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Navigating Tariffs and Trade Regulations

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Tariffs, once a topic primarily discussed within the international trade community, have become a central concern for almost all businesses and consumers since the beginning of the year. Companies are navigating the rapidly changing landscape of tariff-related policies and regulations on a daily basis, striving to maintain profitability while ensuring customer satisfaction. The complexity and unpredictability of these changes have prompted businesses to seek legal solutions and strategic adjustments to mitigate the impact of tariffs.

This article explores six types of tariffs that can have a crucial impact on companies engaged in international business transactions: IEEPA fentanyl tariffs, IEEPA reciprocal tariffs, Section 232 tariffs, Section 301 tariffs, Section 201 tariffs, and antidumping and countervailing duties. It also examines the legal implications of these tariffs for U.S. companies, providing insights into how they can effectively manage and comply with the evolving trade environment. Understanding these tariffs and their legal ramifications is essential for businesses to adapt, thrive, and remain competitive in the U.S. and global markets.

IEEPA Fentanyl Tariffs

President Donald Trump declared a national emergency posed by the influx of illegal aliens and drugs into the U.S. at the southern border in Proclamation 10886 on January 20, 2025.[1] By declaring this national emergency under the International Emergency Economic Powers Act (IEEPA) and the National Emergencies Act (NEA), on February 1, 2025, President Trump imposed 25% tariffs on Mexico and Canada and a 10% tariff on China, which were later raised to 35% on Canada[2] and 20% on China[3] (see table 1). (However, the impact of the tariffs on Mexico and Canada was significantly reduced by an exemption granted for products qualifying for the U.S.-Mexico-Canada Agreement (USMCA).)

The IEEPA fentanyl tariffs are in addition to any other duties, fees, exactions, or charges applicable to imported products, except for those subject to Section 232 tariffs on automobiles and automobile parts, aluminum, steel, and their derivatives.

IEEPA Fentanyl Tariffs on Mexico

On February 1, 2025, President Trump issued Executive Order 14194, Imposing Duties to Address the Situation at Our Southern Border, which imposed an additional 25% tariff on "articles that are products of Mexico" under the IEEPA.[4] These tariffs were set to take effect for goods entered for consumption on February 4, 2025. However, on February 3, 2025, President Trump issued Executive Order 14198 to pause the IEEPA tariffs until March 4, 2025, following successful negotiations between the U.S. and Mexican governments.[5]

Despite negotiations between the U.S. and Mexico to postpone or cancel the IEEPA fentanyl tariffs, the 25% tariff on products from Mexico went into effect as scheduled on March 4, 2025.

On March 6, 2025, President Trump issued Executive Order 14232, Amendment to Duties to Address the Flow of Illicit Drugs Across Our Southern Border, which created an exemption for "[a]rticles that are entered free of duty as a good of Mexico under the terms of general note 11 to the Harmonized Tariff Schedule of the United States (HTSUS)" as related to the USMCA, among others.[6] This exemption came into effect on March 7, 2025.

IEEPA Fentanyl Tariffs on Canada

Similarly, on February 1, 2025, President Trump issued Executive Order 14193, Imposing Duties to Address the Flow of Illicit Drugs Across Our Northern Border, imposing a 10% tariff on "energy or energy resources" that are products of Canada and a 25% tariff on other products of Canada.[7] These tariffs were postponed to March 4, 2025, under Executive Order 14231, which also reduced the tariff on potash to 10%. The USMCA exemption became effective for products of Canada on March 7, 2025.[8]

On July 31, 2025, President Trump issued Executive Order 14325, Amendment to Duties to Address the Flow of Illicit Drugs Across Our Northern Border, which increased the tariff rate from 25% to 35%.[9] However, the USMCA exemption remains in effect.

IEEPA Fentanyl Tariffs on China

On February 1, 2025, President Trump issued Executive Order 14195, Imposing Duties to Address the Synthetic Opioid Supply Chain in the People's Republic of China, which imposed an additional 10% tariff on "articles that are products of the PRC."[10] The 10% tariff on products of China went into effect on February 4, 2025.

