

Form ED-840P  
OMB Control No. 0610-0091  
Expires:



## **Economic Development Administration**

### **PETITION BY A FIRM FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE**

The Trade Adjustment Assistance for Firms Program (the “TAA Program”) is authorized by chapters 3 and 5 of title II the Trade Act of 1974, as amended (19 U.S.C. § 2341 *et seq.*) (the “Trade Act”). The TAA Program provides technical assistance to help U.S. firms experiencing a decline in sales and employment, resulting in important part from the increase in imports of like or directly competitive articles, to become more competitive in the global marketplace. The Secretary of Commerce is responsible for administering the TAA Program and has delegated the statutory authority and responsibility under the Trade Act to the U.S. Department of Commerce’s Economic Development Administration (“EDA”). EDA regulations implementing the TAA Program are codified at 13 C.F.R. part 315 and may be accessed via EDA’s Internet website at: <http://www.eda.gov>.

For additional information on the TAA Program or to find the Trade Adjustment Assistance Center (“TAAC”) serving your geographic region, please visit the Trade Adjustment Assistance for Firms Internet website at: <http://www.taacenters.org>.

**Petition By A Firm For Certification of Eligibility  
To Apply For Trade Adjustment Assistance (Form ED-840P)  
OMB Control No. 0610-0091  
Expires:**

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, as amended, unless the collection of information displays a currently valid OMB Control Number.

The information requested in the Petition by a Firm For Certification of Eligibility to Apply for Trade Adjustment Assistance (Form ED-840P) is required to obtain or retain benefits from the Economic Development Administration (EDA) pursuant to chapters 3 and 5 of title II the Trade Act of 1974, as amended (19 U.S.C. 2341 *et seq.*). EDA uses information collected on Form ED-840P and in accompanying documents to determine if a firm is eligible to apply for Trade Adjustment Assistance. The information submitted on Form ED-840P and in accompanying documents is subject to public disclosure under the Freedom of Information Act, unless exempt from disclosure as trade secrets or privileged or confidential commercial or financial information under 5 U.S.C. § 552(b)(4).

The public reporting burden for this collection of information is estimated to average 8 hours per response, including time for reviewing instructions, gathering data and completing the Form ED-840P. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing paperwork burden may be sent to: U.S. Department of Commerce, Economic Development Administration, TAA Program Manager, 1401 Constitution Avenue N.W., Room 7009, Washington, D.C. 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

**PETITION BY A FIRM FOR CERTIFICATION OF ELIGIBILITY  
 TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE**

No firm may be certified unless this petition is completed. (See 19 U.S.C. § 2341; 13 C.F.R. part 315)

E-MAIL TO: <b>TAAC@eda.doc.gov</b>  OR  SUBMIT TO: <b>U.S. Department of Commerce Economic Development          Administration Trade Adjustment Assistance Program Manager          1401 Constitution Avenue, N.W., Room 7009          Washington, D.C. 20230</b>	<b>FOR GOVERNMENT USE ONLY</b>	
	Project Number	Date Accepted for Filing

**ITEM 1 - PETITIONING FIRM**

Name and address of petitioning firm <i>(Use the legal name of the firm and indicate any trade name)</i> Company Name: _____ Address: _____ City: _____ State: _____ Zip Code: _____		Telephone Number <i>(Include Area Code):</i>
Contact Person First Name: _____ Last Name: _____ Title: _____ Salutation: _____		E-mail Address:

**ITEM 2 - LEGAL FORM OF PETITIONING FIRM**

Legal Form of petitioning firm *(Please check appropriate box)*

Single Proprietorship    
  Partnership    
  Corporation    
  Other *(please specify)* \_\_\_\_\_

**ITEM 3 - RELATED FIRMS**

Check if one or more of the following apply and attach a detailed explanation *(See General Instructions to Item 3)*:

Petitioning firm is a "successor firm".

Petitioning firm is a subsidiary, affiliate, predecessor, or otherwise related by common ownership or common control to another firm. Indicate in the attached explanation whether the petitioning firm and the related firm sell or produce like or directly competitive articles.

**ITEM 4 - HISTORY OF PETITIONING FIRM**

Attach a brief narrative describing the petitioning firm's economic history *(See General Instructions to Item 4)*.

**ITEM 5 - ARTICLES PRODUCED AND SOLD** *(Attach a separate sheet if necessary)*

A. Describe in detail the articles produced by the petitioning firm that are adversely affected by import competition, including a brief description of the manufacturing process and the principal materials incorporated into the finished articles.

B. If applicable, describe in detail any other articles produced by the petitioning firm that are not adversely affected by import competition.

C. If applicable, describe in detail any finished articles purchased for resale by the petitioning firm and indicate whether such articles are imported and from what country.

