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*Vice President,
International Policy*

September 26, 2025

Sheleen Dumas
Office of the Under Secretary for Economic Affairs
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Re: OMB Control Number 0694-0146: Submission to the Office of Management and Budget (OMB) For Review and Approval; Comment Request; Inclusions to the Section 232 National Security Adjustments to Imports

Dear Ms. Dumas:

The National Association of Manufacturers is the largest manufacturing association in the United States, representing manufacturers of all sizes, in every industrial sector, and in all 50 states. Manufacturing drives American prosperity—the industry employs nearly 13 million people, contributes \$2.9 trillion annually to the U.S. economy, and accounts for nearly 53% of all private-sector research in the nation.¹

The NAM appreciates the opportunity to comment on the Bureau of Industry and Security (BIS) request for comment on **proposed and continuing information collections related to inclusions to the Section 232 national security adjustments to imports**. As noted in the Federal Register Notice on the Adoption and Procedures of the Section 232 Automobile Parts Tariff Inclusions Process, “Collecting public comments will ensure a transparent, complete, and legally robust process for conducting analysis and making final determinations of inclusion requests.”²

The Value of Input from Manufacturing Producers and Users

Providing an adequate and robust process for both collecting and evaluating input from stakeholders as part of the Section 232 inclusion process is vital to ensuring that individual company expertise and insights regarding their specific operational and broader industrial sector fact patterns are considered in BIS decision-making regarding product inclusion requests. Enabling all manufacturers with equities to participate in the comment process is necessary to identify potential impacts on and implications for manufacturing in the U.S. and will lead to more informed and balanced policy outcomes.

Having recently completed an initial round of decision-making that resulted in the addition of more than 400 tariff lines and thousands of metal derivative products to the scope of Section 232 tariffs, and as BIS recently opened another round of inclusion requests, manufacturers appreciate that OMB and BIS are seeking comments on the process of information collection from affected stakeholders. BIS should also consider feedback on the availability and completeness of information

¹ National Association of Manufacturers (May 2025), Manufacturing in the United States, <https://nam.org/mfgdata/#KeyFacts>

² Bureau of Industry and Security (2025, September 17) *Adoption and Procedures of the Section 232 Automobile Parts Tariff Inclusion Process* (Interim final rule), <https://tinyurl.com/5bbwuyz9>

necessary to make final determinations, as well as the guidance needed to address challenges stakeholders experience in demonstrating compliance.

The NAM offers the following observations and recommendations to improve the Department's inclusion process as it relates to existing and future Section 232 actions.

Expand the Window for Input and Decision-Making

The BIS Section 232 product inclusion process currently provides 14 days for producers and associations representing producers to submit requests for product inclusions. This window to submit inclusion requests is followed by a 14-day public comment period. As described in Federal Register Notice 15 CFR Part 705 outlining the procedures for the steel and aluminum derivative inclusion process, BIS begins analysis of each accepted inclusion request concurrent with the start of the public comment window. The Department finalizes its product inclusion decisions within 60 days.³

Volume and Complexity of Submissions: The first window for steel and aluminum inclusion requests, which ran earlier this year from May 1 to 15, produced 58 inclusion requests covering approximately 520 tariff codes. Requests ranged from those requesting the addition of one tariff code to another that included a request to add 223 codes.⁴ The requests covered a wide variety of derivative products, some of which contained a small amount of steel and aluminum. Any manufacturer in the U.S. that uses steel and aluminum needed to review all 58 requests, determine which of the over 520 HTS codes applied to their operations, assess import data, internal dependencies and domestic availability, among other factors, to determine whether and how a 25% tariff (subsequently increased to 50%) on the proposed product for inclusion would impact their production.

More Time is Needed for Analysis: More than 90 percent of NAM members are small and medium-sized manufacturers. Even large manufacturers with compliance teams require more time to evaluate the impacts and develop comment letters fully supported by clear data to inform the Department's review and decision-making process. Additional time will increase the quality of the data and information provided to the Department. The Department should also be allotted more time to thoroughly review the public comment submissions and ask questions.