On March 3, 2025, President Trump issued Executive Order 14228, Further Amendment to Duties Addressing the Synthetic Opioid Supply Chain in the People's Republic of China, which increased the tariff rate from 10% to 20%.[11] The 20% tariff rate went into effect on March 4, 2025.

Table 1. IEEPA Fentanyl Tariffs

Country	Effective Dates	Tariff Rate
Mexico	03/04/2025–03/06/2025	25%
	03/07/2025	25% (USMCA exemption)
Canada	03/04/2025–03/06/2025	25%
	03/07/2025–07/31/2025	25% (USMCA exemption)
		10% for energy, energy resources, and potash (USMCA exemption)
	08/01/2025	35% (USMCA exemption)
		10% for energy, energy resources, and potash (USMCA exemption)
China	02/04/2025–03/03/2025	10%
	03/04/2025	20%

IEEPA Reciprocal Tariffs

On February 13, 2025, President Trump issued a memorandum titled "Reciprocal Trade and Tariffs," stating that "my Administration will work strenuously to counter non-reciprocal trading arrangements with trading partners by determining the equivalent of a reciprocal tariff with respect to each foreign trading partner."[12]

On April 2, 2025, President Trump issued Executive Order 14257, Regulating Imports with a Reciprocal Tariff to Rectify Trade Practices That Contribute to Large and Persistent Annual United States Goods Trade Deficits.[13] It imposed a 10% baseline reciprocal tariff on all imports into the U.S. effective April 5, 2025 (see table 2). For 57 countries, effective April 9, 2025, the 10% baseline reciprocal tariff would be replaced by country-specific reciprocal tariffs.[14]

On April 9, 2025, President Trump issued Executive Order 14266, Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation and Alignment.[15] Countries other than China subject to country-specific reciprocal tariffs were subject to a 10% tariff from April 10, 2025, to July 8, 2025, later extended through July 31, 2025.[16] Country-specific reciprocal tariffs again went into effect August 1, 2025.[17]

China's reciprocal tariff rate was increased from its country-specific 34% to 84% effective April 9, 2025,[18] and further raised to 125% starting April 10, 2025.[19] Subsequently, the rate was reduced to 10% for a 90-day period, from May 14 to August 11, 2025.[20] If the U.S. and China failed to reach an agreement by August 11, the tariff rate was scheduled to rise again to 34% on August 12, 2025. However, on August 11, 2025, President Trump issued Executive Order 14334, Further Modifying Reciprocal Tariff Rates to Reflect Ongoing Discussions with the People's Republic of China, extending the 10% tariff rate through November 9, 2025.[21]

Table 2. IEEPA Reciprocal Tariffs		
Country	**Effective Dates**	**Tariff Rate**
Original Baseline	04/05/2025	10%
Specified Countries (other than China)	04/05/2025–04/08/2025	10%
	04/09/2025	Country-specific
	04/10/2025–07/31/2025	10%
	08/01/2025	Country-specific
China	04/05/2025–04/08/2025	10%
	04/09/2025	84%
	04/10/2025–05/13/2025	125%
	05/14/2025–11/9/2025	10%

There are several noticeable exemptions for the IEEPA reciprocal tariffs, including both the baseline and country-specific reciprocal tariffs:

- Products of Mexico and Canada that are already subject to the IEEPA fentanyl executive orders, including those qualifying for the USMCA exemption
- Articles currently subject to Section 232 tariffs, including steel articles, steel derivative products, aluminum articles, aluminum derivative products, automobiles and automobile parts, copper articles, copper derivative products, softwood timber and lumber products, upholstered wooden furniture products, completed kitchen cabinets and vanities and their parts, and those that may become subject to a Section 232 duty as a result of future actions
- Products listed in Annex II of Executive Order 14257, including copper, pharmaceuticals, semiconductors, lumber articles, certain critical minerals, and energy and energy products, adjusted based on the findings of completed Section 232 investigations
- Semiconductor products classified in the headings and subheadings of HTSUS in presidential memorandum "Clarification of Exceptions Under Executive Order 14257 of April 2, 2025, as Amended" issued on April 11, 2025[22]
- U.S. content of a subject article, provided at least 20% of the value of the subject article is U.S.-originating

Other IEEPA Tariffs

IEEPA Tariffs on Brazil

On July 30, 2025, President Trump issued Executive Order 14323, Addressing Threats to the United States by the Government of Brazil, which imposes a 40% tariff on products of Brazil, excluding those listed in Annex I of the Executive Order.[23] This 40% tariff is in addition to the existing 10% country-specific reciprocal tariff applicable to Brazilian products. However, Brazilian products subject to Section 232 tariffs are exempt from the additional 40% tariff. The 40% tariff went into effect on August 6, 2025.