**ITEM 6 - SALES/PRODUCTION DATA** (See General Instructions to Item 6)

	Petition Time Period (This period should be the same for import data and employment data)		
	_____ (Ending Date)	_____ (Ending Date)	Percent Change
A. Total net sales or production of all articles produced by the petitioning firm.			
B. Total net sales of all articles purchased for resale by the petitioning firm			
C. Total net sales or production of all import-impacted articles produced by the petitioning firm.			
D. Specify if one or more of the following apply to the sales of the import-impacted articles (See 13 C.F.R. § 315.2 and 315.7(b)(1)): <ul style="list-style-type: none"> <li><input type="checkbox"/> Absolute decline in sales of the import-impacted articles.</li> <li><input type="checkbox"/> Interim decline in sales of the import-impacted articles. If checked, please specify the number of months:</li> <li><input type="checkbox"/> "25 percent" rule applies.</li> <li><input type="checkbox"/> "Self-inflicted wound" (i.e., petitioning firm is purchasing the import-impacted articles offshore).</li> <li><input type="checkbox"/> Sales decline is determined based on a bid or a quote.</li> </ul>			

**ITEM 7 - IMPORT DATA** (See General Instructions to Item 7 and attach additional sheets as necessary)

DUNS Number: _____ NAICS (5-digit): _____ Harmonized Tariff Schedule (HTS) No.: _____ HTS No. Description: _____	Petition Time Period		
	_____ (Ending Date)	_____ (Ending Date)	Percent Change
Total Value of Imports in U.S. Dollars (\$000s):			

**ITEM 8 - EMPLOYMENT DATA** (See General Instructions to Item 8)

	Petition Time Period		
	_____ (Ending Date)	_____ (Ending Date)	Percent Change
A. Petitioning firm's total monthly average employment.			
B. Petitioning firm's total monthly average employment of production and related workers for all import-impacted articles.			
C. Specify if one or more of the following apply to the firm's total employment: <ul style="list-style-type: none"> <li><input type="checkbox"/> There is an interim decline in employment (See 13 C.F.R. § 315.8).</li> <li><input type="checkbox"/> There is a partial employee separation (A decline in worker hours or wages. See 13 C.F.R. § 315.2).</li> <li><input type="checkbox"/> The threat of total or partial employee separation is imminent. Please attach supporting documentation. (See 13 C.F.R. § 315.2).</li> <li><input type="checkbox"/> An employee of the petitioning firm has petitioned the U.S. Department of Labor for certification of eligibility to apply for Trade Adjustment Assistance for Workers. If so, please provide the following:                U.S. Department of Labor case number: _____                 Describe the disposition (or current status) of the case: _____</li> </ul>			

**ITEM 9 - FINANCIAL REPORTS**

Attach one (1) copy of the complete auditor's certified financial reports for the petitioning firm (including any subsidiaries, affiliates and other related entities) for the entire period covered by the petition. If certified financial statements are not available, furnish one (1) copy of the complete profit and loss statements, balance sheets and supporting statements prepared by the petitioning firm's accountants for the entire period covered by the petition. Publicly-owned corporations should furnish one (1) copy of each Form 10-K annual report (or Form 10-Q quarterly report, as appropriate) filed with the U.S. Securities and Exchange Commission for the entire period covered by the petition.

**ITEM 10 - CUSTOMER LIST**

During the investigation of a firm's petition, a representative group of the firm's customers will be contacted to determine whether there is a relationship between any import-impacted sales and employment declines experienced by the firm and any increases in the value of like or directly competitive articles being imported into the United States. To facilitate this investigation, attach a separate sheet providing:

- (i) the names and addresses of four (4) important current or important recent customers of the petitioning firm (especially those that have reduced their purchases from the petitioning firm);
- (ii) the names and business telephone numbers of contact persons for each customer; and
- (iii) data on sales volume to each of the listed customers for the entire period covered by the petition.

If the petitioning firm does not have repeat customers, include a list of potential customers to whom the firm has submitted bids, but lost contracts to foreign suppliers (copies of the lost bids should also be included). Include only customers who were active or potential customers of the petitioning firm during the period covered by the petition.

**ITEM 11 - PETITION ASSISTANCE**

If a Trade Adjustment Assistance Center ("TAAC") helped prepare this petition, please identify the TAAC and the name and telephone number of your contact person at the TAAC. Additionally, please identify the name, business address and telephone number of anyone outside of the petitioning firm and the TAAC who assisted in preparing this petition.

