



A-570-888
Sunset Review
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June 1, 2021

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

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum: Final Results of Expedited
Third Sunset Review of the Antidumping Duty Order on Floor-
Standing, Metal-Top Ironing Tables and Certain Parts Thereof
from the People's Republic of China

I. Summary

We have analyzed the substantive responses of certain interested parties in the expedited third sunset review of the antidumping duty (AD) order covering floor-standing, metal-top ironing tables and certain parts thereof (ironing tables) from the People's Republic of China (China).¹ No other interested party submitted an adequate substantive response. Accordingly, we conducted an expedited (120-day) sunset review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(e)(1)(ii)(C)(2). We recommend that you approve the positions as set forth in the "Discussion of Issues" section of this memorandum. Below is the complete list of the issues in this sunset review for which the Department of Commerce (Commerce) received a substantive response:

1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Margin Likely to Prevail

¹ See *Notice of Final Determination of Sales at Less Than Fair Value: Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China*, 69 FR 35296 (June 24, 2004) (*Final Determination*); see also *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China*, 69 FR 47868 (August 6, 2004) (*Amended Final Determination*) (the *Order*).

II. Background

On February 1, 2021, pursuant to section 751(c) of Tariff Act of 1930, as amended (the Act), Commerce published the notice of initiation of the third sunset review of the *Order* on ironing tables from China.²

Commerce received a notice of intent to participate from Home Products International, Inc. (the petitioner) within the deadline specified in 19 CFR 351.218(d)(1)(i).³ The petitioner claimed interested party status under section 771(9)(C) of the Act as manufacturers, producers, or wholesalers in the United States of a domestic like product.

On March 3, 2021, we received a complete substantive response for this sunset review⁴ from the petitioner within the specified time, in accordance with 19 CFR 351.218(d)(3)(i). We received no substantive responses from respondent interested parties. Because we did not receive adequate substantive responses from respondent parties, pursuant to section 751(c)(3)(B) of the Act, and 19 CFR 351.218(e)(1)(ii)(C)(2), we conducted an expedited sunset review of the *Order*.

III. Scope of the *Order*

For purposes of the *Order*, the product covered consists of floor-standing, metal-top ironing tables, assembled or unassembled, complete or incomplete, and certain parts thereof. The subject tables are designed and used principally for the hand ironing or pressing of garments or other articles of fabric. The subject tables have full-height leg assemblies that support the ironing surface at an appropriate (often adjustable) height above the floor. The subject tables are produced in a variety of leg finishes, such as painted, plated, or matte, and they are available with various features, including iron rests, linen racks, and others. The subject ironing tables may be sold with or without a pad and/or cover. All types and configurations of floor-standing, metal-top ironing tables are covered by this review.

Furthermore, the *Order* specifically covers imports of ironing tables, assembled or unassembled, complete or incomplete, and certain parts thereof. For purposes of the *Order*, the term “unassembled” ironing table means a product requiring the attachment of the leg assembly to the top or the attachment of an included feature such as an iron rest or linen rack. The term “complete” ironing table means product sold as a ready-to-use ensemble consisting of the metal-top table and a pad and cover, with or without additional features, e.g., iron rest or linen rack. The term “incomplete” ironing table means product shipped or sold as a “bare board” --i.e., a metal-top table only, without the pad and cover--with or without additional features, e.g. iron rest or linen rack. The major parts or components of ironing tables that are intended to be covered by the order under the term “certain parts thereof” consist of the metal top component (with or without assembled supports and slides) and/or the leg components, whether or not attached

² See *Initiation of Five-Year (Sunset) Reviews*, 86 FR 7709 (February 1, 2021) (*Initiation*).

³ See Petitioner’s Letters, “Notice of Intent to Participate: Third Five-Year Sunset Review of Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People’s Republic of China,” dated February 16, 2021.

⁴ See Petitioner’s Letter, “Substantive Response of Home Products International, Inc. to the Notice of Initiation of the Third Five-Year Sunset Review of Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People’s Republic of China,” dated March 3, 2021 (Petitioner’s Substantive Response).

together as a leg assembly. The *Order* covers separately shipped metal top components and leg components, without regard to whether the respective quantities would yield an exact quantity of assembled ironing tables.

