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October 3, 2019

MEMORANDUM TO: Christian Marsh
Deputy Assistant Secretary
for Enforcement and Compliance

FROM: Scot T. Fullerton
Director, Office VI
Antidumping Duty and Countervailing Duty Operations

SUBJECT: Decision Memorandum for the Preliminary Results of the
Antidumping Duty Administrative Review: Wooden Bedroom
Furniture from the People's Republic of China

I. SUMMARY

In response to requests from interested parties, the Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on wooden bedroom furniture (WBF) from the People's Republic of China (China) for the period of review (POR) January 1, 2018, through December 31, 2018. Subsequent to initiating this review, interested parties withdrew their review requests with respect to all but four companies. Commerce preliminarily determines that the four companies under review made no shipments of subject merchandise during the POR. Additionally, based on the timely withdrawals of review requests, Commerce is rescinding this administrative review with respect to all but four companies.

If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of subject merchandise during the POR. Interested parties are invited to comment on these preliminary results. Unless extended, we intend to issue final results no later than 120 days from the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act).



II. BACKGROUND

On January 4, 2005, Commerce published in the *Federal Register* the antidumping duty order on WBF from China.¹ On February 8, 2019, Commerce notified interested parties of their opportunity to request an administrative review of the *Order*.² In January 2019, the American Furniture Manufacturers Committee for Legal Trade (AMFC) and Vaughan-Bassett Furniture Company, Inc. (collectively, the petitioners) and Guangzhou Maria Yee Furnishings Ltd., PYLA HK LIMITED, and MARIA YEE, INC. (collectively Maria Yee) a Chinese producer, exporter, and U.S. importer, respectively, requested that Commerce conduct an administrative review of certain exporters covering the period January 1, 2018, through December 31, 2018.³ In February 2019, Kimball International, Inc., Kimball Furniture Group, Inc. and Kimball Hospitality Inc. (collectively, Kimball), domestic interested parties, also requested that Commerce conduct an administrative review of certain exporters covering the period January 1, 2018, through December 31, 2018.⁴ On April 1, 2019, Commerce published a notice initiating an administrative review of the *Order* covering multiple companies or company groupings for the period January 1, 2018 through December 31, 2018.⁵

In June 2019, Kimball and Maria Yee timely withdrew all of their review requests while the petitioner timely withdrew its requests to review all but four companies.⁶

III. SCOPE OF THE ORDER

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China*, 70 FR 329 (January 4, 2005) (*Order*).

² See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 84 FR 2816 (February 8, 2019) (*Opportunity Notice*). In the *Opportunity Notice*, Commerce explained that because it exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019, interested parties may request an administrative review of orders with anniversary dates in December, January and February that are listed in the *Opportunity Notice*, for the periods listed in that notice, not later than February 28, 2019. The list of orders in the *Opportunity Notice* included the antidumping duty order on wooden bedroom furniture from China and the period January 1, 2018 through December 31, 2018.

³ See Petitioners' Letter, "Wooden Bedroom Furniture from the People's Republic of China: Request For Initiation Of Administrative Review," dated January 31, 2019; see also Guangzhou Maria Yee Furnishings Ltd.'s, PYLA HK LIMITED's, and MARIA YEE, INC.'s Letter, "Wooden Bedroom Furniture from the People's Republic of China; Request for Administrative Review and Request for Voluntary Respondent Treatment," dated January 24, 2019.

⁴ See Kimball's Letter, "Wooden Bedroom Furniture from the People's Republic of China: Request for Initiation of Antidumping Duty Administrative Review," dated February 28, 2019.

⁵ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 84 FR 12200 (April 1, 2019).

⁶ See Petitioners' Letter, "Wooden Bedroom Furniture From The People's Republic of China: Partial Withdrawal Of Request For Administrative Review," dated June 27, 2019; see also Kimball's Letter, "Wooden Bedroom Furniture from The People's Republic of China: Withdrawal of Request for Administrative Review," dated June 27, 2019; and Maria Yee's Letter, "Wooden Bedroom Furniture from the People's Republic of China: Maria Yee's Withdrawal of Request for Review," dated June 28, 2019.

