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***SOCMA 301 COVID-19 Data Sheet***

*USTR Seeks Comments on Possible Further Modifications to Remove Section 301 Duties from Additional Chinese-origin Medical-Care Products; Submit Input to* [*Matthew Moedritzer*](mailto:mmoedritzer@socma.org)*.*

MARCH 31, 2020

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| **DISCLAIMER**: Every attempt has been made to ensure the accuracy of this information. However, SOCMA recommends that users [contact SOCMA](mailto:gmailto:gr@socma.or) with issues or questions and that users refer to the original Federal Register notices or CSMS messages for official information. |

In light of COVID-19 outbreak, the Office of the U.S. Trade Representative (USTR) has [announced](https://ustr.gov/about-us/policy-offices/press-office/press-releases/2020/march/ustr-response-coronavirus-crisis) that USTR is requesting [public comments](https://www.federalregister.gov/documents/2020/03/25/2020-06285/request-for-comments-on-additional-modifications-to-the-301-action-to-address-covid-19-chinas-acts) by June 25, 2020 on further modifications to remove Section 301 duties from additional Chinese-origin medical-care products, including pharmaceuticals and chemicals that make pharmaceuticals. SOCMA will submit comments to the docket and as such, respectfully requests input from members via the SOCMA 301 COVID-19 Data Sheet (found on page 3 below) for inclusion in SOCMA 301 COVID-19 Comments.

USTR recently prioritized the review of exclusion requests addressed to medical-care products related to the U.S. response to COVID-19, and granted approximately 200 separate exclusions covering personal protective equipment and other medical-care related products. *See* [85 FR 13970](https://www.federalregister.gov/citation/85-FR-13970) (March 10, 2020), [85 FR 15015](https://www.federalregister.gov/citation/85-FR-15015) (March 16, 2020), and [85 FR 15244](https://www.federalregister.gov/citation/85-FR-15244) (March 17, 2020).

Most pharmaceutical and chemical products are found in Section 6 of the [Harmonized Tariff Schedule](https://hts.usitc.gov/current) (HTS) of the U.S. (HTS Chapters 28 to 38). Chapter 30 in particular refers to pharmaceutical products, and covers products including finished dosage form drugs and biologics. The Administration was fairly careful about avoiding increasing the cost of health care, except in the over-the-counter (OTC) space. Finished pharmaceuticals (HTS Chapter 30) are exempt, and active pharmaceutical ingredients (API) for prescription drugs are generally spared or have been delisted. For example, USTR avoided major pharmaceutical tariff lines such as 2935 (sulfonamides), 2933 (nitrogen heterocyclic compounds and derivates) and 2934 (nucleic acids and their salts), which are heavily dominated by biologically active compounds. However, some APIs with OTC applications for instance, remain listed, which could lead to supply chain disruptions or increased costs.

For more information, please see the following resources:

* USTR Section 301 [Website](https://ustr.gov/issue-areas/enforcement/section-301-investigations/search)
* SOCMA Blog: [China Tariffs and Impacts to the Chemical-Pharmaceutical Industry](https://www.socma.org/china-tariffs-and-impacts-to-the-chemical-pharmaceutical-industry/).

**USTR Guidance for Commenters**:

* Each comment specifically must identify the particular product of concern and explain precisely how the product relates to the response to the COVID-19 outbreak. For example, the comment may address whether a product is directly used to treat COVID-19 or to limit the outbreak, and/or whether the product is used in the production of needed medical-care products.
* Comments may be submitted regarding any product covered by the action in the investigation, regardless of whether the product is subject to a pending or denied exclusion request.
* In order to facilitate timely consideration of possible modifications, commenters should define the product of concern as precisely as possible. All comments must include the following information, to the extent possible: The ten-digit subheading of the HTSUS applicable to the product, and the identity of the particular product in terms of its functionality and physical characteristics (e.g., dimensions, material composition, or other characteristics). Commenters may provide information concerning the producer, importer, ultimate consumer, or trademarks or tradenames, but this is less helpful.
* Interested parties may also respond to comments within three business days after a comment is posted in the docket. USTR will review comments on a rolling basis.

In conclusion, please include the aforementioned information when submitting input to [Matthew Moedritzer](mailto:mmoedritzer@socma.org) via the SOCMA 301 COVID-19 Data Sheet (below). In the meantime, please also view SOCMA Comments on U.S. [List 3](http://files.constantcontact.com/0a2e4413701/bb727f98-0bee-4b9f-8533-eb289d07653f.pdf) and [List 4](https://files.constantcontact.com/0a2e4413701/a5037e05-30cb-4726-b99d-8d698804f9d2.pdf) as a blueprint for future SOCMA 301 COVID-19 Comments.

----------- **SOCMA 301 COVID-19 Data Sheet below** ------------

**SOCMA 301 COVID-19 DATA SHEET**

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|  | **10-digit HTS No.** | **Chemical Name** | **CAS No.** | **Identity of the particular product in terms of its functionality and physical characteristics** | **Relation to response to COVID-19 outbreak** | **Miscellaneous** |
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| **General Information for Potential Inclusion in Body of SOCMA Comments:** |