Ironing tables without legs (such as models that mount on walls or over doors) are not floor-standing and are specifically excluded. Additionally, tabletop or countertop models with short legs that do not exceed 12 inches in length (and which may or may not collapse or retract) are specifically excluded.

The subject ironing tables were previously classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.20.0010. Effective July 1, 2003, the subject ironing tables are classified under new HTSUS subheading 9403.20.0011. The subject metal top and leg components are classified under HTSUS subheading 9403.90.8040. Although the HTSUS subheadings are provided for convenience and customs purposes, Commerce's written description of the scope is dispositive.

IV. History of the *Order*

In June 2004, Commerce published in the *Federal Register* its final affirmative determination of sales at less than fair value (LTFV), and in August 2004, Commerce published its amended final determination and *Order* on ironing tables from China.⁵ The following rates were determined in the LTFV investigation:

Manufacturer/Producer/Exporter	Weighted-Average Margin (percent)
Since Hardware (Guangzhou) Co., Ltd	9.47
Shunde Yongjian Housewares Co., Ltd	157.68
Forever Holdings Ltd	72.29
Gaoming Lihe Daily Necessities Co., Ltd	72.29
Harvest International Housewares Ltd	72.29
China-Wide Rate	157.68

In 2015, Commerce published the results of its second sunset review of the *Order*.⁶ Commerce has not conducted any administrative reviews of this *Order* since the completion of the second

⁵ See *Final Determination*; see also the *Order*.

⁶ See *Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China*:

sunset review. In 2017, Commerce published the amended final results pursuant to settlement for the 2004-2005 and 2005-2006 administrative reviews of the *Order*.⁷ In 2016, Commerce published the amended final results for the 2006-2007, 2007-2008, and 2009-2010 administrative reviews of the *Order*.⁸

There have been no duty absorption findings regarding this antidumping duty order. There have been no scope clarifications or rulings, circumvention determinations, or changed circumstances determinations during the proceeding.

V. Legal Framework

In accordance with section 751(c)(1) of the Act, Commerce is conducting this sunset review to determine whether revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping. If Commerce determines that revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping, pursuant to section 752(c)(3) of the Act, Commerce shall provide the International Trade Commission (ITC) with the magnitude of the margin of dumping likely to prevail if the *Order* were revoked.

In accordance with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (URAA), specifically the Statement of Administrative Action (SAA),⁹ the House Report,¹⁰ and the Senate Report,¹¹ Commerce's determinations of likelihood will be made on an order-wide, rather than a company-specific, basis.¹² As explained in the SAA, Commerce normally determines that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping when: (a) dumping continued at any level above *de minimis* after issuance of the order; (b) imports of the subject merchandise ceased after issuance of the order; (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly; or (d) there are declining import volumes

Final Results of the Expedited Sunset Review of the Antidumping Duty Order, 80 FR 53281 (September 3, 2015) (Second Sunset Review).

⁷ See *Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China: Notice of Amended Final Results of Antidumping Duty Administrative Reviews Pursuant to Settlement; 2004-2005 and 2006-2007*, 82 FR 1322 (January 5, 2017).

⁸ See *Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Administrative Review; 2006-2007*, 81 FR 44587 (July 8, 2016); see also *Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Administrative Review; 2007-2008*, 81 FR 32289 (May 23, 2016); and *Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results of the Antidumping Duty Administrative Review; 2009-2010*, 81 FR 31910 (May 20, 2016).

⁹ See Statement of Administrative Action accompanying the Uruguay Round Agreements Act (SAA), H.R. Doc. 103-316, vol. 1 (1994) (SAA), reprinted in 1994 U.S.C.C.A.N. 4040 (1994).

¹⁰ See H. Rep. No. 103-826, pt. 1 (1994) (House Report), reprinted in 1994 U.S.C.C.A.N. 3773 (1994).