IEEPA Tariffs on Russian Oil/India

On August 6, 2025, President Trump issued Executive Order 14329, Addressing Threats to the United States by the Government of the Russian Federation, which imposes a 25% tariff on products from India.[24] This is in addition to the existing 25% country-specific reciprocal tariff already applicable to Indian goods. However, Indian products listed in Annex II of Executive Order 14257 or subject to Section 232 tariffs are exempt from the additional 25% tariff. The 25% tariff went into effect on August 27, 2025.

Section 232 Tariffs

Under Section 232 of the Trade Expansion Act of 1962, the president has the authority to impose tariffs if the U.S. Department of Commerce determines through an investigation that certain imports pose a threat to U.S. national security.[25]

During the first Trump administration, the Commerce Department initiated eight Section 232 investigations, encompassing steel, aluminum, automobiles and automobile parts, uranium ore and related products, titanium sponge, transformers and certain grain-oriented electrical steel parts, mobile cranes, and vanadium.[26] President Trump imposed a 25% Section 232 tariff on steel,[27] aluminum,[28] and their derivatives,[29] while eliminating or reducing these tariffs for certain trading partners.

Since President Trump took office on January 20, 2025, the second Trump administration has implemented the following Section 232 tariffs (see table 3). The United Kingdom, Japan, and EU member countries may be subject to country-specific Section 232 duty rates that differ from the general rates outlined below, as a result of successful government negotiations.

Steel, Aluminum, and Derivatives

Effective March 12, 2025, the Trump administration terminated the Section 232 exemptions previously granted to trading partners and ceased processing individual Section 232 exclusion requests. Additionally, the administration expanded the list of products subject to the 25% Section 232 tariffs. For certain derivative products, only the steel and aluminum content are subject to these tariffs. Furthermore, Section 232 tariffs will not apply to steel derivatives processed in another country from steel articles melted and poured in the U.S. or aluminum derivatives processed in another country from aluminum articles smelted and cast in the U.S.[30] As of June 4, 2025, the Section 232 tariff rate increased to 50%.[31]

Automobiles and Automobile Parts

President Trump imposed 25% Section 232 tariffs on certain automobiles effective April 3, 2025, and extended the tariffs to automobile parts effective May 3, 2025. Certain exemptions were provided to those qualifying for preferential treatment under the USMCA.[32]

Copper and Derivatives

Effective August 1, 2025, President Trump imposed a 50% tariff on all imports of semi-finished copper (e.g., copper pipes, wires, rods, sheets, and tubes) and intensive copper derivative products (e.g., pipe fittings, cables, connectors, and electrical components).[33] Notably, the tariff does not apply to raw forms of copper (e.g., ores, concentrates, and mattes), anode and cathode material, or copper scrap.[34]

Timber, Lumber, and Derivatives

Effective October 14, 2025, President Trump imposed the following tariffs: a 10% tariff on all imports of softwood timber and lumber products; a 25% tariff on upholstered wooden furniture; and a 25% tariff on completed kitchen cabinets, vanities, and their component parts.[35]

Table 3. Section 232 Tariffs

Product	Effective Dates	Tariff Rate
Steel and Derivatives	03/12/2025–06/03/2025	25%
	06/04/2025	50%
Aluminum and Derivatives	03/12/2025–06/03/2025	25%
	06/04/2025	50%
Automobiles	04/03/2025	25%
Automobile Parts	05/03/2025	25%
Copper and Derivatives	08/01/2025	50%
Softwood Timber and Lumber	10/14/2025	10%
Upholstered Wooden Furniture	10/14/2025	25%
Kitchen Cabinets, Vanities, Parts	10/14/2025	25%

Section 232 Investigations

The Trump administration is currently conducting Section 232 investigations on the following products to assess their impact on national security (see table 4).

