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Joint Statement from the Retail Litigation Center (RLC), the National Retail Federation, the American Apparel & Footwear Association, the Consumer Technology Association, the Footwear Distributors and Retailers of America, the Juvenile Products Manufacturers Association and the Toy Association

USTR’s Patently Insufficient Response to Tariff Comments Requires the Court of International Trade to End 301 Tariffs

Washington, D.C. – *“The Court of International Trade gave the United States Trade Representative (USTR) a second chance to satisfy its most basic obligations of reasoned decision-making for List 3 and List 4 tariffs, but USTR failed—again—to do so.*

“After the agency responded to none of the thousands of critical comments it received during its initial rulemaking process, the Court of International Trade remanded to give USTR another opportunity to explain itself. But, USTR again offered only deflection and conclusory declarations.

“The Court bent over backwards to allow USTR to comply with its Administrative Procedure Act obligations. The agency has shown itself incapable of meeting its legal responsibilities – an unsurprising failure since nothing could justify the unprecedented tariffs USTR imposed. Nonetheless, the agency’s inability to provide a bona fide rationale must be met with the appropriate legal action.

“The time has come for the Court of International Trade to impose the normal remedy for unlawful agency action and vacate the tariffs that are taxing American consumers, contributing to the exorbitant rise in inflation and burdening our supply chains. All illegally collected List 3 and List 4 tariff duties should be returned. The Administrative Procedure Act demands it. American businesses and consumers should no longer be forced to pay higher prices on products because of tariffs that USTR cannot reasonably justify.”

The Retail Litigation Center (RLC), the National Retail Federation, the American Apparel & Footwear Association, the Consumer Technology Association, the Footwear Distributors and Retailers of America, the Juvenile Products Manufacturers Association and the Toy Association filed an [amicus brief](#) in support of the challenge to List 3 and List 4 China Section 301 tariffs. The brief was prepared by Joe Palmore and Adam Sorenson of Morrison & Foerster, LLP.

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