



U.S. Customs and
Border Protection

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VIA EMAIL

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RE: Notice of Initiation of Investigation and Interim Measures - EAPA Cons. Case 7335

Dear Counsel and/or Representatives for the above-referenced Entities:

This letter is to inform you that U.S. Customs and Border Protection (CBP) has commenced a formal investigation under Title IV, Section 421 of the Trade Facilitation and Trade Enforcement Act of 2015, commonly referred to as the Enforce and Protect Act (EAPA), for Norca Industrial Company, LLC (Norca) and International Piping & Procurement Group, LP (IPP) (collectively, the Importers). CBP is investigating whether the Importers have evaded antidumping duty (AD) order A-570-814 on certain carbon steel butt-weld pipe fittings (butt-weld pipe fittings or covered merchandise) from the People's Republic of China (China)¹ by entering into the United States Chinese-origin butt-weld pipe fittings that were transshipped through Vietnam without

¹ See *Antidumping Duty Order and Amendment to the Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China*, 57 Fed. Reg. 29,702 (Dep't Commerce, Jul. 6, 1992).

declaring the merchandise as subject to AD order A-570-814. Because evidence supports a reasonable suspicion that the Importers entered covered merchandise into the customs territory of the United States through evasion, CBP has imposed interim measures.²

Period of Investigation

Pursuant to 19 CFR 165.2, entries covered by an EAPA investigation are those “entries of allegedly covered merchandise made within one year before the receipt of an allegation....” Entry is defined as an “entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.”³ CBP acknowledged receipt of the properly filed allegations against Norca and IPP on October 15, 2019.⁴ These two investigations are now consolidated as discussed further below, and the entries covered by the consolidated investigation are those entered for consumption, or withdrawn from warehouse for consumption, from October 15, 2018 through the pendency of this investigation.⁵

Initiation

Pursuant to 19 CFR 165.15(a), on November 5, 2019, the Trade Remedy Law Enforcement Directorate (TRLED) within CBP’s Office of Trade initiated investigations under EAPA based on allegations submitted by Allied Group (Allied) concerning evasion of AD duties by Norca and IPP.⁶ In these allegations, Allied asserts that Norca and IPP evaded AD order A-570-814 by importing into the United States Chinese-origin butt-weld pipe fittings that were transshipped through Vietnam.⁷

Description of the Alleged Transshipment Scheme

Allied alleges that three parties are involved in a scheme to circumvent the AD order on butt-weld pipe fittings from China: Haitian Pipe Fittings Co. Ltd. (HPCO), a Chinese producer of butt-weld pipe fittings; BW Fittings Co., Ltd (BWF), a Vietnamese company; and Alliance Fittings Industry (AFI), a Malaysian company. According to Allied, HPCO transships covered merchandise through BWF in Vietnam to avoid AD duties of 182.9 percent, the current rate in effect for HPCO. Allied states that it has not seen any evidence of direct imports into the United States from HPCO in more than a year. It also provides photographs from HPCO’s website that show the same individual, “Zachary,” promoting fittings from both HPCO and BWF.⁸

² See 19 USC 1517(e); see also 19 CFR 165.24.

³ See 19 USC 1517(a)(4); see also 19 CFR 165.1.

⁴ See emails acknowledging receipt of EAPA Case Nos. 7335 and 7336 (Oct. 15, 2019).

⁵ See 19 CFR 165.2.

⁶ See CBP Memoranda, “Initiation of Investigation for EAPA Case Number 7335” (Nov. 5, 2019) and “Initiation of Investigation for EAPA Case Number 7336” (Nov. 5, 2019), respectively.

⁷ See Allied’s EAPA allegations for Norca and IPP, both entitled, “Allegation of Duty Evasion under the Enforcement and Protect Act of 2015,” (Oct. 9, 2019) (Allegations). Allied is a U.S. producer of butt-weld pipe fittings, and thus, pursuant to 19 CFR 165.1(2), meets the definition of an interested party that may file an EAPA allegation.

⁸ See Allegations at 1 and Exh. 1 (pictures from HPCO website (<http://www.pipefitting.cc/New-57.html> and <http://www.pipefitting.cc/New-59.html>)).

