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**Special
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Commerce announces retroactive duty ruling

The U.S. Department of Commerce announced this afternoon that Canfor, West Fraser, Tolko, and Resolute will not be charged retroactive duties in the countervailing duty case. However, J.D. Irving and “all other” Canadian companies will be required to pay any CVD duties for a period 90 days from when the notice is published in the Federal Register. Commerce is not scheduled to announce what any CVD duty rates will be until April 25.

If the preliminary CVD determination is published in the Federal Register around May 1 as expected, J.D. Irving and “all other” Canadian companies will be required to pay any CVD duties assessed retroactive to around February 1.

In its eight-page ruling, the DOC said it compared the total volume of shipments to the U.S. from October 2015 through June 2016 with the preceding nine-month period of January 2015 through September 2015 for the four mandatory respondents in the case (Canfor, West Fraser, Tolko, and Resolute). In order to prove

critical circumstances exist in the case that would lead to retroactive duties, imports must increase by at least 15% during this period to be considered “massive,” and therefore invoke retroactive duties.

In its conclusion, Commerce states, “Based on the criteria and findings discussed above, we preliminarily determine that critical circumstances exist with respect to imports of softwood lumber shipped by J.D. Irving and ‘all others.’ We preliminarily determine that critical circumstances do not exist with respect to Canfor, Resolute, Tolko, and West Fraser.”

In order to determine the “all others” retroactive ruling, Commerce subtracted the shipment totals reported by Canfor, Resolute, Tolko, West Fraser, and J.D. Irving from the overall shipment totals.

A final ruling on retroactivity will be announced when the final ruling in the CVD and anti-dumping duty cases are announced, likely late this year.

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