



## FACT SHEET

### **Commerce Issues Affirmative Preliminary Determinations in the Antidumping and Countervailing Duty Investigations of Imports of Vertical Metal File Cabinets from China**

- On July 25, 2019, the Department of Commerce (Commerce) announced the affirmative preliminary determinations of the antidumping (AD) and countervailing duty (CVD) investigations of imports of vertical metal file cabinets from China.
- The AD and CVD laws provides U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market-distorting effects caused by unfair subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells a product in the United States at less than its fair value. For the purpose of CVD investigations, a countervailable subsidy is financial assistance from a foreign government that benefits the production of goods from foreign companies and is limited to specific enterprises or industries, or is contingent either upon export performance or upon the use of domestic goods over imported goods.
- No companies responded to requests for information in the CVD investigation. Accordingly, the preliminary subsidy rate for all non-responsive companies is 227.10 percent; as the only calculated rate, the preliminary subsidy rate for all other Chinese producers and exporters is also 227.10 percent.
- No companies responded to requests for information in the AD investigation. The antidumping duty rate is 198.5 percent for all Chinese producers and exporters.
- Commerce will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits from importers of vertical metal file cabinets from China based on these preliminary rates.
- The petitioner is the Hirsh Industries LLC (West Des Moines, IA).
- The scope of these investigations covers freestanding vertical metal file cabinets containing two or more extendable file storage elements and having an actual width of 25 inches or less.

The subject vertical metal file cabinets have bodies made of carbon and/or alloy steel and or other metals, regardless of whether painted, powder coated, or galvanized or otherwise coated for corrosion protection or aesthetic appearance. The subject vertical metal file cabinets must have two or more extendable elements for file storage (e.g., file drawers) of a height that permits hanging files of either letter (8.5" x 11") or legal (8.5" x 14") sized documents.

An "extendable element" is defined as a movable load-bearing storage component including, but not limited to, drawers and filing frames. Extendable elements typically have suspension systems, consisting of glide blocks or ball bearing glides, to facilitate opening and closing.

The subject vertical metal file cabinets typically come in models with two, three, four, or five-file drawers. The inclusion of one or more additional non-file-sized extendable storage elements, not sized for storage files (e.g., box or pencil drawers), does not remove an otherwise in-scope product from the scope as long as the combined height of the non-file-sized extendable storage elements does not exceed six inches. The inclusion of an integrated storage area that is not extendable (e.g., a cubby) and has an actual height of six inches or less, also does not remove a subject vertical metal file cabinet from the scope. Accessories packaged with a subject vertical file cabinet, such as separate printer stands or shelf kits that sit on top of the in-scope vertical file cabinet are not considered integrated storage.

“Freestanding” means the unit has a solid top and does not have an open top or a top with holes punched in it that would permit the unit to be attached to, hung from, or otherwise used to support a desktop or other work surface. The ability to anchor a vertical file cabinet to a wall for stability or to prevent it from tipping over does not exclude the unit from the scope.

The addition of mobility elements such as casters, wheels, or a dolly does not remove the product from the scope. Packaging a subject vertical metal file cabinet with other accessories, including, but not limited to, locks, leveling glides, caster kits, drawer accessories (e.g., including but not limited to follower wires, follower blocks, file compressors, hanger rails, pencil trays, and hanging file folders), printer stand, shelf kit and magnetic hooks, also does not remove the product from the scope. Vertical metal file cabinets are also in scope whether they are imported assembled or unassembled with all essential parts and components included.

Excluded from the scope are lateral metal file cabinets. Lateral metal file cabinets have a width that is greater than the body depth, and have a body with an actual width that is more than 25 inches wide.

Also excluded from the scope are pedestal file cabinets. Pedestal file cabinets are metal file cabinets with body depths that are greater than or equal to their width, are under 31 inches in actual height, and have the following characteristics: (1) an open top or other the means for the cabinet to be attached to or hung from a desktop or other work surface such as holes punched in the top (i.e., not freestanding); or (2) freestanding file cabinets that have all of the following: (a) at least a 90 percent drawer extension for all extendable file storage elements; (b) a central locking system; (c) a minimum weight density of 9.5 lbs./cubic foot; and (d) casters or leveling glides.