Allied claims that BWF recently entered the U.S. market, exporting more than 1,300 tons of butt-weld pipe fittings with country of origin Vietnam since November 2018 to two U.S. importers, Norca and IPP.⁹ According to Allied, evidence obtained during recent visits by Allied Canada and Allied USA officials shows that BWF does not produce butt-weld pipe fittings in Vietnam, but transships fully finished fittings and/or machines semi-finished fittings from HPCO in China.

Regarding AFI, Allied contends that this company shut down after the Department of Commerce (Commerce) found that butt-weld pipe fittings from China that underwent minor processing in Malaysia or were marked with “Malaysia” as the country of origin were circumventing the AD order on butt-weld pipe fittings from China.¹⁰ Allied alleges that Norca and IPP imported butt-weld pipe fittings directly from AFI prior to Commerce’s determination of circumvention, but subsequent to that decision shifted their business to BWF.¹¹

To support its allegation, Allied provides information regarding Allied officials’ communications with HPCO/BWF’s sales manager and their visits to BWF’s facility in Vietnam. First, Allied recounts that in April 2018, [] of Allied International (a part of Allied Group) met HPCO’s sales manager, Zachary, at a tube exhibition in Germany, where he represented both HPCO and BWF.¹² Allied contends that [] attempted to visit BWF’s facility in Vietnam soon after the tube exhibition, but BWF officials “refused,” stating that there was no production equipment installed at the facility.¹³

Allied also provides an affidavit from [] Allied regarding a visit by HPCO/BWF’s sales manager to Allied USA in May 2018. [] states that the sales manager, Zachary, contacted [] in April 2018 to request a meeting, [].¹⁴ [] declares that []

[]¹⁵ [] states that Zachary responded that []¹⁶ [] affirms that Zachary came to meet with [], but provided no pictures of the BWF facility or equipment.¹⁷ Based on [] discussions with Zachary, who did not provide any evidence that BWF had any equipment in Vietnam, [] asserts that BWF was not producing fittings in Vietnam.¹⁸

⁹ *Id.* at 1 and Att. A (data from [] showing imports from Vietnam).

¹⁰ *Id.* at 1-2 and Exh. 3 (containing, *inter alia*, *Carbon Steel Butt-Weld Pipe Fittings From the People’s Republic of China: Final Affirmative Determination of Circumvention of the Antidumping Duty Order*, 84 Fed. Reg. 29,164 (Dep’t Commerce, June 21, 2019) and accompanying Issues and Decision Memorandum).

¹¹ *Id.* at 2 and Exh. 2 (data from [] showing imports from Malaysia).

¹² *Id.* at 2 and Exh. 1 (pictures from HPCO website (<http://www.pipefitting.cc/New-51.html>), showing both HPCO and BW Fittings on display at the tube show)).

¹³ *Id.* at 2.

¹⁴ *Id.* at Att. B (affidavit of []) and Att. B, Exh. 1 (email from Zachary requesting a meeting).

¹⁵ *Id.* at Att. B (affidavit of []) and Att. B, Exh. 2 (email response from [] to Zachary).

¹⁶ *Id.* at Att. B (affidavit of []) and Att. B, Exh. 3 (email from Zachary regarding factory status).

¹⁷ *Id.* at Att. B (affidavit of []) and Att. B, Exh. 4 (copy of Zachary’s business card, which lists both HPCO and BWF’s names and addresses).

¹⁸ *Id.* at Att. B (affidavit of []).