Semiconductors and Semiconductor Manufacturing Equipment

On April 1, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing semiconductors, semiconductor manufacturing equipment, and their derivative products.[36] This investigation covers items such as semiconductor substrates, bare wafers, legacy chips, leading-edge chips, microelectronics, and semiconductor manufacturing equipment (SME) components. Derivative products include downstream products containing semiconductors, which are integral to the electronics supply chain.[37]

Pharmaceuticals

On April 1, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing pharmaceuticals, pharmaceutical ingredients, and their derivative products, including both finished generic and non-generic drug products, medical countermeasures, critical inputs such as active pharmaceutical ingredients and key starting materials, and derivative products of those items.[38]

Trucks

On April 22, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing medium-duty trucks, heavy-duty trucks, and medium- and heavy-duty truck parts, and their derivative products.[39]

Processed Critical Minerals and Derivative Products

On April 22, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing processed critical minerals and their derivative products.[40] "Processed critical minerals" are "critical minerals that have undergone the activities that occur after critical mineral ore is extracted from a mine up through its conversion into a metal, metal powder, or a master alloy."[41] These activities begin at the point where ores are converted into oxide concentrates, separated into oxides, and converted into metals, metal powders, and master alloys. "Derivative products" are "all goods that incorporate processed critical minerals as inputs," including semi-finished goods (e.g., anodes and cathodes) as well as final products (e.g., motors, batteries, radar systems, wind turbines and their components, and advanced optical devices).[42]

Commercial Aircraft and Jet Engines

On May 1, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing commercial aircraft and jet engines, and parts for commercial aircraft and jet engines.[43]

Polysilicon

On July 1, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing polysilicon and its derivatives.[44] Polysilicon is used in microchips and solar cells for generating renewable energy.[45]

Unmanned Aircraft Systems

On July 1, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing unmanned aircraft systems (UAS) and their parts and components.[46]

Wind Turbines

On August 13, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing wind turbines and their parts and components.[47]

Robotics and Industrial Machinery

On September 2, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing robotics and industrial machinery.[48]

Medical Supplies

On September 2, 2025, the Commerce Department initiated a Section 232 investigation to assess the effects on national security of importing personal protective equipment (PPE), medical consumables, and medical equipment, including devices.[49]

Table 4. Current Section 232 Investigations	
Product	**Initiation Date**
Semiconductors and Semiconductor Manufacturing Equipment	04/01/2025
Pharmaceuticals and Pharmaceutical Ingredients	04/01/2025
Trucks	04/22/2025
Processed Critical Minerals and Derivative Products	04/22/2025
Commercial Aircraft and Jet Engines	05/01/2025
Polysilicon and Derivatives	07/01/2025
Unmanned Aircraft Systems and Components	07/01/2025
Wind Turbines and Components	08/13/2025
Robotics and Industrial Machinery	09/02/2025
Medical Supplies	09/02/2025

Section 301 Tariffs

Section 301 of the Trade Act of 1974 allows the president to impose tariffs or other trade sanctions on foreign countries based on an investigation and affirmative determination by the United States Trade Representative (USTR) that a country has engaged in unfair trade practices, including a violation that denies a right under a trade agreement, and "unjustifiable," "unreasonable," or "discriminatory" actions that burden or restrict U.S. commerce.[50] Section 301 investigations are generally country- or region-specific.

For example, under the first Trump administration, the USTR initiated a Section 301 investigation focused on China's forced technology transfer policies, intellectual property theft, and unfair trade practices that disadvantaged U.S. companies. Consequently, President Trump imposed 7.5%–25% Section 301 tariffs on four lists of products from China.

