

Form ED-840P
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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 “TAAF 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 TAAF 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 or services, to become more competitive in the global marketplace. The Secretary of Commerce is responsible for administering the TAAF 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 TAAF Program are codified at 13 C.F.R. part 315 and may be accessed via EDA’s website at: <http://www.eda.gov>.

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

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 TAAF Program. 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 8.2 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, Trade Adjustment Assistance Division, Program Director, 1401 Constitution Avenue N.W., Room 71030, Washington, D.C. 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

GENERAL 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 services, 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 be used to satisfy the eligibility requirements or, the average annual data for the immediately preceding 24 or 36-month period of the most recent 12-month period may be used. See 13 C.F.R. § 315.7 for a detailed explanation of the certification requirements.

NUMBER OF COPIES: Submit one (1) original, signed copy of the petition and any attachments electronically, to the e-mail address or mail 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.

ITEM 3 – RELATED FIRMS: 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) the related firm is included as a petitioner, or (iii) its activities have been affected by import competition. Provide the following information for related firms:

- (a) name and address of any subsidiary, affiliate, predecessor or successor firm, co-venturer, and any other related firm;
- (b) the relationship of the firms to each other;
- (c) description (if applicable) of the ownership of each of the related firms (including the names of the owners and their respective ownership percentages);
- (d) the type of business each firm is engaged in;
- (e) the nature and amount of any transactions between the petitioner and the related firms; and
- (f) whether each related firm is currently conducting business.

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. Firms with foreign facilities must certify that all TAA benefits will only go to domestic facilities;
- (e) Markets served by the petitioning firm;
- (f) Names and titles of officers, directors, and senior management of the petitioning firm;
- (g) Significant ownership or management changes in the past 5 years;
- (h) 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
- (i) Any other information germane to the petition.

ITEM 6 – SALES/PRODUCTION DATA: Provide sales/production data for the period covered by the petition (6C) and the most recent year, and preceding year (6A). 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 and provide documentation describing the foreign output and sales data separately from domestic output data. List only net sales "F.O.B. Point of Shipment" and exclude intraplant transfers, returned goods, discounts, and other transactions or allowances between the petitioner and related firms.

ITEM 7 – IMPORT DATA: Provide the six (6) digit U.S. Harmonized Tariff Schedule ("HTS") number and basket description for each like or directly competitive import-impacted article or service identified in Item 6. Also provide the total value (in thousands of U.S. dollars) of the imported articles or services attributable to each HTS number. If HTS information is unavailable due to trade data limitations, please indicate this on the form.

GENERAL INSTRUCTIONS

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. Documentation verifying employment must verify monthly employment. If a firm has export or other foreign sales or productions operations, attach a separate sheet and provide documentation describing the foreign output and employment data separately from domestic employment data. 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, Office of Trade Adjustment Assistance, at (202) 693-3560 or (888) 365-6822 or by a letter of authorization. The letter should be addressed and mailed to the Administrator, Office of Trade Adjustment Assistance, Room N-5428, 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.

ITEM 9 – FINANCIAL REPORTS: In order of preference (A) Attach one copy of the complete auditor’s certified financial reports for the petitioning firm (including any subsidiaries, affiliates and appropriate) for the entire period covered by the petition, as well as the most recent and preceding year (reporting in 6A). Publicly-owned corporations should furnish one 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; or (B) If certified financial reports are not available, furnish one 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, as well as the most recent and preceding year (reporting in 6A). If a firm has export or other foreign sales or productions operations, provide documentation describing the foreign output and sales data separately from domestic output data. If financial statements are not produced or are generated infrequently, furnish one copy of the petitioning firm’s complete federal tax returns for the entire period covered by the petition, as well as the most recent and preceding year (reporting in 6A).