¹¹ See S. Rep. No. 103-412 (1994) (Senate Report).

¹² See SAA at 879; see also House Report at 56.

accompanied by the continued existence of dumping margins after the issuance of the order.¹³ Pursuant to section 752(c)(4)(A) of the Act, a dumping margin of “zero or *de minimis* shall not by itself require” Commerce to determine that revocation of an AD order would not be likely to lead to a continuation or recurrence of sales at LTFV.¹⁴ Alternatively, Commerce normally will determine that revocation of an antidumping duty order is not likely to lead to continuation or recurrence of dumping where dumping was eliminated after issuance of the order and import volumes remained steady or increased.¹⁵

Sections 752(c)(1)(A) and (B) of the Act provide that, in determining whether revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping, Commerce shall consider both the weighted-average dumping margins determined in the investigation and subsequent reviews, and the volume of imports of the subject merchandise for the period before, and the period after, the issuance of the antidumping duty order. As a base period for import volume comparison, it is Commerce’s practice to use the one-year period immediately preceding the initiation of the investigation, rather than a period after initiation but before issuance of the order, as the initiation of an investigation may dampen import volumes and, thus, skew the comparison.¹⁶ When analyzing import volumes for second and subsequent sunset reviews, Commerce’s practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.¹⁷

If Commerce determines that revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping, generally Commerce provides the ITC with the magnitude of the margin of dumping likely to prevail based on the dumping margin(s) from the final determination in the investigation because this is the only calculated dumping margin that reflects the behavior of exporters without the discipline of an order in place.¹⁸ However, in certain circumstances, Commerce may determine that a more recently calculated dumping margin may be more representative of a company’s behavior in the absence of an order, *e.g.*, where a company increases dumping to maintain or increase market share with an order in place or “if dumping margins have declined over the life of an order and imports have remained steady or increased, {Commerce} may conclude that exporters are likely to continue dumping at the lower rates found in a more recent review.”¹⁹

¹³ See SAA at 889-90; *see also* House Report at 63-64; Senate Report at 52; and *Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871, 18872 (April 16, 1998) (*Sunset Policy Bulletin*).

¹⁴ See *Folding Gift Boxes from the People’s Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 72 FR 16765 (April 5, 2007) (*Folding Gift Boxes*), and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

¹⁵ See SAA, H.R. Rep. No. 103-316, Vol. 1 (1994), at 889-90; *see also Sunset Policy Bulletin*.

¹⁶ See, *e.g.*, *Stainless Steel Bar from Germany: Final Results of the Sunset Review of the Antidumping Duty Order*, 72 FR 56985 (October 5, 2007), and accompanying IDM at Comment 1.

¹⁷ See *Ferrovanadium from the People’s Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014), and accompanying IDM.

¹⁸ See SAA at 890; *see also Sunset Policy Bulletin* at section II.B.1.; and *Persulfates from the People’s Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying IDM at Comment 2.

¹⁹ See SAA at 890-91; *see also Sunset Policy Bulletin* at section II.B.2.

Regarding the margin of dumping likely to prevail, in the *Final Modification for Reviews*, Commerce announced that in five-year (*i.e.*, sunset) reviews, it will not rely on weighted-average dumping margins that were calculated using the zeroing methodology that was found to be WTO-inconsistent and was the subject of that *Final Modification for Reviews*.²⁰ However, Commerce explained in the *Final Modification for Reviews* that it “retain{s} the discretion, on a case-by-case basis, to apply an alternative methodology, when appropriate” in both investigations and administrative reviews pursuant to section 777A(d)(1)(B) of the Act.²¹ In the *Final Modification for Reviews*, Commerce stated that “only in the most extraordinary circumstances” would it rely on margins other than those calculated and published in prior determinations.²² Commerce further stated that, apart from the “most extraordinary circumstances,” it would “limit its reliance to margins determined or applied during the five-year sunset period that were not determined in a manner found to be WTO-inconsistent” and that it “may also rely on past dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of total adverse facts available (AFA), and dumping margins where no offsets were denied because all comparison results were positive.”²³

Below we address the comments submitted by the petitioner.

