

Insights: Alert

Biden Administration to Re-impose Double-Digit Tariffs on Bifacial Solar Modules

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As [previously reported](#), the Biden Administration is expected to re-impose double-digit tariffs on bifacial solar modules, which currently account for 98% of all modules imported into the United States.

In late 2017, the U.S. International Trade Commission (“USITC”) completed a global safeguard investigation of imports of crystalline silicon photovoltaic cells (“CSPV”) and CSPV containing products. The [USITC found](#) that CSPV products “were being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry.” In response, under Section 203 of the Trade Act of 1974, President Trump imposed safeguard measures, including a tariff-rate quota and descaling duties from 30% to 15% over four years. Barring limited exceptions, these applied to all CSPV products imported from “all countries.” In February 2022, President Biden [extended these measures](#) for another four years at a duty rate of roughly 15%.

The U.S. Trade Representative (“USTR”) exempted bifacial solar modules—those that exclusively absorb light and generate electricity on both sides of the panel—from these measures. This exception was made in June 2019, revoked in October 2020, and restored by injunction in November 2021.

Now, this exemption is under threat once again. A coalition of seven solar manufacturers, including the largest U.S. manufacturer of silicon-based products, have filed a formal petition with the USTR to revoke its exemption for bifacial solar modules. And [reports](#) suggest that the Biden Administration will oblige, possibly revoking the exemption as early as May 2024 with duties due starting in June.

This threat of increased tariffs is not the only cost increase solar manufacturers face. Effective June 6, 2024, anti-dumping and countervailing (AD/CVD) duties up to and exceeding 200% [go into effect](#) on upwards of 80% of all solar modules imported into the U.S. And a [new notice](#) for an AD/CVD inquiry to expand the scope of those duties further has just been filed.

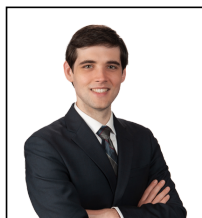
We are continuing to monitor these developments impacting cross-border trade and the solar industry as they unfold and will be available to provide updated analysis as the landscape continues to change.

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