does not produce HFCs<sup>104</sup> and Turkish import statistics indicate that imports of HFC components from China accounted for 99 percent of the total volume of imports of HFC components into the country in 2022.<sup>105</sup> Indeed, given that U.S. imports of R-410A and R-410B from Turkey amount to 3,027,428 kg. in 2022,<sup>106</sup> imports of HFC components from all other countries excluding China cannot account for the volume of HFC blends exported to the United States.

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Imports into Turkey</b>	<b>Volume (kg)</b>			
China	8,665,873	6,783,983	7,343,699	13,776,967
United States	344,306	369,285	512,743	3
Japan	1,370	41,435	1,272	
India	62,061	717	1,108	39,659
All other	274,927	244,274	163,476	94,707
Total	9,348,537	7,439,694	8,022,298	13,911,336
China as % of Total	92.70%	91.19%	91.54%	99.03%

Source: **Exhibit 12-A** (GTA balance of trade data).

Accordingly, these data confirm the findings of the market research report and the [ ] report and indicate that, before importation, the R-410A from Turkey is produced using Chinese HFC components pursuant to section 781(b)(1)(B) of the Act.<sup>107</sup>

<sup>104</sup> See **Exhibit 9** ([ ])

<sup>105</sup> **Exhibit 12-A** (GTA balance of trade data).

<sup>106</sup> See Table 1, *supra*.

<sup>107</sup> **Exhibit 11** (market research) at 12; **Exhibit 9** ([ ]).

4. The Process of Blending R-410A in Turkey is Minor or Insignificant Within the Meaning of Section 781(b)(1)(C) of the Act

In evaluating whether third country assembly operations are minor or insignificant under sections 781(b)(1)(C) and (b)(2) of the Act, Commerce has previously clarified that

the purpose of the analysis set out in sections 781(b)(1)(C) and (b)(2)(E) of the Act is to evaluate whether a process is minor or insignificant within the context of the totality of the production of subject merchandise. That is, the Department's analysis addresses the relative size and significance of the processing provided by {the respondent} in comparison to the processing necessary to produce the overall finished product.<sup>108</sup>

Therefore, in evaluating the five factors outlined in section 781(b)(2) of the Act, Commerce's

practice has been to compare the total investment required (as well as, separately, the R&D, production process, and facilities) from the beginning of the production process in the country subject to an antidumping or countervailing duty order to the investment required (as well as, separately, the R&D, production process, and facilities) to finish the final product in a third country....<sup>109</sup>

As discussed below, applying Commerce's standard comparative analysis demonstrates that the blending process in Turkey constitutes a minor or insignificant finishing operation pursuant to sections 781(b)(1)(C) and (b)(2) of the Act.

As an initial matter, Commerce has evaluated whether blending HFC components into HFC blends, or re-blending one HFC blend into a different HFC blend, constitutes minor or insignificant processing within the meaning of sections 781(a) and (b) of the Act three separate

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<sup>108</sup> *Small Diameter Graphite Electrodes from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 77 Fed. Reg. 47,596, 47,599 (Aug. 9, 2012) ("*SDGE from China—UK*"), IDM at Comment 3 (emphasis supplied).

<sup>109</sup> *Certain Corrosion-Resistant Steel Products from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty and Countervailing Duty Orders*, 83 Fed. Reg. 23,895 (May 23, 2018) ("*CORE from China—Vietnam*"), IDM at Comment 5.

times since the *HFC Blends Order* was imposed in 2016. In *R-421A from China*, Commerce found blending Chinese-origin HFC components with an unpatented version of HFC blend 421A in the United States was minor or insignificant pursuant to section 781(a) of the Act.<sup>110</sup> In *Unfinished Blends from China*, Commerce found blending additional HFC components with an unfinished blend of R-32 and R-125 was minor or insignificant pursuant to section 781(a) of the Act.<sup>111</sup> Most relevant here, in *Indian Blends* Commerce found blending Chinese and Indian HFC components into an HFC blend was minor or insignificant pursuant to section 781(b) of the Act.<sup>112</sup> As discussed below, the circumventing activity identified in this request is no different than these previous cases. Accordingly, Commerce should find that the blending of Chinese-origin HFC components into R-410A in Turkey is minor or insignificant pursuant to section 781(b)(1)(C) of the Act.

