wiley

Navigating Trump Era Tariffs and Implications for Steel Supply Chains

Ted Brackemyre

Wiley Rein LLP

October 26, 2026

Agenda

Overview of Current and Potential Tariffs

- Antidumping and Countervailing Duties (AD/CVD)
- Section 232 Duties
- Section 301 Duties
- Other Tariff Programs

Other Trade Policy Priorities & Looking Forward

wiley

Overview of Current and Potential Tariffs

Tariffs in Place Today

AD/CVD Duties

- ~328 AD/CVD orders on steel-related goods
- 16 AD/CVD orders on ferroalloys
- Recently completed AD/CVD investigations (rebar, wire rod, corrosion-resistant)

Section 232* (National Security)

- Steel/Aluminum/Copper: 50% tariff on primary articles; 15-25% on derivative products
- Autos: 25% tariff on autos and auto parts
- Others (*e.g.*, critical minerals, polysilicon)
- *Several other ongoing investigations*

Section 301* (Unfair Trade Practices)

- China: 25% tariff on certain ferroalloys
- Forced Labor: 10-12.5% tariff on 60 countries (certain ferroalloys excluded)
- Brazil: 25% tariff (certain ferroalloys excluded)
- *Several other ongoing investigations (e.g., excess capacity)*

* Exceptions apply, as discussed in the following slides.

The Changing Tariff Landscape



Non-Discretionary

- AD/CVD

Established / Discretionary

- Section 232
- Section 301

Novel / Discretionary

- Section 122*
- Section 338



* On Feb. 20, 2026, the U.S. Supreme Court struck down all IEEPA tariffs. 10% Section 122 tariffs expired on July 24, 2026. Section 301 tariffs are largely intended to replace prior IEEPA and Section 122 tariff programs.

Tariff Stacking

- **Some but not all tariffs stack on top of each other**
- Normal Customs duties and AD/CVD duties typically stack on top of other each other as well as Section 232 and 301 duties
- Overlapping Section 232 duties (*e.g.*, steel) or Section 301 duties (*e.g.*, forced labor) are not double-counted
- Tariff stacking has been simplified by removal of IEEPA/Section 122 tariffs plus changes to Section 232 program



wiley

Antidumping & Countervailing Duties (AD/CVD)

Steel & Ferroalloys AD/CVD Orders

~328 AD/CVD orders in place on steel-related goods

- Many countries under order for main product lines (*e.g.*, hot-rolled, cold-rolled, corrosion-resistant, plate, rebar, and wire rod)
- Orders recently published on wire rod, rebar, and corrosion-resistant

16 AD/CVD orders in place on ferroalloys

- *Ferrosilicon from Brazil, Kazakhstan, Malaysia, and Russia*
- *Ferrovanadium from China, Korea, and South Africa*
- *Silicomanganese from China, India, Kazakhstan, Ukraine, and Venezuela*

Recent & Ongoing Sunset Reviews

Recent Sunset Reviews

- ***Light-Walled Rectangular Pipe from China, Korea, Mexico, and Turkey*** – affirm. ITC vote in Aug. 2026; orders continued for another 5 years
- ***Ferrovanadium from China and South Africa*** – affirm. ITC vote in Feb. 2026; orders continued another 5 years

Ongoing/Future Sunset Reviews

- ***Cut-to-Length Plate from China, Russia, and Ukraine*** – initiated June 2026; ITC voted to expedite reviews in Sept. 2026 (means orders will almost certainly be continued)
- ***Corrosion-Resistant from China, India, Italy, Korea, and Taiwan*** – initiates July 2027
- ***Cold-Rolled from China, India, Japan, Korea, and the UK*** – initiates July 2027
- ***Ferrovanadium from Korea*** – initiates Oct. 2027