In addition, Allied submits an affidavit from [] Allied Group - Canada and []

[] TriLad Canada (affiliated with Allied Group). The affiants state that they first became cognizant of BWF's evasion scheme during a visit to the BWF facility in June 2018. According to the affiants, Zachary explained during the car ride to the factory that HPCO previously had a factory in Malaysia called Alliance Fittings Industrial which HPCO closed when Commerce initiated an anti-circumvention inquiry on fittings from China.¹⁹ Zachary also explained that there was "nothing to show" at the facility because the production equipment was being held by Vietnam Customs.²⁰ [] and [] state that at BWF, they observed a small, mostly empty warehouse with approximately 15 pallets of fittings, including a pallet of finished fittings from Alliance Fittings in Malaysia, and no production equipment.²¹ The affiants declare that BWF showed them some land across the road upon which BWF claimed it was building an additional production area; however, the affiants contend that this land is currently occupied by another company.²² Based upon their visit, [] and [] state that it was their "strong belief" that all shipments from BWF were manufactured in China.²³

Finally, Allied provides an affidavit from []

[] Allied. [] states that BWF's website indicates the company produces a wide variety of fittings and has invested significantly in machinery and equipment,²⁴ but its website merely contains pictures of fully formed fittings ready for shipment on the "product equipment" page.²⁵ [] contends that after being unable to make an appointment for a factory visit, [] conducted on-the-ground research on []. [] states that [] first drove to the address listed on BWF's website on Pho Quong Street and then to BWF's location north of Ho Chi Minh City, but found no office, factory, equipment, or raw materials needed to produce butt-weld pipe fittings at either location.²⁶ [] declares that [] then visited BWF at its shipping address in Liang Jiang Industrial Park, noting that the building matched the facility on BWF's website.²⁷ There, [] affirms, [] witnessed no noise, a lack of smoke and odors, and a building too small for the equipment necessary to produce butt-weld pipe fittings.²⁸ The affiant states that [] also saw no pipe going in or out of the facility; no pipe yard; no trucks moving in or out of the building; and no production-related activities or production equipment inside the building, which appeared to be clean.²⁹ []

¹⁹ *Id.* at Att. C (affidavit of [] and []).

²⁰ *Id.*

²¹ *Id.* at Att. C (affidavit of [] and []) and Att. C, Exh. 2 and 4 (photographs of the facility and pallet of fittings from Alliance Fittings).

²² *Id.* at Att. C (affidavit of [] and []), Att. C, Exh. 3 (photograph of land across from BWF), and Att. C, Exh. 6 (<http://ljjip.vn/web/en/enterprises-in-ljjip/map-of-factories-location.html>).

²³ *Id.* at Att. C (affidavit of [] and []).

²⁴ *Id.* at Att. D (affidavit of []), Att. D, Exh. 2 (www.bw-fittings.com), and Att. D, Exh. 3 (www.bw-fittings.com/scgy.htm).

²⁵ *Id.* at Att. D (affidavit of []) and Att. D, Exh. 4 (www.bw-fittings.com/scgy_01.htm).

²⁶ *Id.* at Att. D (affidavit of []).

²⁷ *Id.* at Att. D (affidavit of []), Att. D, Exh. 1 (containing shipping address from []), and Att. D., Exh. 5 (<http://ljjip.vn/web/en/enterprises-in-ljjip/list-of-factories.html>).

²⁸ *Id.*, at Att. D (affidavit of []).

²⁹ *Id.*

] declares that [] only saw stacks of crates and pallets containing fully finished fittings in shrink-wrap and many unfinished (or semi-finished) tees, and [] requests to speak with a manager and to tour the building were refused.³⁰ Based on [] observations at BWF's facility, [] avers that BWF does not produce butt-weld pipe fittings, but, rather, transships them from China to the United States.³¹

Initiation Assessment

TRLED will initiate an investigation if it determines that “[t]he information provided in the allegation ... reasonably suggests that the covered merchandise has been entered for consumption into the customs territory of the United States through evasion.”³² Evasion is defined as the “entry of covered merchandise into the customs territory of the United States for consumption by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.”³³ Thus, the allegation must reasonably suggest not only that merchandise subject to an AD and/or CVD order was entered into the United States by the importer alleged to be evading, but that such entry was made by a material false statement or act, or material omission, that resulted in the reduction or avoidance of applicable AD and/or CVD cash deposits or other security.