a. The Level of Investment in Turkey is Minor

As a general matter, the USITC explained in the underlying investigation that “the capital investments required and the expertise of the personnel to blend the HFC components can be relatively minimal compared to the capital investment and expertise necessary for an HFC single component facility.”<sup>113</sup> Indeed, the “blending process is not as capital intensive as the process to produce HFC components, and an HFC blending facility costs significantly less than an HFC component facility.”<sup>114</sup> In fact, “the investment to produce individual components can be

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<sup>110</sup> See *R-421A from China* and *R-421 from China—IDM*.

<sup>111</sup> See *Unfinished Blends from China*.

<sup>112</sup> See *Indian Blends* and *Indian Blends—IDM*.

<sup>113</sup> See **Exhibit 8-A** (USITC Pub. 4629) at I-15.

<sup>114</sup> *Id.* at 12.

hundreds of millions of dollars.”<sup>115</sup> In contrast, “the cost of constructing a blending facility” can be as little as “\$1 million.”<sup>116</sup> As discussed above, there is no HFC component production in Turkey.<sup>117</sup> As such, publicly available evidence indicates that blenders/exporters in Turkey are simply blending HFC components, which the USITC recognized requires less capital and significantly less investment than production of HFC components or the full HFC blend production process. Accordingly, evidence indicates that the level of investment in Turkey is minor or insignificant within the meaning of section 781(b)(2)(A) of the Act.

b. The Level of Research and Development in Turkey is Minor

As a general matter, little or no R&D expenditures are required to perform blending operations as the technically complex R&D activities are performed prior to this stage and generally relate only to the production process associated with HFC component production.<sup>118</sup> For this reason, Commerce has repeatedly found R&D expenditures associated with HFC blending are minor or insignificant in the HFC blends industry.<sup>119</sup> Accordingly, although there is little to no publicly available information about the R&D expenditures of HFC producers in China or HFC blenders in Turkey, Commerce’s previous findings indicates that any R&D conducted in Turkey is minor or insignificant within the meaning of section 781(b)(2)(B) of the Act.

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<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> See **Exhibit 9** ([ ]) and **Exhibit 11** (market research).

<sup>118</sup> See, e.g., *R-421 from China—PDM* at 18.

<sup>119</sup> See, e.g., *Indian Blends, R-421A from China*, and *Unfinished Blends from China*.



c. The Nature of the Production Process and Extent of Production Facilities in Turkey Are Minor

The blending process in Turkey is minor or insignificant pursuant to sections 781(b)(1)(C) and (b)(2) of the Act. Commerce has previously found blending of HFC components and/or re-blending HFC blends to be minor or insignificant. For example, in *R-421A from China* and *Unfinished Blends from China*, Commerce found re-blending one HFC blend into another HFC blend was minor or insignificant within the meaning of section 781(a)(1)(C) of the Act. More relevant here, in *Indian Blends* Commerce determined that blending HFC components into in-scope HFC blends in a third country constitutes “minor or insignificant” assembly or completion within the meaning of sections 781(b)(1)(C) and (b)(2) of the Act.<sup>120</sup>

The *Indian Blends* anti-circumvention inquiry is especially probative here insofar as Commerce considered a nearly identical scenario to the facts alleged in this request.<sup>121</sup> In that case, Commerce found that two Indian manufacturers of HFC components were circumventing the *HFC Blends Order* pursuant to section 781(b) of the Act by blending Chinese-origin R-32 or R-125 in India and then exporting the finished, subject HFC blend to the United States. For example, one of the Indian respondents, GFL, “imported HFC component R-32 from China and blending it with Indian-produced components into HFC blends that would otherwise be subject to the *{HFC Blends} Order*,” including R-410A—the same HFC blend subject to this

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<sup>120</sup> See *Indian Blends—IDM* at Comment 3.