According to regulations.gov, 13,151 comments were received in response to the Department's first steel and aluminum inclusion request.⁵ Of those, 579 were posted for public access, without explanation for why the remaining 12,572 comments did not qualify for posting. It is likely that future inclusion processes will produce similar volumes of requests and public comments.

The Department should therefore consider expanding the overall timeline to allow interested parties and affected manufacturers in the U.S. adequate time to submit thorough and substantiated submissions and to enable Department staff sufficient time to analyze, evaluate and seek further information regarding comments received. It may also reduce unqualified submissions if the criteria were further elaborated.

³ Bureau of Industry and Security (2025, May 2) *Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusion Process* (Interim final rule), <https://tinyurl.com/45sxrc2>

⁴ Bureau of Industry and Security (2025, May 20) *Section 232 Inclusion Request*, <https://tinyurl.com/2etw42th>

⁵ Bureau of Industry and Security (2025) *Adoption and Procedures of the Section 232 Steel and Aluminum Inclusions Process*, <https://www.regulations.gov/docket/BIS-2025-0023/comments>

Require Specific HTSUS Classifications for Petitions and Determinations

The Department requests petitions to include, among other information, eight or ten-digit HTSUS classifications, a precise definition of the derivative article the petitioner requests be included in the scope of 50% ad valorem tariffs, and information on the total value of the article's steel and/or aluminum content as a share of the derivative article's total value.

In the first phase of approved inclusions, however, the Department approved the inclusion of some HTS codes which included a variety of products that do not contain steel or aluminum. For example, HTS 8424.89.90 covers “mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers, whether or not charged; spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines; parts thereof: Other appliances: Other.” This tariff code includes, for example, plastic caps for soap dispensers that contain no steel or aluminum. While a tariff would not necessarily be owed on all of the goods under a broader tariff heading, the manufacturer is nevertheless required to determine where the steel was melted and poured or where the aluminum was smelted and cast; the value of the metal content; the weight of the metal in the good; and the percentage of value the metal represented in the product – and make a customs declaration to that effect.

In a different example, the Department approved a request to include dumbbells and kettlebells under tariff code 9506.91.0030.⁶ This HTS code includes a variety of exercise equipment in addition to dumbbells and kettlebells, including treadmills, ellipticals, and other gym and fitness equipment. Tariffs were approved for all the goods under the tariff heading, even though the request was limited to the two items noted above.

Achieving More Targeted Focus Through Better Information Collection: To ensure tighter classification of any good subject to review and inclusion, the Department could require inclusion requests to include 10-digit HTSUS codes and specific product descriptions with a justification and evidence relevant to each, to clarify which products within a broad HTS code the Department is being asked to review. Only products that actually contain steel or aluminum should be considered. Products that do not contain steel or aluminum and were denied on that basis should not be subject to future inclusion requests, thereby reducing the Department's information collection burden and public comment burden.

Establish Minimum Content Thresholds: Manufacturers of all sizes undertake detailed analysis to ensure they are capturing all steel and aluminum content, even in goods that have no or very little metal content. This is a time-consuming and expensive process, including for products whose content is so low that they ultimately generate little if any revenue for the government. Establishing a minimum threshold for metal content (by value and by volume) for a product to be eligible for inclusion would help minimize this burden, particularly for goods that have no steel or aluminum content.

Re-Publish Corrections for Public Comment: Should the Department decide to make a correction to an inclusion request on its own, it should repost the request for public comment before making a decision to ensure that the public is notified and has an opportunity to comment on the corrected HTS code.

⁶ Bureau of Industry and Security (2025, May 20) Section 232 Inclusion Request, Goldens' Foundry and Machine Company, <https://www.regulations.gov/comment/BIS-2025-0023-0041>

Clarify Criteria for Requests and Evaluation

Inclusion requests are currently assessed solely on whether the proposed inclusion is a derivative steel or aluminum article, and whether imports of the derivative article have “increased in a manner that threatens to impair the national security or otherwise undermine the objectives set forth in the Section 232 investigation reports or related Inclusions Proclamations.”⁷

Manufacturers recommend the Department work with the industry to develop further guidance on the information and data the Department needs to conduct a thorough and broad-based market analysis. Expanded data collection could include whether there is currently no or insufficient domestic supply to meet specific product specifications and any relevant quality certifications, as well as data regarding changes in the source and volume of imports of affected products.

