



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-172]

### **Vanillin from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that vanillin from the People's Republic of China (China) is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is October 1, 2023, through March 31, 2024. Interested parties are invited to comment on this preliminary determination.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Claudia Cott or Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4270 or (202) 482-3683, respectively.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on July 1, 2024.<sup>1</sup> On July 22, 2024, Commerce tolled certain deadlines in this

---

<sup>1</sup> See *Vanillin from the People's Republic of China: Initiation of Less-Than-Fair Value Investigation*, 89 FR 54424 (July 1, 2024) (*Initiation Notice*).

investigation by seven days.<sup>2</sup> On October 22, 2024, Commerce postponed the preliminary determination of this investigation.<sup>3</sup> The deadline for the preliminary determination is now January 8, 2025.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.<sup>4</sup> A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### **Scope of the Investigation**

The product covered by this investigation is vanillin from China. For a complete description of the scope of this investigation, *see* Appendix I.

### **Scope Comments**

In accordance with the *Preamble* to Commerce's regulations,<sup>5</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, *i.e.*, scope.<sup>6</sup> No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice*. As a result, Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice*. *See* the scope in Appendix I to this notice.

### **Methodology**

---

<sup>2</sup> *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024

<sup>3</sup> *See Vanillin from the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair Value Investigation*, 89 FR 84330 (October 22, 2024).

<sup>4</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Affirmative Determination in the Investigation of Sales at Less Than Fair Value of Vanillin from People's Republic of China," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>5</sup> *See Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997).

<sup>6</sup> *See Initiation Notice*, 89 FR at 54424.

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices and constructed export prices in accordance with sections 772(a) and (b) of the Act, respectively. Because China is a non-market economy (NME) within the meaning of section 771(18) of the Act, Commerce has calculated normal value (NV) in accordance with section 773(c) of the Act. Furthermore, pursuant to sections 776(a) and (b) of the Act, Commerce preliminarily relied upon facts otherwise available, with adverse inferences, for the China-wide entity. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

### **Combination Rates**

In the *Initiation Notice*,<sup>7</sup> Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.<sup>8</sup> In this investigation, we assigned a producer/exporter combination rate for the companies that are listed in the "Preliminary Determination" and eligible for separate rates.

### **Separate Rates**

We preliminarily granted a separate rate to certain separate rate respondents that we did not select for individual examination.<sup>9</sup> In calculating the rate for non-individually examined separate rate respondents in an NME LTFV investigation, Commerce normally looks to section 735(c)(5)(A) of the Act, which pertains to the calculation of the all-others rate in a market economy LTFV investigation, for guidance. Pursuant to section 735(c)(5)(A) of the Act, normally this rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for those companies individually examined, excluding

---

<sup>7</sup> *Id.*

<sup>8</sup> *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, "Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries," (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at [enforcement.trade.gov/policy/bull05-1.pdf](https://enforcement.trade.gov/policy/bull05-1.pdf).

<sup>9</sup> *See* the Preliminary Decision memorandum for additional details

zero and *de minimis* dumping margins, and any dumping margins based entirely under section 776 of the Act.

Commerce calculated an individual estimated weighted-average dumping margin for Jiangxi Brother Pharmaceutical Co., Ltd. (Jiangxi Brother) that is not zero, *de minimis*, or based entirely on facts otherwise available. Thus, the weighted-average dumping margin calculated for Jiangxi Brother is the basis to determine the weighted-average dumping margin for the non-examined, separate rate companies in this investigation.<sup>10</sup> See the table below in the “Preliminary Determination” section of this notice.

### Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter	Producer	Weighted-Average Dumping Margin (percent)	Cash Deposit Rate (Adjusted for Subsidy Offsets) (percent)
Jiangxi Brother Pharmaceutical Co., Ltd.	Jiangxi Brother Pharmaceutical Co., Ltd.	186.20	186.15
Chongqing Thrive Fine Chemicals Co., Ltd.	Chongqing Thrive Fine Chemicals Co., Ltd.	186.20	186.15
HongKong Wictive Merchants Co., Ltd.	Kunshan Asia Aroma Corp., Ltd.	186.20	186.15
Kunshan Asia Aroma Corp., Ltd.	Kunshan Asia Aroma Corp., Ltd.	186.20	186.15
Mianyang Sunshine Bio-Tech Co., Ltd.	Mianyang Sunshine Bio-Tech Co., Ltd.,	186.20	186.15
Shanghai Fuxin Fine Chemical Co., Ltd.	Jiaying Zhonghua Chemical Co., Ltd.	186.20	186.15
Shenzhen Siyomicro Bio-Tech Co., Ltd.	Shenzhen Siyomicro Bio-Tech Co., Ltd.	186.20	186.15
Wuxi Lotus Essence Co., Ltd.	Jiaying Zhonghua Chemical Co., Ltd.	186.20	186.15
Xiamen Bestally Biotechnology Co., Ltd.	Xiamen Oamic Biotech Co., Ltd.	186.20	186.15
China-Wide Entity		379.87*	379.82

