



EXTENSIONS OF CHINA SECTION 301 LIST 1 PRODUCT EXCLUSIONS OCTOBER 29, 2019

On October 28, the U.S. Trade Representative (USTR) [issued](#) a Notice that announced the process for requesting extensions to the China Section 301 List 1 product exclusions that were granted on December 28, 2018. Requests for extensions may be submitted for a very short thirty (30) day period beginning November 1, 2019 and ending November 30, 2019.

This USTR Notice raises a number of issues and concerns:

- The extension process applies only to the List 1 China Section 301 product exclusions granted on December 28, 2018. These exclusions cover thirty-one (31) products/product categories covering seven (7) entire 10-digit HTS provisions and twenty-four (24) product-specific descriptions. Covered merchandise includes radial ball bearings, water filtration apparatus, and hydraulic power engines and motors. Expect similar notices for China Section 301 Lists 2, 3, and 4A before those exclusions begin to expire in March 2020.
- The comments are not limited to the party who originally requested the exclusions. Whether or not a company requested a product exclusion, China Section 301 product exclusions are available for all merchandise meeting the product exclusion description. Likewise, a company may request extension of a product exclusion even if the company did not request the initial exclusion. We encourage clients that are using an exclusion secured by another company to request an extension to preserve the exclusion.
- The USTR Notice allows comments for and against continuing the exclusions. Thus, companies and other interested parties may file comments in support of—or in opposition to—extending an exclusion.
- The extension process uses forms that are different from the initial List 1 product exclusion requests. These new forms are similar to the more detailed forms used for China Section 301 List 3 product exclusions. Required information includes whether merchandise is available in the U.S. or third countries, the quantity of merchandise sourced from China or domestic sources, and the economic harm to U.S. companies from these increased duties. The USTR also seeks information on whether Chinese suppliers have lowered prices in response to product exclusions.

Do not forget the short timeframe for requesting extensions. Extensions must be filed by November 30. Please contact [Marshall Miller](#), [Brian Murphy](#), [Sean Murray](#), or [Ryan Thornton](#) with questions or for assistance in filing extension requests. Contact [Ryan Thornton](#) for our proprietary China 301 spreadsheet list of all exclusions.

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