“Percentage drawer extension” is defined as the drawer travel distance divided by the inside depth dimension of the drawer. Inside depth of drawer is measured from the inside of the drawer face to the inside face of the drawer back. Drawer extension is the distance the drawer travels from the closed position to the maximum travel position which is limited by the out stops. In situations where drawers do not include an outstop, the drawer is extended until the drawer back is 3-1/2 inches from the closed position of inside face of the drawer front. The “weight density” is calculated by dividing the cabinet’s actual weight by its volume in cubic feet (the multiple of the product’s actual width, depth, and height). A “central locking system” locks all drawers in a unit.

Also excluded from the scope are fire proof or fire-resistant file cabinets that meet Underwriters Laboratories (UL) fire protection standard 72, class 350, which covers the test procedures applicable to fire-resistant equipment intended to protect paper records.

The merchandise subject to the investigations is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.10.0020. The subject merchandise may also enter under HTSUS subheadings 9403.10.0040, 9403.20.0080, and 9403.20.0090. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigations is dispositive.

- In 2018, imports of vertical metal file cabinets from China were valued at an estimated \$45.2 million.
- The Preliminary Decision Memoranda are on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>, and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. Please refer to case numbers: A-570-110 for the AD investigation and C-570-111 for the CVD investigation.

**NEXT STEPS**

- Commerce is scheduled to announce its final determinations on or about October 8, 2019.
- If Commerce’s final determinations are affirmative, the U.S. International Trade Commission (ITC) is scheduled to make its final injury determinations on or before November 21, 2019.
- If the ITC makes affirmative final determinations that imports of vertical metal file cabinets from China materially injure, or threaten material injury to, the domestic industry, Commerce will issue AD and CVD orders. If the ITC makes negative determinations of injury, the investigations will be terminated.

**PRELIMINARY DUMPING RATES:**

COUNTRY	EXPORTER/PRODUCER	DUMPING MARGINS	CASH DEPOSIT RATES
China	China-Wide Entity	198.50%	160.77%*

\*Rate are adjusted for export subsidies.

**PRELIMINARY SUBSIDY RATES:**

COUNTRY	EXPORTER/PRODUCER	SUBSIDY RATE
China	Non-Responsive Companies	227.10%
	All-Others	227.10%

**CASE CALENDAR:**

<b>EVENT</b>	<b>AD INVESTIGATION</b>	<b>CVD INVESTIGATION</b>
<b>Petitions Filed</b>	<b>April 30, 2019</b>	<b>April 30, 2019</b>
<b>DOC Initiation Date</b>	<b>May 20, 2019</b>	<b>May 20, 2019</b>
<b>ITC Preliminary Determinations</b>	<b>June 14, 2019</b>	<b>June 14, 2019</b>
<b>DOC Preliminary Determinations</b>	<b>July 24, 2019</b>	<b>July 24, 2019</b>
<b>DOC Final Determinations*</b>	<b>October 7, 2019</b>	<b>October 7, 2019</b>
<b>ITC Final Determinations**</b>	<b>November 21, 2019</b>	<b>November 21, 2019</b>
<b>Issuance of Orders***</b>	<b>November 28, 2019</b>	<b>November 28, 2019</b>

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a)(1) of the Tariff Act of 1930, as amended (the Act). For AD investigations, the deadlines are set forth in sections 733(b) and 735(a) of the Act of 1930.

These deadlines may be extended under certain circumstances.

\*This deadline may be extended under the governing statute.

\*\*This will take place only in the event of final affirmative determinations from Commerce.

\*\*\*This will take place only in the event of final affirmative determinations from Commerce and the ITC.

**IMPORT STATISTICS:**

<b>CHINA</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Customs Value (USD)	25,440,411	34,034,621	45,232,109

Source: U.S. Census Bureau, accessed through Global Trade Atlas (Harmonized Tariff Schedule of the United States (HTSUS) 9403.10.0020). Volume is not reported in official import statistics for this HTSUS subheading. This HTSUS subheading may cover both subject and non-subject merchandise; therefore, the above import statistics may be overstated. The petitioner estimated that imports of vertical metal file cabinets were valued at approximately \$14.9 million in 2018.