

New Antidumping Duty Petitions on Boltless Steel Shelving Units Prepackaged for Sale from India, Malaysia, Taiwan, Thailand, and Vietnam

Article By:

Nancy A. Noonan

Leah Scarpelli

Jessica DiPietro

Yun Gao

Diana Quaia

On April 25, 2023, Edsal Manufacturing Co., Inc. filed antidumping duty (AD) petitions on boltless steel shelving units prepackaged for sale from India, Malaysia, Taiwan, Thailand, and Vietnam.

Edsal alleges that in scope boltless steel shelving units are sold in the United States for less than “normal value” and requests the imposition of significant AD duties between 41% to 230% ad valorem. Additional AD duties will be imposed if the US Department of Commerce (DOC) determines that such alleged dumping is occurring and if the US International Trade Commission (ITC) determines that there is “material injury” (or the threat thereof) by reason of the dumped imports.

Importers of in scope boltless steel shelving units from the countries above will be liable for any potential AD duties imposed. These investigations may also impact purchasers via increased prices or decreased supplies of boltless steel shelving units. This is Edsal’s second trade remedy petition after its 2014 petition on imports of similar products from China resulted in the imposition of AD duties of 17.55% to 112.68% and countervailing duties of 12.40% to 80.45%.

Scope of Investigation

Per the petition, the scope of this investigation covers boltless steel shelving, with or without decks. The term “prepackaged for sale” means that, at a minimum, the steel vertical supports (i.e., uprights and posts) and steel horizontal supports (i.e., beams, braces) necessary to assemble a completed shelving unit (with or without decks) are packaged together for ultimate purchase by the end-user.

The scope also includes add-on kits. Add-on kits include, but are not limited to, kits that allow the end-user to add an extension shelving unit onto an existing boltless steel shelving unit such that the extension and the original unit will share common frame elements (e.g., two posts). The term "boltless" refers to steel shelving in which the vertical and horizontal supports forming the frame are assembled primarily without the use of nuts and bolts, or screws. The vertical and horizontal support members for boltless steel shelving are assembled by methods such as, but not limited to, fitting a rivet, punched or cut tab, or other similar connector on one support into a hole, slot, or similar receptacle on another support.

The supports lock together to form the frame for the shelving unit, and provide the structural integrity of the shelving unit separate from the inclusion of any decking. The incidental use of nuts and bolts or screws to add accessories, wall anchors, tiebars, or shelf supports does not remove the product from scope. Boltless steel shelving units may also come packaged as partially assembled, such as when two upright supports are welded together with front-to-back supports, or are otherwise connected, to form an end unit for the frame. The boltless steel shelving covered by this investigation may be commonly described as rivet shelving, welded frame shelving, slot and tab shelving, and punched rivet (quasi-rivet) shelving, as well as by other trade names. The term "deck" refers to the shelf that sits on or fits into the horizontal supports (beams or braces) to provide the horizontal storage surface of the shelving unit.

The scope includes all boltless steel shelving meeting the description above, regardless of (1) vertical support or post type (including but not limited to open post, closed post, and tubing); (2) horizontal support or beam/brace profile (including but not limited to Z- I-5 beam, C-beam, L-beam, step beam, and cargo rack); (3) number of supports; (4) surface coating (including but not limited to paint, epoxy, powder coating, zinc, and other metallic coating); (5) number of levels; (6) weight capacity; (7) shape (including but not limited to rectangular, square, and corner units); (8) decking material (including but not limited to wire decking, particle board, laminated board, or no deck at all); or (9) the boltless method by which vertical and horizontal supports connect (including but not limited to keyhole and rivet, slot and tab, welded frame, punched rivet, and clip).

Specifically excluded from the scope are:

- Wall-mounted shelving, defined as shelving that is hung on the wall and does not stand on, or transfer load to, the floor;
- Wire shelving units, which consist of shelves made from wire that incorporates both a wire deck and wire horizontal supports (taking the place of the horizontal beams and braces) into a single piece with tubular collars that slide over the posts and onto plastic sleeves snapped on the posts to create the finished shelving unit;
- Bulk-packed parts or components of boltless steel shelving units; and
- Made-to-order shelving systems.

The merchandise subject to these investigations is classifiable under subheading 9403.20.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and Customs purposes, but the written description of the scope above is dispositive.

Estimated AD Margins

Edsal alleges the following dumping margins exist:

- Vietnam – range from 85.24% to 205.49%
- Thailand – range from 177.72% to 188.06%
- India – 215.77%
- Malaysia – range 41.29% to 232.94%
- Taiwan – 217.66%

The following is an estimated schedule of investigations by the DOC and the ITC:

Estimated Schedule of Investigations

Initial Deadlines: ITC Preliminary Injury Phase	<i>approx. May 8, 2023 – questionnaire responses will be due.</i>
	May 15, 2023 – ITC Preliminary Staff Conference
	June 8, 2023 – ITC Preliminary injury determination
DOC Initiation Date	May 15, 2023
DOC Preliminary AD Determinations	October 2, 2023 – AD preliminary determination <i>The preliminary results deadline can be extended.</i>
Earliest Suspension of Liquidation (theoretical)	July 4, 2023 – Subject to both affirmative critical circumstances finding by ITC and DOC.

© 2024 ArentFox Schiff LLP

National Law Review, Volumess XIII, Number 115

Source URL: <https://natlawreview.com/article/new-antidumping-duty-petitions-boltless-steel-shelving-units-prepackaged-sale-india>