<sup>121</sup> The difference between *Indian Blends* and the facts alleged in this request is that one of the respondents in *Indian Blends* produced one of the HFC components. See *Indian Blends—IDM* at Comment 3. As such, the blending operations in Turkey are even less significant than the respondents’ operations in *Indian Blends* insofar as there is no evidence of any HFC production in Turkey. See **Exhibit 11** (market research) and **Exhibit 9** ([ ]).

circumvention request.<sup>122</sup> Commerce found “GFL’s blending process is straightforward” and “requires only basic setups (*i.e.*, tanks, pumps, valves, pipes, and testing equipment) and only a handful of workers directly related to blending the components.”<sup>123</sup> Commerce also found that GFL’s “blending operations are relatively limited and do not require a large workforce, and significant or sophisticated machinery.”<sup>124</sup> In short, “the nature of the blending process in India {was} neither complex nor significant.”<sup>125</sup>

Commerce’s analysis in *Indian Blends* is applicable to the blending operations in Turkey, except that the assembly or completion operations in Turkey are even less significant than the respondents’ operations in *Indian Blends* insofar as there is no evidence of any HFC production in Turkey.<sup>126</sup> Rather, here, Cantas and other blenders in Turkey are simply importing R-32 or R-125 from China and blending those components into in-scope HFC blend R-410A.<sup>127</sup> Hence, the nature of the production process and extent of production facilities in Turkey are minor or insignificant within the meaning of section 781(b)(2) of the Act.

d. The Value of Processing Performed in Turkey Represents a Small Proportion of the Value of the Imported Merchandise

In three separate anti-circumvention inquiries, Commerce has found the value of blending HFC components into HFC blends, or re-blending one HFC blend into another, represented a

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<sup>122</sup> See **Exhibit 2-A** (*GFL Preliminary Analysis Memo*).

<sup>123</sup> *Id.* at 4.

<sup>124</sup> *Id.* at 6.

<sup>125</sup> *Id.* at 5.

<sup>126</sup> See **Exhibit 11** (market research) and **Exhibit 9** ([ ]).

<sup>127</sup> As discussed below, Turkish blenders are also blending R-410B, which is then exported to the United States for re-blending into subject HFC blends, such as R-410A.

small proportion of the value of finished HFC blend. For example, in *R-421A from China* Commerce found the value of blending unpatented R-421A with HFC components from China into in-scope HFC blends ranged from 4.66 and 10.37 percent.<sup>128</sup> More relevant here, in the *Indian Blends* anti-circumvention inquiry Commerce found that the cost of further processing Chinese-origin HFC components in India as a percent of the value of the merchandise sold in the United States was 11.47%.<sup>129</sup> Accordingly, Commerce found that, “pursuant to section 781(b)(2)(E) of the Act, the value of the processing performed in India as a proportion of the value of the merchandise imported into the United States is small.”<sup>130</sup> Insofar as the fact pattern identified in this circumvention request is analogous to the fact pattern in *Indian Blends* — except the third country at issue here is Turkey, not India — Commerce’s prior finding with respect to the value added is applicable here and indicates that the value of the processing performed in Turkey represents a small proportion of the total value of the merchandise imported into the United States pursuant to section 781(b)(2)(E) of the Act.

5. The Value of the Parts or Components from China is a Significant Portion of the Total Value of the Merchandise Imported into the United States

The Chinese HFC components used by blenders in Turkey to produce R-410A constitute the primary raw materials used to produce HFC blends. As shown below, the average unit value of imports of HFC components into Turkey was \$2.80/kg in 2022. By comparison, imports of

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<sup>128</sup> See **Exhibit 2-B** (Commerce Memorandum, “Unpatented R-421A; Business Proprietary Memorandum” (Feb. 25, 2020) (“*R-421A from China Analysis Memo*”) at 5.