In its allegations, Allied provides data from [] demonstrating a shift in Norca's and IPP's U.S. imports in 2018 of butt-weld pipe fittings from AFI in Malaysia to BWF in Vietnam. Further, the testimonials in both allegations from Allied company officials regarding their communications with HPCO/BWF's sales manager and their visits to BWF's facility in Vietnam indicate that BWF does not have the equipment to manufacture butt-weld pipe fittings and is incapable of producing the covered merchandise. In assessing the totality of circumstances and evidence provided in the allegations, TRLED found that the allegations reasonably suggest that Norca and IPP entered covered merchandise into the customs territory of the United States by means of evasion. Specifically, TRLED found that Norca and IPP have engaged in attempts to evade AD order A-570-814 by importing Chinese-origin butt-weld pipe fittings into United States via Vietnam and failing to declare such merchandise as subject to the AD order. Consequently, TRLED initiated investigations of Norca and IPP under the authority of 19 USC 1517(b)(1) and 19 CFR 165.15.

Interim Measures

Not later than 90 calendar days after initiating an investigation under EAPA, TRLED will decide based upon the record of the investigation if there is reasonable suspicion that the importer entered covered merchandise into the customs territory of the United States through evasion. If reasonable suspicion exists, CBP will impose interim measures pursuant to 19 USC 1517(e) and 19 CFR 165.24. As explained below, CBP is imposing interim measures because there is a

³⁰ *Id.*

³¹ *Id.*

³² See 19 USC 1517(b)(1); see also 19 CFR 165.15(b).

³³ See 19 CFR 165.1 (setting forth the definition of “evasion”); see also 19 USC 1517(a)(5)(A).

reasonable suspicion that Norca and IPP entered covered merchandise into the customs territory United States through evasion by means of transshipment through Vietnam.³⁴

CF-28 Responses

After initiation of the EAPA investigations, CBP issued Customs Form 28 (CF-28) to the Importers for certain entries made during the period of investigation.³⁵ Both Norca and IPP responded to the CF-28s on December 9 and 16, 2019, respectively.³⁶ However, both importers' CF-28 responses were incomplete, as they did not contain all of the requested information. Therefore, CBP issued supplemental CF-28s to the Importers,³⁷ to which Norca and IPP responded on January 3 and 14, 2020, respectively.³⁸

In their CF-28 responses, the Importers provided information related to the production of the entries at issue and BWF's factory in general. In particular, this information indicates that BWF was established in 2017 in Tien Giang Province, Vietnam, has [] employees, and has a production capacity of [] metric tons (MT) per month for carbon steel pipe fittings.³⁹ In addition, the documentation which Norca and IPP furnished for the entries at issue shows that the carbon steel pipe and steel plate used to produce the butt-weld pipe fittings were manufactured in China by [] and [], respectively, and that both were sold to BWF through [], located in Hong Kong.⁴⁰

In their supplemental CF-28 responses, the Importers provided documentation that had been missing from their original CF-28 responses, such as time cards and information (*e.g.*, bills of lading, customs clearance documents, *etc.*) related to BWF's acquisition of the machinery used to make butt-weld pipe fittings. This documentation included a letter from BWF explaining that it acquired the machinery from [], Hebei Haitian Pipe Fittings Co., Ltd., and that it did not provide proof of payment because the equipment transfer "was an investment of further expansion from parent company not a transaction so no payment required."⁴¹ Regarding the time cards, CBP observed that the time cards Norca submitted (for []) were scanned copies listing [] employees, while the time cards IPP provided (for []) consisted of Excel spreadsheets listing [] employees, respectively.⁴²

³⁴ See 19 USC 1517(e); *see also* 19 CFR 165.24(a).

³⁵ See CF-28 issued to Norca for entry number []0705 (Nov. 20, 2019) and CF-28 issued to IPP for entry number []3703 (Nov. 21, 2019).

³⁶ See Norca CF-28 Response (Dec. 9, 2019) (Norca CF-28 Response) and IPP CF-28 Response (Dec. 16, 2019) (IPP CF-28 Response).

³⁷ See supplemental CF-28 issued to Norca (Dec. 18, 2019) and supplemental CF-28 issued to IPP (Jan. 7, 2020).

³⁸ See Norca CF-28 Supplemental Response (Jan. 3, 2020) (Norca Supplemental CF-28 Response) and IPP CF-28 Response (Jan. 14, 2020) (IPP Supplemental CF-28 Response).