wiley

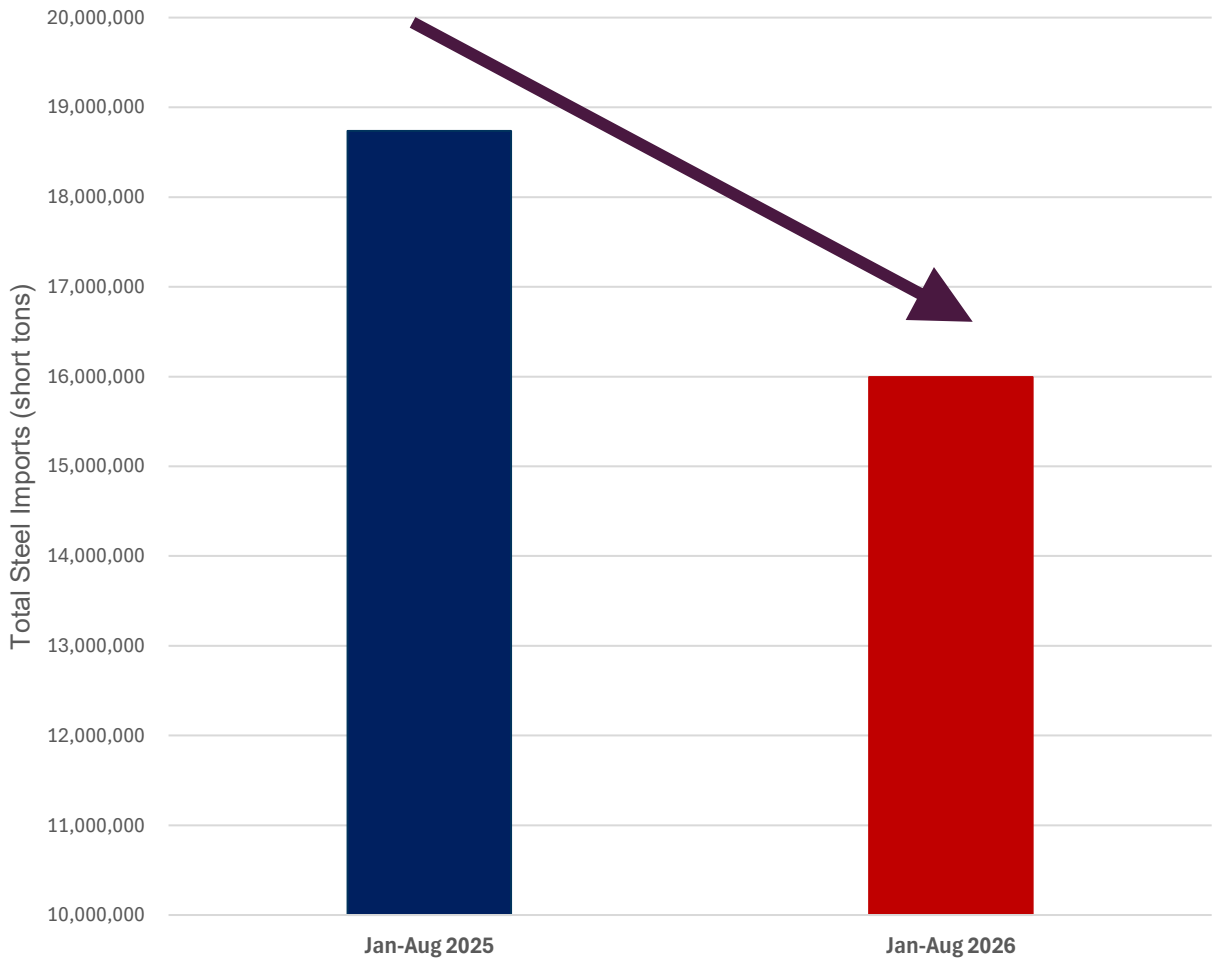
Section 232 Duties

Section 232 – Steel & Aluminum

- On April 2, 2026, proclamation issued modifying the Section 232 steel and aluminum programs (effective Apr. 6, 2026)
  - **Section 232 duties now based on full value of the imported product, not just the steel or aluminum content value**
  - **Steel and aluminum articles** (listed in Annex I-A) from all countries are subject to a **50% duty** (except for UK – 25%)
  - **Steel and aluminum derivative products** (listed in Annex I-B) from all countries are subject to a **25% duty** (except for UK – 10%)
  - For certain derivative products (Annex III) the combined Section 232 and normal Customs duty rate is capped at 15% through end of 2027
  - Lower duty rates also apply to derivative products that are manufactured abroad but made of steel melted-and-poured and/or aluminum smelted-and-cast in the United States
- Formal derivative inclusions process has been ended, with additions being considered informally

Steel Imports Since 232 Expansion

- Section 232 program expanded on Feb. 10, 2025 to cover additional derivative products
- Steel imports declined from 18.7 million ST in Jan-Aug 2025 to 16.0 million ST in Jan-Aug 2026