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,⁷ highboys,⁸ lowboys,⁹ chests of drawers,¹⁰ chests,¹¹ door chests,¹² chiffoniers,¹³ hutches,¹⁴ and armoires;¹⁵ (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches;

(5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture

⁷ A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

⁸ A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

⁹ A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

¹⁰ A chest of drawers is typically a case containing drawers for storing clothing.

¹¹ A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

¹² A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

¹³ A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

¹⁴ A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

¹⁵ An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;¹⁶ (9) jewelry armories;¹⁷ (10) cheval mirrors;¹⁸ (11) certain metal parts;¹⁹ (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with dresser as part of a dresser-mirror set; (13) upholstered beds;²⁰ (14) toy boxes;²¹ (15) certain enclosable wall bed units;²² (16) certain shoe

¹⁶ As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. See CBP's Headquarters Ruling Letter 043859, dated May 17, 1976.

¹⁷ Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door or one front door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. See Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, concerning "Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China," dated August 31, 2004. See also *Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination To Revoke Order in Part*, 71 FR 38621 (July 7, 2006).

¹⁸ Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 inches that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.*, a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. See *Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part*, 72 FR 948 (January 9, 2007).

¹⁹ Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form.

²⁰ Upholstered beds that are completely upholstered, *i.e.*, containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. See *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 7013 (February 14, 2007).

²¹ To be excluded the toy box must: (1) be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials ("ASTM") standard F963-03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. See *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum "Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box," dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

²² Excluded from the scope are certain enclosable wall bed units, also referred to as murphy beds, which are composed of the following three major sections: (1) a metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready-to-assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the order.

cabinets;²³ and (17) certain bed bases.²⁴

Imports of subject merchandise are classified under subheadings 9403.50.9042 and 9403.50.9045 of the HTSUS as “wooden . . . beds” and under subheading 9403.50.9080 of the HTSUS as “other . . . wooden furniture of a kind used in the bedroom.” In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may be entered under subheadings 9403.90.7005 or 9403.90.7080 of the HTSUS. Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, 9403.20.0018, or 9403.90.8041. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as “glass mirrors . . . framed.” The order covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

IV. PARTIAL RESCISSION

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. The requesting parties withdrew their requests for an administrative review of the *Order* for all but four companies within 90 days of the date of publication of the *Initiation Notice*.²⁵ No other party requested an administrative review of the *Order* with respect to the companies for which all review requests had been timely withdrawn. Accordingly, Commerce is rescinding this review, in part, with respect to all but four companies in accordance with 19 CFR 351.213(d)(1).²⁶

V. DISCUSSION OF THE METHODOLOGY

²³ Excluded from the scope are certain shoe cabinets 31.5-33.5 inches wide by 15.5-17.5 inches deep by 34.5-36.5 inches high. They are designed strictly to store shoes, which are intended to be aligned in rows perpendicular to the wall along which the cabinet is positioned. Shoe cabinets do not have drawers, rods, or other indicia for the storage of clothing other than shoes. The cabinets are not designed, manufactured, or offered for sale in coordinated groups or sets and are made substantially of wood, have two to four shelves inside them, and are covered by doors. The doors often have blinds that are designed to allow air circulation and release of bad odors. The doors themselves may be made of wood or glass. The depth of the shelves does not exceed 14 inches. Each shoe cabinet has doors, adjustable shelving, and ventilation holes.

²⁴ Excluded from the scope are certain bed bases consisting of: 1) a wooden box frame, 2) three wooden cross beams and one perpendicular center wooden support beam, and 3) wooden slats over the beams. These bed bases are constructed without inner springs and/or coils and do not include a headboard, footboard, side rails, or mattress. The bed bases are imported unassembled.

²⁵ See Petitioners’ Letter, “Wooden Bedroom Furniture From The People’s Republic of China: Partial Withdrawal Of Request For Administrative Review,” dated June 27, 2019.