During the Biden administration, following a statutory four-year review of Section 301 actions, the USTR announced modifications that increased Section 301 duties on imports from China. These modifications affected various products, including steel and aluminum, semiconductors, electric vehicles, batteries, critical minerals, solar cells, ship-to-shore cranes, and medical products.[51]

Section 201 Tariffs

Section 201 of the Trade Act of 1974 authorizes the president to provide temporary relief to domestic industries experiencing serious injury from increased imports. This relief is based on an investigation and affirmative determination by the U.S. International Trade Commission (USITC) that an article is being imported in such increased quantities that it substantially causes or threatens to cause serious injury to the U.S. industry producing a similar or directly competitive article.

Section 201 safeguard measures include tariff rate quotas, which allow a specified quantity of merchandise to be imported at a reduced duty rate during a designated period. For instance, solar cells are subject to a tariff rate quota, while solar panels currently face a 14% Section 201 tariff.[52]

The president may grant import relief for an initial period of up to four years, with the possibility of extending it one or more times, up to a maximum of eight years. For example, the Section 201 safeguard measures on solar products initially imposed in 2018 are set to expire on February 7, 2026.[53]

Antidumping and Countervailing Duties

"Dumping" occurs when imports are sold at less than fair value compared to their domestic market. A government subsidy is "countervailable" if the financial contribution confers a specific benefit to an enterprise or industry, particularly when tied to the production or exportation of goods.

The legal framework for antidumping (AD) and countervailing duties (CVD) in the U.S. is primarily established through World Trade Organization (WTO) agreements, including the Anti-Dumping Agreement and Subsidies and Countervailing Measures Agreement,[54] as well as Title VII of the Tariff Act of 1930, as amended. The Commerce Department is responsible for determining the occurrence of dumping or subsidies and calculating the margins of dumping or the amount of subsidies.[55] The USITC investigates whether the dumped or subsidized imports are causing material injury or pose a threat of material injury to the domestic industry.[56]

AD and CVD can be specific to both countries and companies. By collecting and enforcing AD and CVD, the U.S. protects its domestic industries from unfair competition caused by foreign companies' unfair pricing practices and government subsidies.

Direct Impacts of Tariffs

The impact of tariffs on U.S. businesses is profound, given their globally integrated supply chains developed over many years. Even when certain manufacturing activities are conducted domestically, most raw materials must be sourced internationally. This reliance on global supply chains means that tariffs can significantly disrupt operations, increase costs, and reduce profitability. Companies often face challenges in renegotiating contracts to accommodate the additional costs imposed by tariffs. As importers of record, U.S. businesses typically are responsible for paying these tariffs, which can strain their financial resources and necessitate strategic adjustments.

Moreover, the complexity of navigating tariff regulations and ensuring compliance adds to the operational burden. Legal strategies to mitigate tariff impacts, such as reducing customs values or exploring exemptions, become essential. Additionally, supply chain transfers to alternative sources or countries may be required to avoid country-specific tariffs, further complicating logistics and production processes. The cumulative effect of these factors underscores the tremendous impact tariffs have on U.S. businesses, necessitating careful planning and adaptation to maintain competitiveness and operational efficiency.

Negotiation and Contractual Adjustments

The most direct impact of tariffs is that companies may struggle to supply or sell their products at previously agreed prices under existing contracts. U.S. companies, as the importer of record, are responsible for paying import tariffs, which increases costs and reduces profitability. Many importers lack the profit margins to absorb these tariffs. Consequently, U.S. importers must negotiate with downstream suppliers and upstream customers to distribute the tariff burden across the supply chain and to consumers. Additionally, companies must embrace tariffs as a new business reality, incorporating them into their strategic planning and financial forecasting.

Duty Mitigation

As importers of record, U.S. companies are actively exploring various strategies to reduce tariff amounts. One common approach involves understanding which costs can be deducted from the customs value at the time of import. Since tariffs are assessed based on the customs value, lowering this value can result in reduced tariff payments. Companies may engage in detailed analyses of their import transactions to identify deductible costs, such as international transportation fees, insurance, and certain handling charges. Additionally, companies should be prepared for and take advantage of exemptions or relief measures as they become available.