Section 232 – Autos & Auto Parts

- **25% tariff on autos** (*i.e.*, cars, light trucks, SUVs, and mini vans), effective Apr. 3, 2025
- **25% tariff on auto parts** (*i.e.*, engines, transmissions, and other components), effective May 3, 2025
- Agreements reached with **UK, EU, Korea, and Japan** establishing lower tariffs
  - **UK:** 10% combined tariff on imports within TRQ and 25% thereafter; 10% combined tariff on parts made in the UK for use in UK vehicles
  - **EU, Japan, & Korea:** Agreements structured differently but generally apply a 15% combined tariff rate on autos and auto parts
- **Canada/Mexico**: 25% tariff on non-U.S. content of USMCA-origin autos/parts – delayed as to auto parts, pending announcement of enforcement mechanism
- **Assembly offset program** for credits to offset tariffs on parts imported by U.S. auto manufacturers performing final assembly in the United States
- Commerce established a **derivative products expansion process** for covering additional autos parts

Section 232 – Critical Minerals

- On Jan. 14, 2026, proclamation issued finding that processed critical mineral imports are impairing U.S. national security but electing *not* to impose tariffs at this time – the program could cover:
  - Critical minerals (USGS Critical Minerals List) (*e.g.*, chromium, cobalt, fluorspar, graphite, manganese, nickel, niobium, titanium, vanadium, zinc)
  - Derivative products (*e.g.*, anodes, cathodes, batteries)
  - Rare earth elements (DOE Critical Materials Rare Earths List)
  - Uranium
- Commerce and USTR instructed to negotiate with trading partners
  - Proclamation contemplates price floors as key mechanism in negotiations
  - President could impose measures (including tariffs) if negotiations not progressing

Section 232 – Others

- **Copper:** 50% tariff on copper articles; 25% on copper derivatives (similar to steel and aluminum program)
- **Trucks & Buses:** 25% tariff on medium- and heavy-duty trucks; 10% tariff on buses; 25% tariff on truck parts; USMCA exceptions like autos/auto parts
- **Semiconductors:** 25% tariff on certain advanced computing chips
- **Polysilicon:** 15% tariff + minimum import prices for polysilicon, ingots and wafers, solar cells, and solar modules (effective Dec. 4, 2026); country-specific exceptions (*e.g.*, EU, Japan, Korea, Taiwan, UK)
- *And others, including timber and lumber, pharmaceuticals, drones, and commercial aircraft*

Section 232 – Ongoing Investigations

- Anthracite Coal (initiated June 29, 2026)
- Robotics and Industrial Machinery (initiated Sept. 2, 2025)
- Personal Protective Equipment, Medical Consumables, and Medical Equipment, Including Devices (initiated Sept. 2, 2025)
- Wind Turbines (initiated Aug. 13, 2025)

wiley

Section 301 Duties

Section 301 – China (Forced Tech Transfer)

- Tariffs have been in place on many Chinese products since 2018 due to China's discriminatory trade practices related to technology transfer, intellectual property, and innovation
  - **Most steel products** subject to **25% tariff** since Aug. 2024
  - **Certain ferroalloys** subject to **25% tariff** since Aug. 2024 (*e.g.*, ferronickel, ferrosilicon)
- USTR is conducting its second four-year review of the Section 301 action on China



Section 301 – Forced Labor

- Effective July 24, 2026, a **10-12.5% tariff** has been in place on imports from **60 countries** due to those countries' failures to impose and/or effectively enforce a prohibition on forced labor
- Covered countries include Canada, Mexico, EU, China, Japan, Korea, UK, India, Vietnam, Brazil, Malaysia, Thailand, Turkey, Trinidad & Tobago, and Australia
- Excluded products include:
  - Goods covered by Section 232 tariffs (*i.e.*, do not stack on top of Section 232 duties)
  - USMCA-compliant goods from Canada and Mexico
  - Certain specifically excluded products (*e.g.*, pig iron, DRI, ferrous scrap, and certain ferroalloys)
- Excluded ferroalloys include ferromanganese, ferrosilicon, ferrochromium, ferronickel, ferrotungsten, and ferrotitanium

Section 301 – Brazil

- Effective July 22, 2026, a 25% tariff has been in place on imports from Brazil
- Excluded products include:
  - Goods covered by Section 232 tariffs
  - Certain specifically excluded products (*e.g.*, pig iron, DRI, DR-grade iron ore pellets, certain ferrous scrap, and certain ferroalloys)
- Excluded ferroalloys include ferromanganese, ferrosilicon, ferrochromium, ferronickel, ferrotungsten, and ferrotitanium