VI. Discussion of the Issues

Consistent with the legal framework, we address the following issues: (1) the likelihood of continuation or recurrence of dumping; and (2) the magnitude of the dumping margins likely to prevail.

1. Likelihood of Continuation or Recurrence of Dumping

The Petitioner’s Comments²⁴

- After Commerce’s first sunset review decision in 2009, dumping continued at margins above *de minimis*. Given the continued and widespread existence of dumping margins, Commerce should find that revocation of the *Order* would be likely to lead to the continuation or recurrence of dumping
- Prior to the *Order*, imports of ironing tables from China had nearly quadrupled in terms of quantity, and nearly tripled in terms of value between 2001 and 2003.
- The existence of the *Order* has substantially restrained numerous would-be exporters of ironing tables from China and that, to reenter or enter the U.S. market, they would have to resume or engage in dumping.

²⁰ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See Petitioner’s Substantive Response at 15-18.

Commerce's Position

Drawing on the guidance provided in the legislative history accompanying the URAA, Commerce's determination of likelihood of continuation or recurrence will be made on an order-wide basis for each case.²⁵ In addition, Commerce will normally determine that revocation of an antidumping duty order is likely to lead to continuation or recurrence of dumping where (a) dumping continued at any level above *de minimis* after the issuance of the order, (b) imports of the subject merchandise ceased after the issuance of the order, or (c) dumping was eliminated after the issuance of an order and import volumes for the subject merchandise declined significantly.²⁶

As explained in the "Legal Framework" section above, when determining whether revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, sections 752(c)(1)(A) and (B) of the Act instruct Commerce to consider: (1) the weighted-average dumping margins determined in the investigation and subsequent reviews; and (2) the volume of imports of the subject merchandise for the period before and after the issuance of the *Order*. According to the SAA, the existence of dumping margins after the *Order* "is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed. If imports cease after the order is issued, it is reasonable to assume that the exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping."²⁷ In addition, "declining import volumes accompanied by the continued existence of dumping margins after the issuance of an order may provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre order volumes."²⁸

In the LTFV investigation, Commerce found dumping at above *de minimis* levels and assigned weighted-average dumping margins of up to 157.68 percent for Chinese subject exporters/producers. Thus, any entries of subject merchandise into the United States after the issuance of the *Order* were subject to above *de minimis* AD rates. Also noted above, Commerce has conducted no administrative reviews of the *Order* since the *Second Sunset Review* and, therefore, these margins remain in effect for all companies. In the instances where dumping margins continue to exist and there is a significant decline in import volumes, "it is reasonable to assume that dumping would continue if the discipline of the order were removed."²⁹

Additionally, we examined the statistics placed on the record by the petitioner with respect to imports of the subject merchandise for the year prior to the initiation of the investigations and since the issuance of the most recent continuation notice, pursuant to section 752(c)(1)(B) of the

²⁵ See SAA at 879; see also House Report at 56.

²⁶ See SAA at 889-890; see also House Report at 63-64; and Senate Report at 52.

²⁷ See SAA at 890.

²⁸ *Id.* at 889; see also House Report at 63; and Senate Report at 52.

²⁹ See SAA at 890.

Act.³⁰ These data show substantially decreased import volumes from China, when comparing the import volumes during the relevant periods.³¹

Given the continued existence of above *de minimis* margins calculated without zeroing since the imposition of the *Order* and the overall decrease in the volume of imports, we determine that it is unlikely that producers of subject merchandise in China would be able to sell at pre-order volumes without dumping.³² Accordingly, we determine that dumping would likely continue or recur if the *Order* were revoked.³³

2. Magnitude of the Dumping Margin Likely to Prevail

The Petitioner's Comments³⁴

- There has been an apparent cessation of shipments of ironing tables to the U.S. by numerous Chinese exporters, who cannot ship to the U.S. without dumping. If any such Chinese ironing table producers and/or exporters had shipped ironing tables to the U.S., nearly all of them would have been subject to an antidumping duty rate of 157.68 percent.
- In the second sunset review, Commerce determined that revocation of the *Order* on ironing tables from China would likely lead to continuation or recurrence of dumping and that the magnitude of the margin of dumping likely to prevail would be weighted average margins up to 157.68 percent. There is no reason for Commerce to depart from this finding.