\* This rate is based on facts available with adverse inferences.

<sup>10</sup> See Memorandum, “Calculation of the Dumping Margin for Respondents Not Selected for Individual Examination,” dated January 8, 2025.

## **Suspension of Liquidation**

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the *Federal Register*, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) for the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of Chinese producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the Chinese producer/exporter combination (or the China-wide entity) that supplied that third-country exporter.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce has made a preliminary affirmative determination for domestic subsidy pass-through or export subsidies, Commerce has offset the calculated estimated weighted-average dumping margin by the appropriate rate(s). Any such adjusted rates may be found in the “Preliminary Determination” section’s table of estimated weighted-average dumping margins above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to

begin collecting cash deposits at a rate equal to the estimated weighted-average dumping margins calculated in this preliminary determination unadjusted for the passed-through domestic subsidies or for export subsidies at the time the CVD provisional measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

### **Disclosure**

Commerce intends to disclose to interested parties the calculations and analysis it performed in connection with this preliminary determination within five days of the public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the *Federal Register* in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

### **Verification**

As provided in section 782(i)(1) of the Act, Commerce intends to verify information relied upon in making its final determination.

### **Public Comment**

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.<sup>11</sup> A timeline for the submission of case briefs and written comments will be notified to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the

---

<sup>11</sup> Case and rebuttal briefs submitted in response to this preliminary determination should not include scope-related issues. See 19 CFR 351.309(c)(1)(i); see also 19 CFR 351.303 (for general filing requirements).

date for filing case briefs.<sup>12</sup> Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.<sup>13</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>14</sup> Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>15</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the *Federal Register*. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

---

<sup>12</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>13</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>14</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>15</sup> See *APO and Service Final Rule*.

## **Postponement of Final Determination and Extension of Provisional Measures**

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Pursuant to 19 CFR 351.210(e)(2), Commerce requires that requests by respondents for postponement of a final antidumping duty determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On December 24, 2024, Jiangxi Brother requested that Commerce postpone the final determination and that the provisional measures be extended to a period not to exceed six months, respectively.<sup>16</sup> In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

## **U.S. International Trade Commission Notification**

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

---

<sup>16</sup> See Jiangxi Brother's Letter, "Request to Postpone Final Determination," dated December 24, 2024.

## **Notification to Interested Parties**

This preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: January 8, 2025.

**Steven Presing,**  
*Acting Deputy Assistant Secretary  
for Policy and Negotiations.*

## **Appendix I**

### **Scope of the Investigation**

The merchandise covered by the investigation is vanillin, with the molecular formula  $C_8H_8O_3$  or  $C_9H_{10}O_3$ . For purposes of this investigation, vanillin consists of natural vanillin, synthetic vanillin, bio-sourced synthetic vanillin (biovanillin) (each also known as 4-Hydroxy-3-methoxybenzaldehyde), and ethylvanillin (also known as 3-Ethoxy-4-hydroxybenzaldehyde). Vanillin covered by this investigation is a chemical compound with the Chemical Abstracts Service (CAS) number 121-33-5 or 121-32-4. Vanillin is covered by the investigation regardless of whether it is in a crystalline powder or crystal form. Vanillin is covered by the scope of the investigation, irrespective of purity, particle size, or physical form.

Merchandise subject to the investigation is specified within the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 2912.41.0000 and 2912.42.0000. The HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes only. The written description of the merchandise covered by the investigation is dispositive.

## **Appendix II**

### **List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Period of Investigation
- IV. Discussion of the Methodology
- V. Adjustment Under Section 777(A)(f) of the Act
- VI. Adjustment to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
- VII. Recommendation

[FR Doc. 2025-00865 Filed: 1/15/2025 8:45 am; Publication Date: 1/16/2025]