Section 301 – Others

- **China (Maritime, Logistics, and Shipbuilding):** 100% tariff on ship-to-shore cranes, chassis, and parts + maritime service fees (suspended until Nov. 9, 2026)
- **China (Semiconductors):** 0% tariff scheduled to increase on June 23, 2027 to an announced rate
- **Nicaragua:** 10% tariff starting on Jan. 1, 2027 (rising to 15% in 2028) for imports not covered by CAFTA-DR

Section 301 – Ongoing Investigations

- **Excess Capacity**
  - Addressing structural excess capacity in manufacturing sector for 16 economies (including China, EU, Japan, India, and Mexico)
  - Comments in Apr. 2026 and hearing held in May 2026; waiting on proposed action
- **Vietnam**
  - Addressing Vietnamese acts, policies, and practices related to IP protection and enforcement
  - Comments filed in July 2026; waiting on proposed action
- **Germany**
  - Addressing German acts, policies, and practices related to underpayment for innovative pharmaceutical products
  - Comments filed in Aug. 2026; hearing held in Sept. 2026; waiting on proposed action

wiley

Other Tariff Programs

IEEPA Tariffs & Litigation

- On Feb. 20, 2026, the Supreme Court held that the International Emergency Economic Powers Act (IEEPA) does not authorize the President to impose tariffs, **striking down all IEEPA tariff programs**, including:
  - China, Mexico, & Canada fentanyl and border tariffs
  - Reciprocal tariffs
  - Additional country-specific tariffs (*e.g.*, Brazil, India)
- Uncertain whether reciprocal tariff arrangements negotiated with individual countries will stay in place
  - USTR has said that deals remain in force
  - Malaysia canceled its agreement; other countries have not yet done so

Section 122

- From Feb. 24, 2026 to July 24, 2026, a **10% tariff** under Section 122 was applied to all covered imports
- Certain products were excluded, including goods covered by Section 232 duties, USMCA-compliant goods, and certain specifically excluded goods
- Section 122 tariffs are meant to temporarily replace the IEEPA tariffs; they **expired on July 24, 2026**

Section 338

- **50% additional tariff on Canada** was announced on July 20, 2026 (effective Aug. 22, 2026)
  - Tariffs apply to select Canadian imports, including certain dairy, food, alcohol, wood, cement, plastics, and textile products, among others
  - **Ferroalloys not covered**
  - Tariffs apply regardless of whether products qualify under USMCA
  - Series of proclamations modified product coverage in Sept. 2026
- *Unique use of Section 338 – had not previously been used or proposed for at least 70 years*



Ferroalloys Tariff Coverage Summary

- For the first time since the IEEPA reciprocal tariffs were imposed (Apr. 2025), pig iron, DRI, most ferrous scrap, and certain ferroalloys are not subject to any additional tariff programs
  - Some ferroalloys remain subject to Section 301 China (forced tech transfer), Brazil, and forced labor tariffs
- AD/CVD duties on specific ferroalloys and countries (ferrosilicon, ferrovanadium, & silicomanganese)



wiley

Other Trade Policy Priorities

USMCA Review & Negotiations

- Deadline of July 1, 2026 has passed to renew USMCA – agreement stays in place for now and enters series of annual reviews
- Bilateral deals with Canada and Mexico are possible and negotiations are ongoing
  - US-Mexico deal appears more likely than US-Canada deal ("very close" according to President Trump last week)
  - Potential for Section 232 modifications as part of any USMCA deal with Mexico and/or Canada
- Key policy priorities for the domestic industry include:
  - Maintaining strong Section 232 coverage
  - Adding a USMCA melted-and-poured requirement
  - Strengthening rules of origin in the automotive sector
  - Ensuring Canada and Mexico implement comparable tariff regimes as United States (protect against China trade/investment surge)
  - Eliminating Mexico's IMMEX (maquiladora) program and other exemption programs



Other Trade Policy Issues

Carbon border measures (*e.g.*, EU CBAM)

Russia & Iran sanctions

US-China relations

Raw material export restrictions (*e.g.*, EU waste shipment regulations)

Buy America

Trade remedies reform (*e.g.*, Leveling the Playing Field Act 2.0)

Issues to Monitor Going Forward

- AD/CVD cases and enforcement
- Ongoing Section 232 and 301 investigations and possible changes
- USMCA review and other trade policy issues
- Carbon border measures and raw material export restrictions

wiley

Questions?

Ted Brackemyre

(202) 719-7289

tbrackemyre@wiley.law