<sup>129</sup> See **Exhibit 2-A** (*GFL Preliminary Analysis Memo*) at 6. Commerce’s final value-added ratio was a weighted average of two ratios for two specific blends. For R-407C, the ratio was as low as 1.65%. For R-410A, the ratio was only 12.84%. See *id.*

<sup>130</sup> See *Indian Blends—IDM* at Comment 3.

finished HFC blends from Turkey into the United States had an average unit value ranging of \$4.68/kg:

<b>Table 6: Chinese Exports of HFC Components to Third Countries Account for a Significant Portion of the Value of Blends Imported Into the United States</b>		
	Chinese Exports of HFC Components, 2022 (\$/kg)	U.S. Imports of HFC Blends, 2022 (\$/kg)
<b>Turkey</b>	\$3.29	\$4.68

Source: **Exhibit 12-A** (GTA balance of trade data); **Exhibit 10** (ITC Dataweb).

These data indicate that the Chinese components found in the R-410A blended in Turkey account for nearly 75% of the value of the finished R-410A imported into the United States. As such, the value of the Chinese components is “significant” pursuant to section 781(b)(1)(D) of the Act.

6. The Importation of In-Scope HFC Blends Blended in Third Countries Using Chinese HFC Components Continues the Pattern of Circumvention Already Encountered and Remedied by Commerce

In determining whether to include components in an antidumping duty order, section 781(b)(3) of the Act instructs Commerce to consider the “pattern of trade,” whether the manufacturer or exporter is affiliated with party engaged in assembling or completing the merchandise in the United States, and “whether imports into the United States” of components “increased after initiation of the investigation which resulted in the issuance of such order or finding.”<sup>131</sup> Although Commerce is instructed to consider these factors, the absence of any one of them does not preclude a finding of circumvention.<sup>132</sup> In any event, these statutory factors are compelling in this case.

<sup>131</sup> 19 U.S.C. §§ 1677j(b)(3)(A) - (C).

<sup>132</sup> See *Butt-Weld Pipe Fittings from China*, IDM at Comment 3 (“While the Department has noted that it is ‘more likely’ for related parties to engage in circumvention activity...Relationship among parties is not a mandatory criterion, but a qualitative ‘factor to consider...’”).

As shown in **Exhibit 1**, there were no imports of HFC blends from Turkey in 2019. However, since 2021 there has been substantial imports of HFC blends from Turkey. Likewise, the official Census statistics in **Exhibit 10** indicate that there were no imports of HFC blends from Turkey in 2019, but significant and growing imports beginning in 2021.<sup>133</sup> These imports have apparently been entered as “made in Turkey” notwithstanding the lack of any HFC production in Turkey.<sup>134</sup> Accordingly, import statistics demonstrate a meaningful change in the pattern of trade and evince circumventing activity within the meaning of section 781(b)(3)(A) of the Act.

Additionally, Turkish imports of HFC components from China were at an all time high in 2022. Indeed, Turkish imports of HFC components from China were significantly higher in 2022 than in the three preceding years:

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Imports into Turkey</b>	<b>Volume (kg)</b>			
China	8,665,873	6,783,983	7,343,699	13,776,967
United States	344,306	369,285	512,743	3
Japan	1,370	41,435	1,272	
India	62,061	717	1,108	39,659
All other	274,927	244,274	163,476	94,707
Total	9,348,537	7,439,694	8,022,298	13,911,336
China as % of Total	92.70%	91.19%	91.54%	99.03%

*Source: Exhibit 12-A (GTA Data)*

<sup>133</sup> See **Exhibit 10** (ITC Dataweb).

<sup>134</sup> See **Exhibit 11** (market research) at 10-12; see also **Exhibit 9** ([ ]).

Accordingly, imports into Turkey of parts and components (*i.e.*, HFC components) from China have increased significantly after the imposition of the *HFC Blends Order* pursuant to section 781(b)(3)(C) of the Act.

