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Tim Brightbill Discusses EAPA Process for Pursuing Importers That Evade AD/CVD Duties

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Inside U.S. Trade's World Trade Online
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Timothy C. Brightbill, partner in Wiley's International Trade Practice, was quoted by *Inside U.S. Trade's World Trade Online* in a July 8 article about U.S. Customs and Border Protection's (CBP) efforts to pursue evaders of antidumping (AD) and countervailing duties (CVD) under the Enforce and Protect Act (EAPA).

Mr. Brightbill described EAPA as "a very successful program" and a significant improvement over CBP's previous process for going after importers that evade U.S. duties. Mr. Brightbill is representing one of the largest U.S.-based kitchen cabinet companies and has filed multiple EAPA allegations alleging evasion and transshipment of kitchen cabinets from China through Malaysia.

Imports of wooden cabinets from Malaysia increased by more than 450% in value from January through July 2020 compared to the same period in 2019, before the AD/CVD order went into effect. CBP's investigation found evidence that purported manufacturing sites in Malaysia included an "abandoned lot" and a factory "still under construction."

According to Brightbill, EAPA provides a streamlined way to address such cases of "flat-out cheating" on AD/CVD orders in which harm to U.S. industry already has been established by the U.S. Department of Commerce.

Mr. Brightbill said he would support implementing a system, under EAPA for administrative protective orders to allow companies to submit business proprietary information that could remain confidential to the agency and lawyers for all parties. He noted that domestic

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industries proposed that CBP implement such a system when the EAPA program was established five years ago.

To read the article, click here (*subscription required*).