Commerce's Position

Section 752(c)(3) of the Act provides that Commerce shall provide to the ITC the magnitude of the margin of dumping that is likely to prevail if the *Order* were revoked. Commerce's preference is to select a rate from the investigation because it is the only calculated rate that reflects the behavior of manufacturers, producers, and exporters without the discipline of an order in place.³⁵ However, Commerce may provide a more recently calculated margin for a particular company, where declining (or zero or *de minimis*) dumping margins are accompanied by steady or increasing imports, which would reflect that the exporter is likely to dump at the lower rate found in a more recent review. Similarly, if an exporter chooses to increase dumping to increase or maintain market share, Commerce may provide the ITC with an increased margin

³⁰ See Petitioner's Substantive Response at 17.

³¹ *Id.*

³² See SAA at 889 (explaining that "declining import volumes accompanied by the continued existence of dumping margins after the issuance of an order may provide a strong indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-order volumes").

³³ See SAA at 890 (explaining that "{i}f companies continue to dump with the discipline of an order in place, it is reasonable to assume that dumping would continue if the discipline were removed").

³⁴ See Petitioner's Substantive Response at 15-19.

³⁵ See SAA at 890; see also Policy Bulletin, 63 FR at 18873 (section II.B.1); and *Prestressed Concrete Steel Wire Strand from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order*, 80 FR 43063 (July 21, 2015), and accompanying IDM at Comment 2.

that is more representative of that exporter's behavior in the absence of an order.³⁶ As indicated in the Legal Framework section *supra*, Commerce's current practice is to not rely on weighted average dumping margins calculated using the zeroing methodology, in accordance with the *Final Modification for Reviews*.³⁷

Although certain margins calculated for individual respondents in the LTFV investigation included zeroing (making them WTO-inconsistent), the China-wide rate in the *Amended Final Determination* is an AFA rate based on the highest average-to-average margin, and it did not include zeroing, making it WTO-consistent.³⁸ Thus, that dumping margin is consistent with the practice stipulated in the *Final Modification for Reviews* and Commerce determines that the rate assigned to the China-wide entity is the rate that we will report to the ITC without any adjustments or revisions. As indicated above, we normally rely on a margin determined in the LTFV investigation,³⁹ and we are doing so in this expedited sunset review. Accordingly, we determine that revocation of the *Order* would likely lead to continuation or recurrence of dumping at the magnitude of weighted-average margins up to 157.68 percent. Pursuant to section 752(c)(3) of the Act, Commerce will provide the ITC with the WTO-consistent rate assigned to the China-wide entity in the final determination as the margin of dumping likely to prevail if the *Order* were revoked.

VII. Final Results of Sunset Review

We determine that revocation of the *Order* would be likely to lead to a continuation or recurrence of dumping, and that the magnitude of the margin of dumping likely to prevail if the *Orders* were revoked would be weighted-average margins up to 157.68 percent.⁴⁰

³⁶ See section 752(c)(3) of the Act; see also *Clad Steel Plate from Japan: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 83 FR 22008 (May 11, 2018), and accompanying IDM at Comment 2.

³⁷ See *Final Modification for Reviews*, 77 FR at 8103.

³⁸ See *Amended Final Determination*.

³⁹ See SAA at 890.

⁴⁰ See the *Order*.

VIII. Recommendation

Based on our analysis of the substantive comments received, we recommend adopting all of the above positions. If these recommendations are accepted, we will publish the final results of this expedited sunset review in the *Federal Register* and notify the ITC of our findings.



Agree

Disagree

6/1/2021

X 

Signed by: CHRISTIAN MARSH

Christian Marsh
Acting Assistant Secretary
for Enforcement and Compliance