³⁹ See Norca CF-28 Response at Part 2 ("About us") and IPP CF-28 Response at Part 7 ("About us").

⁴⁰ See Norca CF-28 Response at Parts 1, 3, and 4 (various documents related to raw material purchases) and IPP CF-28 Response at Parts 1 and 2 (various documents related to raw material purchases).

⁴¹ See Norca Supplemental CF-28 Response at Part 1 (Statement from BWF) and IPP Supplemental CF-28 Response at Part 2 (Statement from BWF).

⁴² See Norca Supplemental CF-28 Response at Parts 2 and 3 (timesheets) and IPP Supplemental CF-28 Response at Part 1 (timesheets).

Preliminary On-site Visit to BWF

On January 9, 2020, CBP conducted a preliminary on-site visit at BWF's facility. The visit team initially observed a facility that appeared to be a warehouse with a BWF sign posted on the front of the building. Upon speaking with employees at this site, the visit team learned that BWF had moved to another facility on the same street and was no longer operating at that location. The visit team then proceeded to a second facility, located at LOT 61 C1 Long Giang Industrial Park, Tan Lap 1 Commune, Tan Phuoc District, Tien Giang, Vietnam, which the visit team found to be the actual BWF facility.⁴³

BWF's sales production manager explained to the visit team that the company began production operations in June 2018 and that it manufactures only carbon steel butt-weld pipe fittings in the form of elbows, tees, reducers and caps, in diameters ranging from half an inch to 24 inches. He stated that BWF's owner, [REDACTED], is also the production manager and technical expert due to his experience with HPCO in China, and that BWF [REDACTED] HPCO.⁴⁴ [REDACTED] explained that he decided to invest in Vietnam for several reasons, including the inability to export his products from China to the United States because of high AD duty rates.⁴⁵ [REDACTED] stated that [REDACTED] percent of his production equipment is now located in Vietnam.⁴⁶

During the on-site visit, BWF stated that it employs about [REDACTED] workers and the primary raw materials it uses to produce pipe fittings are steel tubes, which it sources from [REDACTED].⁴⁷ BWF stated that its production capacity is [REDACTED] MT per month and that it exports [REDACTED] MT of pipe fittings per month, [REDACTED] of which is exported to the United States [REDACTED] Norca and IPP, and [REDACTED] of which is exported to [REDACTED].⁴⁸ BWF indicated that [REDACTED] of the pipe fittings are sold in Vietnam.⁴⁹

The visit team asked if BWF ever imported finished fittings from China, and BWF responded that it had imported [REDACTED] shipments of "semi-finished" carbon steel butt-weld fittings from China in 2018 when it was having problems with producing sufficient product in Vietnam.⁵⁰ The visit team requested documentation for these shipments. BWF submitted the requested documentation subsequent to the on-site visit, at which time it clarified that the shipments were actually received in 2019.⁵¹

BWF also provided the visit team with a tour of its facility. While reviewing the raw materials, the visit team witnessed [REDACTED] diameter steel tube cut to length pieces, approximately [REDACTED] in length. BWF explained that it imported [REDACTED] diameter tubes in cut, ready-to-form sizes from China because BWF lacked the capacity to cut [REDACTED] diameter long length pipe.⁵²

⁴³ See CBP Attaché Memorandum for Preliminary On-site Visit (Jan. 15, 2020) (CBP Attaché Memorandum) at 1.

⁴⁴ *Id.* at 2.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* at 3.

⁵¹ *Id.* at 3 and Attachment 3.

⁵² *Id.* at 3.