TAAC Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip-Code: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Contact E-mail: \_\_\_\_\_

**ITEM 12 - CERTIFICATION**

The undersigned is an authorized representative of the petitioning firm and is executing this certification on behalf of the petitioning firm. The undersigned hereby certifies that the information contained in or submitted with this petition is correct and complete to the best of his/her knowledge and belief. U.S. Code, title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to knowingly and willfully make any false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

Name of Authorized Representative

Signature of Authorized Representative

Title

Date

## GENERAL INSTRUCTIONS

**NUMBER OF COPIES:** Submit one (1) original, signed copy of the petition and any attachments to the address provided at the top of the Petition by a Firm for Certification of Eligibility to Apply for Trade Adjustment Assistance (Form ED-840P). EDA's acceptance of a petition will be delayed if the Form ED-840P and the appropriate supporting documentation are not completed in accordance with these instructions.

**ELIGIBILITY:** A petitioning firm must complete and file a Form ED-840P in order for EDA to determine its eligibility to apply for Trade Adjustment Assistance. For purposes of determining eligibility, a firm, together with any predecessor or successor firms, subsidiary firms, or any affiliated firms beneficially owned or controlled by substantially the same person or persons, may be considered a single firm (petitioner) when they produce like or directly competitive articles or are exerting essential economic control over one or more production facilities. See the definition of "Significant Number or Proportion of Workers" in 13 C.F.R. § 315.2.

To establish eligibility, a firm must demonstrate the following: (i) a significant number or proportion of the workers in the firm have been (or are threatened with becoming) totally or partially separated; (ii) sales or production, or both, of the firm have decreased absolutely (or sales and production of an article accounting for at least 25 percent of the firm's sales or production during the two most recent consecutive twelve-month periods for which data are available have decreased absolutely; this is otherwise known as the "25 percent" rule); and (iii) increases of imports of articles like or directly competitive with those produced by the firm have contributed importantly to the separation (or threat of separation) and to the decline in sales or production. In some cases, an interim decline in sales or employment may satisfy the eligibility requirements. See 13 C.F.R. § 315.7 for a detailed explanation of the certification requirements.

**ITEM 3 – RELATED FIRMS:** Provide the name and address of any subsidiary, affiliate, predecessor or successor firm, co-venturer, and any other related firm. In addition, describe (if applicable) the ownership of each of the related firms (including the names of the owners and their respective ownership percentages), the relationship of the firms to each other, the type of business each firm is engaged in, the nature and amount of any intercompany transactions, and indicate whether each related firm is currently conducting business. Information about a related firm should be included as part of the petition whether or not (i) such firm's operations are related to the activities of the petitioner, (ii) its activities have been affected by import competition, or (iii) it is engaged in manufacturing activities.

**ITEM 4 – HISTORY OF PETITIONING FIRM:** Please attach a narrative discussing (at a minimum) the following items as each pertains to the petitioning firm:

- (a) Year founded;
- (b) Type of business;
- (c) A detailed description of all goods produced, articles sold and services provided;
- (d) Number, location, and nature of business of all manufacturing, production, distribution and sales facilities, both domestic and foreign;
- (e) Markets served by the petitioning firm;
- (f) Names and titles of officers, directors, and senior management of the petitioning firm;
- (h) Significant ownership or management changes in the past 5 years;
- (i) Important events in the recent history of the petitioning firm, such as but not limited to natural disasters, fires, labor strikes, changes in product mix; and
- (j) Any other information germane to the petition.

**ITEM 6 – SALES/PRODUCTION DATA:** Provide sales and /or production data for the period covered by the petition. The period covered by the petition must not end more than 120 days prior to the date the petition is submitted to EDA for investigation. If a firm has export or other foreign sales or productions operations, attach a separate sheet describing the foreign output and employment data separately from domestic output and employment data. List only net sales "F.O.B. Point of Shipment" and exclude interplant transfers, returned goods, discounts, and other intercompany transactions or allowances.

**ITEM 7 – IMPORT DATA:** Provide the U.S. Harmonized Tariff Schedule ("HTS") number and basket description for each like or directly competitive import-impacted article identified in Item 6. Also provide the total value (in thousands of U.S. dollars) of the imported articles attributable to each HTS number.

*(General Instructions continued)*

**ITEM 8 – EMPLOYMENT DATA:** Calculate the total average monthly employment for all of the petitioning firm’s employees for the entire period covered by the petition. Separately calculate the total average monthly employment for all production and related workers for all import-impacted articles reported in Item 6. Monthly employment generally includes both full- and part-time employees. *See* 13 C.F.R. §§ 315.2 and 315.7. If any group of employees of the petitioning firm has petitioned the U.S. Department of Labor for certification of eligibility to apply for trade adjustment assistance for workers, you may authorize the release to the U.S. Department of Commerce of any information obtained by the U.S. Department of Labor during its investigation of the worker’s case by calling the U.S. Department of Labor, Division of Trade Adjustment Assistance, at (202) 693-3560 or by a letter of authorization. The letter should be addressed and mailed to the Director, Division of Trade Adjustment Assistance, Room C-5311, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Please include a copy of your letter with this petition. Access to the U.S. Department of Labor records may expedite the processing of this petition.