Expand Use of the Portal

The Department has established a portal to receive and post inclusion requests. The portal could be usefully expanded to include and disseminate other information as part of a transparent, centralized system accessible to all interested parties.

The portal could allow companies to create their own profile to help facilitate efficient review by the Department. The Department could use information from company profiles to organize companies by industry, business type, or products manufactured and assign inclusion requests to agency officials most familiar with that category.

The portal could also allow other agencies involved in the review process to access the complete docket to help the agencies make coordinated decisions with input from agencies with additional and relevant expertise. For instance, the reviewing agency may need to modify the language used to more accurately describe the scope of the affected product(s).

Provide Additional Notice and Time for Implementation

Manufacturers engage in long-term planning on the basis of long-term contracts to ensure continuous and reliable supply for their operations on as predictable a cost basis as possible. To both plan – and, importantly, to remain fully compliant with all formal import requirements – manufacturers require adequate time to learn about and adjust to changed requirements.

The most recent announcement of metal derivative product inclusions was provided late on a Friday with implementation required by 12:01 AM the following Monday, affording no time during business hours to undertake the task of assessing the list to determine applicability to manufacturers' products or to establish mechanisms for compliance. The announcement also did not include in-transit consideration for goods already on the water. This resulted in many manufacturers paying the full 50% tariff on the value of the entire product and not just the value of metal in the product.

In just one example, a small family-owned compressor manufacturer accepted delivery of an \$800,000 compressor air-ends shipment they had ordered months prior from Japan. The compressor air-ends are not available in the U.S. and are an essential part needed to manufacture and package compressors. Upon taking delivery, the manufacturer received a \$400,000 tariff bill on the value of the entire shipment, as they had no time to trace the country of melt and pour as well as

⁷ Bureau of Industry and Security (2025, May 2) *Adoption and Procedures of the Section 232 Steel and Aluminum Tariff Inclusion Process* (Interim final rule), <https://tinyurl.com/489e7289>

the value and volume of the steel content. With adequate notice and additional time for compliance, the manufacturer would have been able to work with their supplier to do the necessary analysis needed to provide an accurate assessment of the steel content.

These highly complex calculations most often require consultations with manufacturers' suppliers and the suppliers to those suppliers (e.g., to verify the melt and pour or smelt and cast country) as well as computations regarding the value and volume of the metal content. This is particularly important with the addition of highly complex machinery in the Section 232 derivatives lists. Manufacturers strongly encourage the Department to provide greater notice of changes to the inclusion list, transition times, and further guidance for compliance.

Publish Information on Inclusion Decisions

To inform manufacturers seeking to submit and respond to future requests, the Department should consider expanding the information it provides in decision memos regarding the information it used for its analysis, the facts and evidence relied upon for its decisions, and the rationale for determinations on all accepted inclusion requests.

Conduct Regular Reviews of Tariff Actions

The marketplace is continually changing and adjusting, and tariff actions are designed to have impacts on trade flows and sourcing. The Department should consider reviewing the scope and impact of Section 232 tariffs on a regular basis to evaluate their impact and whether the basis of their continuation is justified. This could include a process to consider requests to remove an HTS code if conditions have changed or to provide targeted and time-limited relief for [inputs and materials necessary to accelerate manufacturing production](#) in the U.S. The Department should also consider a routine process to remove products, such as those that contain no steel or aluminum, incorrectly included as derivative products subject to Section 232 tariffs.

Conclusion

The NAM appreciates the opportunity to comment on the information collection process related to the Section 232 inclusion process and looks forward to engaging BIS on this matter as well as working with the administration to enhance manufacturing in America.

Sincerely,



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Vice President, International Policy