Unfortunately, there is no publicly available data indicating the Chinese producer of the HFC components that are sent to Turkey for re-blending. As such, the full extent of affiliation between the Chinese producers and/or exporters of HFC components, blenders in Turkey, and their U.S importers is unknown. Although affiliation between these parties may be revealed during an inquiry, affiliation is not required for Commerce to find circumvention pursuant to section 781(b) of the Act.<sup>135</sup> In any event, the factors outlined in section 781(b)(3) of the Act demonstrate a distinct pattern of trade and a shift in import trends that provide compelling evidence of circumventing behavior pursuant to section 781(b)(3) of the Act.

#### IV. REQUEST FOR COUNTRY-WIDE INQUIRIES

The American HFC Coalition requests that Commerce conduct country-wide anti-circumvention inquiries. Given the ease of blending in Turkey and the evidence that HFCs have already been smuggled through Turkey into the EU in violation of the F-gas regulations,<sup>136</sup> a country-wide 781(b) inquiry is the only remedy that can stem the flow of circumventing imports.

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<sup>135</sup> See *CORE from China—Vietnam*, 83 Fed. Reg. 23,895, IDM at Comment 12 (“{w}hile generally we consider circumvention to be more likely to occur when the manufacturer of the subject merchandise is related to the third country assembler...the lack of affiliation does not constitute evidence that circumvention is not occurring.”).

<sup>136</sup> See **Exhibit 27** (EIA, “Europe’s Most Chilling Crime: The Illegal Trade in HFC Refrigerant Gases” (July 2021) at 6 (“China HFC exports to eastern EU neighboring countries, several of which have been identified as likely source countries for HFCs entering the EU illegally, have grown by 96 per cent since 2014 (see Figure 8). Turkey has emerged as a key source country for Chinese-made HFCs entering the EU without quota.”)).

Additionally, given the large number of importers and blenders in the United States, and the prior *R-421A from China* and *Unfinished Blends from China* anti-circumvention inquiries, a country-wide 781(a) inquiry is the only remedy that can stem the flow of circumventing imports. Accordingly, the HFC Coalition requests that Commerce initiate 781(a) and 781(b) inquiries on a country-wide basis.

## V. REQUESTED RELIEF

A reasonable remedy can be based on the *Indian Blends* anti-circumvention decision. *First*, if the above blends contain any Chinese-origin HFC components, then these should be presumed to be subject to the *HFC Blends Order*. The certification and documentation requirements set forth in Appendices II, III, and IV to the *Indian Blends* decision should be required for all imports of R-410A from Turkey (*i.e.*, a country-wide determination). The certification attests that any in-scope blend imported from the third country does not include Chinese HFC components. In the event that such a certification is not maintained by the exporter and presented to CBP at the time of importation, CBP should suspend the entry and collect cash deposits at the antidumping duty rate established for the China-wide entity (216.37 percent) pursuant to the *HFC Blends Order*. Moreover, any false certification or documentation presented to obtain entry would be subject to sanctions pursuant to 18 U.S.C. § 1001 and 19 U.S.C. § 1592.

*Second*, with respect to R-410B imported from Turkey, the importer must alternatively certify and document that the R-410B blended in Turkey will not be re-blended in the United States into R-410A or another in-scope blend after importation, and will be sold to an end-user with a documented application for R-410B. Such a certification will require the importer to

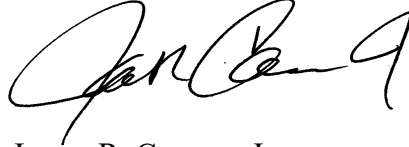
obtain a similar certification from its end-use customer, which will also be subject to verification and penalties for the submission of false statements for the purpose of obtaining entry. Failure to submit such information at the time of entry would require CBP to suspend the entry and collect cash deposits at the antidumping duty rate established for the China-wide entity (216.37 percent) pursuant to the *HFC Blends Order*. Moreover, any false certification or documentation presented to obtain entry would be subject to sanctions pursuant to 18 U.S.C. § 1001 and 19 U.S.C. § 1592.