Regarding equipment, the visit team observed that BWF had the following machinery: [] bending machines; [] elbow forming machines; [] beveling machines; [] tee forming presses; [] hydraulic presses; [] electric furnaces; [] shot blasting machines; and [] painting lines.⁵³ The visit team noted that during its visit, there were approximately [] employees working, with about [] on pipe fitting production and about [] on the finishing processes.⁵⁴ The visit team also observed that there were [] laboratory employees testing the finished production and [] laboratory equipment which were [].⁵⁵

During the visit, BWF provided various documents to the visit team, including BWF's business registration. BWF indicated in this document that it was setting up its production equipment in two phases, the first one running from [] and the second running from []. This document also indicated that BWF planned to start production in [].⁵⁶

The CBP visit team concluded that BWF currently has the capacity to manufacture carbon steel butt-weld pipe fittings. However, it noted that there was a significant stock of semi-finished and finished carbon steel butt-weld pipe fittings compared to the raw materials on-site.⁵⁷

Other Information Reviewed by CBP

In addition, CBP examined data which show that Norca's and IPP's last entries of covered merchandise from AFI in Malaysia occurred on [] and [], respectively.⁵⁸ These data also show that Norca's first importation of the covered merchandise from BWF (with country of origin Vietnam) occurred on [], and IPP's first importation of the covered merchandise from BWF was on [].⁵⁹ This information is consistent with Allied's allegation that Norca and IPP shifted their imports of butt-weld pipe fittings from AFI to BWF around the time that Commerce found that certain butt-weld pipe fittings imported from Malaysia were circumventing the AD order on butt-weld pipe fittings from China.

Moreover, the data examined by CBP for the period October 15, 2018, through October 23, 2019,⁶⁰ establishes that Norca's and IPP's combined import quantities from BWF totaled [] MT.⁶¹ This quantity corresponds to an average of roughly [] MT of imports of covered merchandise by Norca and IPP per month during that nearly one-year period. Based on BWF's claim during the preliminary on-site visit that it exports [] percent of its finished

⁵³ *Id.* at 3 and Attachment 2 (at "Equipment Description").

⁵⁴ *Id.* at 3.

⁵⁵ *Id.*

⁵⁶ *Id.* at Attachment 2 (at Business Registration).

⁵⁷ *Id.* at 4.

⁵⁸ See DC NTAC Report for Norca (Oct. 24, 2019) and DC NTAC Report for IPP (Oct. 24, 2019).

⁵⁹ *Id.*

⁶⁰ This period represents the beginning of the period of investigation for this EAPA investigation through the data pull date for the DC NTAC Reports for Norca and IPP.

⁶¹ See DC NTAC Report for Norca (Oct. 24, 2019) and DC NTAC Report for IPP (Oct. 24, 2019). Of this total, [] MT is attributable to Norca and [] MT is attributable to IPP.

products to Norca and IPP and [],⁶² this volume equates to total monthly production of approximately [] MT per month. This amount is [] BWF's production capacity of [] MT per month (as stated in Norca's and IPP's CF-28 responses)⁶³ and the production capacity reported by BWF at the preliminary on-site visit (*i.e.*, [] MT per month, with exports of [] MT per month).⁶⁴

Enactment of Interim Measures

While the CBP visit team found at the preliminary on-site visit that BWF currently has the capacity to produce carbon steel butt-weld pipe fittings, the record contains conflicting information as to when BWF began production of the covered merchandise. Specifically, BWF asserted during the preliminary on-site visit that the company began production operations in June 2018, but when the affiants from Allied Group - Canada and TriLad Canada visited BWF in June 2018, Zachary, HPCO's sales manager, explained that there was nothing to see at the facility because Vietnam Customs was holding the production equipment.⁶⁵ Also, when [] of Allied visited BWF at its shipping address in Liang Jiang Industrial Park on [], he found no production activities, [] the address he visited is [] the address that the CBP team visited.⁶⁶ Furthermore, BWF's business registration stated that BWF planned to begin production in [].⁶⁷

Therefore, based on (1) the discrepancies described above with respect to BWF's production start date; (2) the possibility that BWF may have finished some, or all, of the [] shipments of semi-finished butt-weld pipe fittings imported from China in 2019 and subsequently exported them to the United States to Norca and IPP; (3) the significant stock of semi-finished and finished carbon steel butt-weld pipe fittings compared to raw materials observed by the CBP visit team at BWF; and (4) the shift in Norca's and IPP's entries of the covered merchandise from AFI in Malaysia to BWF consistent with the timing alleged by Allied, TRLED determines that reasonable suspicion exists that the butt-weld pipe fittings imported by Norca and IPP into the United States from Vietnam were, at least in part, manufactured in China. Taken in their totality, the information described above creates reasonable suspicion for CBP to conclude that there may have been some commingling and at least some of the butt-weld pipe fittings imported by each importer into the United States were produced in China and, thus, should have been subject to AD/CVD duties.

