



ALERTS

USTR Announces Product Exclusion Process For Section 301 'List 4A' Products

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On Oct. 24, the Office of the U.S. Trade Representative (USTR) [announced](#) the establishment of a process for requesting exclusions from Section 301 tariffs for products on “List 4A.”

Importers, purchasers, trade associations and any other interested parties can request that products be excluded from Section 301 duties. USTR will begin [accepting such exclusion requests](#) for List 4A products on Oct. 31, 2019, and the deadline for submitting requests is Jan. 31, 2020.

List 4A [includes thousands of products](#) – such as telecommunications equipment, motor vehicle products, agricultural products, kitchenware, and large percentages of apparel and footwear, among others – affecting almost all goods that have not already been subject to the three prior lists of Section 301 tariffs. [In effect since Sept. 1](#) at a 15% tariff rate, the list is composed of over 3,000 different Harmonized Tariff Schedule of the United States (HTSUS) codes, covering products valued at close to \$120 billion worth of imports annually from China.

USTR’s announcement includes a draft List 4A exclusion request form. The List 4A request form is similar to the form used in the List 3 exclusion process with a few minor exceptions, such as USTR’s new question on whether the product is subject to an antidumping or countervailing duty order.

In addition, domestic manufacturers and other interested parties will have 14 days after the request is posted to file a response either objecting to or supporting the exclusion request. Any replies to objecting or supporting

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responses are then due the later of 7 days after the end of the 14-day response period or 7 days after the response is posted on USTR's portal.

Any successful exclusion will be effective for one year starting from the Sept. 1, 2019 effective date for List 4A.

USTR has published another list, referred to as "List 4B," which is scheduled to take effect on Dec. 15, 2019 and will also be subject to a 15% tariff rate. The Oct. 24 announcement does not cover List 4B, as USTR is expected to announce the exclusion process for List 4B items at a later date. Items on List 4B include, but are not limited to, smartphones, laptops, toys, baby items, and certain other remaining apparel and footwear not already subject to Section 301 duties.

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