²⁶ See the accompanying *Federal Register* notice for a list of these companies.

Non-Market Economy Country Status

Commerce considers China to be a non-market economy (NME) country.²⁷ In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. None of the parties to this proceeding contested NME treatment for China. Therefore, for the preliminary results of this review, we treated China as an NME country and applied our current NME methodology in accordance with section 773(c) of the Act.

China-Wide Entity

Because no party requested a review of the China-wide entity, we are not conducting a review of the China-wide entity.²⁸ The existing rate for the China-wide entity is 216.01 percent.²⁹

Preliminary Determination of No Shipments

The following four companies or company groupings reported that they made no shipments of subject merchandise to the United States during the POR: (1) Eurosa (Kunshan) Co., Ltd., Eurosa Furniture Co., (PTE) Ltd.; (2) Shenyang Shining Dongxing Furniture Co., Ltd.; (3) Sunforce Furniture (Hui -Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Co., Shin Feng Furniture Co., Ltd., Stupendous International Co., Ltd.; and (4) Yeh Brothers World Trade Inc.³⁰ To confirm these no shipment claims, Commerce issued a no-shipment inquiry to CBP requesting that it provide any information that contradicted the no-shipment claims of these companies.³¹ CBP reported that it did not have information to contradict these companies' claims of no shipments during the POR.³² In addition, in response to our data queries, we received no evidence contradicting the claims of no shipments by these companies.

²⁷ See *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017) (citing Memorandum, "China's Status as a Non-Market Economy," dated October 26, 2017), unchanged in *Certain Aluminum Foil From the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

²⁸ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963, 65969-70 (November 4, 2013).

²⁹ See *Wooden Bedroom Furniture From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments in Part; 2017*, 84 FR 24749 (May 29, 2019).

³⁰ See Letters from Sunforce Furniture (Hui -Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Co., Shin Feng Furniture Co., Ltd., Stupendous International Co., Ltd., "Sunforce Furniture (Hui-Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Company, Shin Feng Furniture Co., Ltd., Stupendous International Co., Ltd.'s Statement of No Shipments during the POR: Wooden Bedroom Furniture from the People's Republic of China," dated April 12, 2019; see also Eurosa (Kunshan) Co., Ltd.'s and Eurosa Furniture Co., (PTE) Ltd.'s Letter, "Eurosa (Kunshan) Co., Ltd. and Eurosa Furniture Co., (PTE) Ltd.'s Statement of No Shipments during the POR: Wooden Bedroom Furniture from the People's Republic of China," dated April 12, 2019; Shenyang Shining Dongxing Furniture Co., Ltd.'s Letter, "Wooden Bedroom Furniture from the People's Republic of China: No Shipment Letter and Response to Quantity and Value Questionnaire," dated April 29, 2019; and Yeh Brothers World Trade Inc.'s Letter, "No Shipment Letter for Yeh Brothers World Trade Inc. in the Fourteenth Administrative Review of Wooden Bedroom Furniture from People's Republic of China, Case No. A-570-890," dated April 30, 2019.

³¹ See Memorandum, "No Shipment Claims for the period 01/01/2018 through 12/31/2018," dated concurrently with this memorandum.

³² *Id.*

Given that the four companies above certified that they made no shipments of subject merchandise to the United States during the POR and there is no information calling these claims into question, we preliminarily determine that the companies identified above did not have any reviewable shipments during the POR. Consistent with Commerce's practice, Commerce will not rescind the review with respect to these companies but, rather, complete the review and issue instructions to CBP based on the final results of the review.³³

VI. CONCLUSION

We recommend applying the above methodology for these preliminary results.



Agree

Disagree

10/3/2019

X 

Signed by: CHRISTIAN MARSH

Christian Marsh

Deputy Assistant Secretary

for Enforcement and Compliance

³³ See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011); see also, e.g., *Certain Frozen Warmwater Shrimp from Thailand: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012-2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012-2013*, 79 FR 51306 (August 28, 2014).