As part of interim measures, unliquidated entries of butt-weld pipe fittings subject to this investigation will be rate-adjusted to reflect that they are subject to the AD order on butt-weld pipe fittings from China and cash deposits will be owed. CBP will also suspend the liquidation for any entry that entered on or after November 5, 2019, the date of initiation for the investigations incorporated into this consolidated investigation (*see* below), as well as extend the

⁶² See CBP Attaché Memorandum at 2.

⁶³ See Norca CF-28 Response at Part 2 ("About us") and IPP CF-28 Response at Part 7 ("About us").

⁶⁴ See CBP Attaché Memorandum at 2.

⁶⁵ See CBP Attaché Memorandum at 2 and Allegations at Att. C (affidavit of [] and []).

⁶⁶ See Allegations at Att. D (affidavit of []) and Att. D, Exh. 1 (containing shipping address from []), and CBP Attaché Memorandum at 1.

⁶⁷ See CBP Attaché Memorandum at Attachment 2 (at Business Registration).

period for liquidation for all unliquidated entries that entered before that date.⁶⁸ Additionally, “live entry” is required for all future imports for Norca and IPP, meaning that all entry documents and cash deposits must be provided before cargo is released by CBP into the U.S. commerce. CBP will reject any entry summaries that do not comply with live entry, and require refiling of entries that are within the entry summary rejection period. CBP will also evaluate the continuous bonds for Norca and IPP to determine their sufficiency, among other measures, as needed. Finally, CBP may pursue additional enforcement actions, as provided by law, consistent with 19 USC 1517(h).

Consolidation of the Investigations

TRLED is consolidating the two investigations on Norca and IPP into a single investigation covering both importers. The new consolidated case number will be EAPA Consolidated Case 7335, and a single administrative record will be maintained. At its discretion, CBP may consolidate multiple allegations against one or more importers into a single investigation, pursuant to 19 CFR 165.13(b), which stipulates that the factors that CBP may consider in consolidating multiple allegations include, but are not limited to, whether the multiple allegations involve: 1) relationships between the importers; 2) similarity of covered merchandise; 3) similarity of AD/CVD orders; and 4) overlap in time periods of entries of covered merchandise. In these investigations, both Norca and IPP are alleged to have entered suspected Chinese-origin butt-weld pipe fittings from Vietnam that are covered by the same AD order. The Importers’ entries also fall within a common period of investigation. Moreover, both of the importers have a common Vietnamese supplier. Because factors warranting consolidation are present in these investigations, CBP is consolidating them and providing this notice pursuant to 19 CFR 165.13(c). The deadlines for the consolidated investigation will be set from the date of initiation of both allegations, which is November 5, 2019.⁶⁹

For any future submissions or factual information that you submit to CBP pursuant to this consolidated EAPA investigation, please provide a public version to CBP, as well as to the email addresses of the parties identified at the top of this notice.⁷⁰ Should you have any questions regarding this investigation, you may contact us at epa allegations@cbp.dhs.gov with “EAPA Cons. Case 7335” in the subject line of your email. Additional information on this investigation, including the applicable statute and regulations, may be found on CBP’s website at: <https://www.cbp.gov/trade/trade-enforcement/tftea/enforce-and-protect-act-eapa>.

Sincerely,

Victoria Cho

Victoria Cho
Acting Director, Enforcement Operations Division
Trade Remedy & Law Enforcement Directorate
CBP Office of Trade

⁶⁸ See 19 CFR 165.24(b)(1)(i) and (ii).

⁶⁹ See 19 CFR 165.13(a); see also 19 USC 1517(b)(5)(B).

⁷⁰ See 19 CFR 165.4; see also 19 CFR 165.23(c); see also 19 CFR 165.26.