Supply Chain Transfer

When a foreign country, such as China, is severely impacted by tariffs, supply chain transfer becomes a crucial strategy to mitigate country-specific tariffs. U.S. companies' suppliers may seek alternative sources for raw materials or relocate production to countries outside of China. Southeast Asia has long been a favored alternative. More recently, Mexico and Canada have gained popularity due to the favorable tariff treatment available for products that qualify under the USMCA. The success of any supply chain transfer hinges on achieving substantial transformation under U.S. Customs and Border Protection (CBP) rules to change the country of origin of the final products.

Dispute Resolution

Tariffs can often lead to contract disputes, raising several legal questions. For instance, parties may seek to be excused from performing contractual obligations due to the impact of tariffs under the force majeure clause. Disputes may arise over whether such tariffs were reasonably foreseeable at the time the contract was executed, such as a 125% tariff on products from China, impacting the enforceability of certain contract provisions. Additionally, parties may argue frustration of purpose, claiming that the fundamental reason for entering into the contract has been undermined by the tariffs, making performance impossible or impractical.

Legal Compliance

Companies must navigate complex legal frameworks to ensure compliance with tariff regulations. This involves understanding the intricacies of various types of tariffs, free trade agreements, and CBP regulations. For instance, companies with manufacturing facilities in Mexico may find that even if their products qualify for preferential treatment under the USMCA, they may still be subject to Section 301 tariffs and AD/CVD due to components or raw materials sourced from China. To effectively manage legal compliance, companies must stay informed about changes in trade policies and regulations. This includes monitoring updates from government agencies and consulting with legal experts. Additionally, companies must be vigilant in understanding how multiple tariffs may apply concurrently, potentially compounding the financial burden. By proactively addressing these challenges, companies can mitigate risks, maintain compliance, and optimize their global trade operations.

Indirect Impacts of Tariffs

Countries often respond to U.S. tariffs with retaliatory measures, which can significantly affect American companies doing business abroad. These counter-tariffs typically increase costs for U.S. exporters, undermining their competitiveness in foreign markets and potentially leading to reduced sales and market share. On a broader scale, such actions can disrupt global supply chains and contribute to job losses in impacted U.S. industries. The retaliatory responses by countries like Canada and China underscore the interconnected nature of global trade and highlight the far-reaching consequences of protectionist policies.

In response to the United States' imposition of 25% Section 232 tariffs on imports of steel, aluminum, and automotive products, Canada has implemented reciprocal 25% tariffs on certain U.S. goods, including steel, aluminum, and automobiles.[57] Meanwhile, China has responded to every tariff action taken by the Trump administration this year with retaliatory measures. Table 5 summarizes China's countermeasures prior to the agreement with the U.S. that temporarily reduced reciprocal tariffs.[58]

Table 5. China's Retaliation Measures

		02/04/2025	03/04/2025	04/04/2025	04/09/2025	04/11/2025	Total
Tariffs		10%–15%	10%–15%	34%	Additional 50% (84% in total)	Additional 41% (125% in total)	Up to 140%
Export Control	Item	5 critical minerals	-	7 rare earth minerals	-	-	12 critical minerals
	Company	-	15 companies	16 companies	12 companies	-	43 companies
Unreliable Entity List		2 companies	10 companies	11 companies	6 companies	-	29 companies
Enforcement Actions		Tech company antitrust investigation	Optical fiber antidumping circumvention investigation	CT X-ray tubes antidumping investigation	-	-	3 investigations
Import Suspensions		-	Logs (any exporter), soybeans (3 exporters)	Sorghum, bone meal, poultry (6 exporters)	-	-	Multiple agricultural products, over 9 exporters affected

Adapting to Changing Trade Landscapes

Overall, navigating the legal landscape of tariffs requires a comprehensive approach, combining regulatory knowledge, strategic planning, and effective risk management to ensure business continuity and competitiveness.

Tariffs and trade regulations are subject to rapid and frequent changes, influenced by various geopolitical and economic factors. Consequently, businesses must continuously monitor and adapt to these evolving circumstances to ensure compliance and maintain operational efficiency. Staying informed about the latest developments in trade policies and seeking guidance from legal and trade experts are crucial for mitigating risks associated with fluctuating tariffs.

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