## **VI. REQUEST FOR CONFIDENTIAL TREATMENT**

Pursuant to 19 U.S.C. § 1677f(b)(1) and 19 C.F.R. § 351.304, the HFC Coalition requests that confidential treatment be accorded the business proprietary information contained in this submission. The information for which we request proprietary treatment includes the business confidential information of Coalition members, which contain the sales, cost of goods sold, customer names, and other information of three major, integrated domestic producers of HFC blends, as well as market research and import and export data obtained by subscription, and independent market research. These data are not otherwise publicly available. Disclosure of such information could cause substantial harm to the business operations and competitive position of the submitters, and disclosure would impair the ability of the Commerce Department to obtain similar information in future proceedings. This information warrants proprietary treatment pursuant to 19 C.F.R. §§ 351.105(c)(2), (3), and (11).



Respectfully submitted,



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**EXHIBIT LIST**

<b>Exhibit Number</b>	<b>Exhibit Name</b>	<b>Public or BPI</b>
<b>1</b>	[ ]	BPI
<b>2.A</b>	Preliminary Analysis Memorandum for GFL from Indian Blends Anti-Circumvention Inquiry	Public
<b>2.B</b>	Preliminary Analysis Memorandum for Unpatented R-421A	Public
<b>3.A</b>	Excerpts of Antidumping Petition from HFC Blends Investigation	Public
<b>3.B</b>	Excerpts of Antidumping Petition from R-134a Investigation	Public
<b>3.C</b>	Excerpts of Antidumping Petition from R-32 Investigation	Public
<b>3.D</b>	Excerpts of Antidumping Petition from R-125 Investigation	Public
<b>4.A</b>	ASHRAE HFC Definitions	Public
<b>4.B</b>	AHRI Guideline Assignment of Refrigerant Container Colors	Public
<b>5.A</b>	Excerpts from USITC Hearing (Final) for HFC Blends Investigation	Public
<b>5.B</b>	Excerpts from USITC Hearing (Prelim) for HFC Blends Investigation	Public
<b>6</b>	Carrier Corp. Description of R-410A	Public
<b>7</b>	Emails from HFC Coalition and OEM and Warranty Information	BPI/Public
<b>8.A</b>	USITC Publication 4629 (Final)	Public
<b>8.B</b>	Excerpt from USITC Publication 4558 (Prelim)	Public
<b>9</b>	[ ]	BPI
<b>10</b>	Dataweb Data	Public
<b>11</b>	Market Research	BPI
<b>12.A</b>	Balance of Trade Data (GTA)	Public
<b>12.B</b>	Surrogate Value Data (GTA)	Public
<b>12.C</b>	Commerce Surrogate Country List (2022)	Public
<b>13.A</b>	HTSUS Chapters for HFC Blends	Public
<b>13.B</b>	HTS Record Change (2022)	Public
<b>14</b>	CBP Ruling H276411	Public
<b>15.A</b>	Declaration of [ ]	BPI
<b>15-B</b>	Declaration of [ ]	BPI
<b>16</b>	[ ]	BPI
<b>17</b>	Scaringe Excerpt	Public
<b>18-A</b>	HFC Coalition ITC Hearing Exhibits	Public
<b>18-B</b>	iGas and [ ] pricing	BPI
<b>19-A</b>	iGas Website	BPI
<b>19-B</b>	RGAS Website	Public
<b>19-C</b>	American Refrigerants Website	Public
<b>19-D</b>	SDS Refrigerants	Public
<b>19-E</b>	RTR Suppliers Website	Public
<b>19-F</b>	Ability Refrigerants Website	Public
<b>20-A-D</b>	Information submitted to EPA	BPI
<b>20-E</b>	iGas and BMP Affiliates Summary Table	Public
<b>21</b>	Excerpt of Section D Response from TTI	Public

<b>22</b>	Meng Dep Vol. 1	Public
<b>23</b>	iGas & BMP Facility Pictures	Public
<b>24</b>	DOC Preliminary Scope Memo R-125	Public
<b>25</b>	2023 Juhua Annual Report	Public
<b>26</b>	BMP and Affiliates QV QR from R-421A	Public
<b>27</b>	EIA Report	Public