



CHINA SECTION 301 LIST 2 PRODUCT EXCLUSION REVISIONS FEBRUARY 21, 2020

On February 20, the U.S. Trade Representative (USTR) [announced](#) two revisions to the China Section 301 List 2 product exclusions. First, a new product exclusion for electric skateboards was created. Second, the USTR has expanded the scope of a previously-approved product exclusion for silicone presented in containers of either 210 or 1,040 liters to now include all silicones classified in HTSUS subheading 3910.00.0000.

The second revision raises considerations for all clients who have requested product exclusions. The USTR did not provide a rationale for expanding the previously-approved product exclusion to cover all silicones in primary forms. However, there have been several other amendments to product exclusions over the last few months. [See 84 Fed. Reg. 69011](#) (Dec. 17, 2019) (announcing seven (7) amendments); [84 Fed. Reg. 69016](#) (Dec. 17, 2019) (announcing fourteen (14) amendments); [85 Fed. Reg. 7816](#) (Feb. 11, 2020) (announcing twenty-nine (29) amendments); [85 Fed. Reg. 9921](#) (Feb. 20, 2020) (announcing three (3) amendments). The reasons for these amendments are unclear, but they demonstrate USTR's willingness to reconsider the language of approved product exclusions and alter their scope. In one instance, a previously denied request was later approved. This is a new opportunity that clients should consider. Contact [Brian Murphy](#) or [Sean Murray](#) to discuss.

These List 2 product exclusions are retroactive to August 23, 2018 and expire on October 2, 2020. Clients may seek refunds for merchandise now covered by these List 2 product exclusions through Protests or Post-Summary Corrections (PSCs). Clients should carefully review entries to meet refund filing deadlines. For some merchandise entered in 2018, those deadlines may have already passed.

Clients may contact [Ryan Thornton](#) to obtain an updated version of the comprehensive spreadsheet we have prepared of all product exclusions from China Section 301 duties to date. This spreadsheet also provides the amended and original language of approved product exclusions.

Please contact [Marshall Miller](#), [Brian Murphy](#), [Sean Murray](#), or [Ryan Thornton](#) with questions or for assistance.

ABOUT OUR FIRM

[Biographies](#) / [Clients](#) / [FTZ Clients](#) / [Seminars](#) / [Webinars](#) / [Document Library](#) / [Visit Our eStore](#) / [Briefings Monthly Newsletter](#)
/ [Employment](#) / [Contact Us](#)

IMPORTS EXPORTS FOREIGN-TRADE ZONES

Copyright © 2020 Miller & Company P.C.

This electronic communication is from the law firm of Miller & Company P.C. and is confidential, privileged, and intended only for the use of the recipient named above. If you are not the intended recipient, unauthorized disclosure, copying, distribution or use of the contents of this information is strictly prohibited. If you have received this in error, please notify the sender immediately by calling (816) 561-4999.

