



U.S. Customs and
Border Protection

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Re: Notice of Initiation of Investigation and Interim Measures - EAPA Cons. Case 7423

To the Counsel and Representatives of 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), against Classic Metals Suppliers (“Classic Metals”), Florida Aluminum Extrusion, LLC (“Florida Aluminum”), Industrias Feliciano Aluminum Inc. (“Industrias Feliciano”), Global Aluminum Distributor, LLC (“Global Aluminum”), H&E Home Inc. (“H&E Home”), JL Trading Corp (“JL Trading”), and Puertas y Ventanas JM Inc. (“Puertas y Ventanas”) (collectively, the “Importers”). CBP is investigating whether the Importers evaded antidumping duty (AD) and countervailing duty

(CVD) orders A-570-967 and C-570-968¹ on aluminum extrusions from the People’s Republic of China (China) when importing aluminum extrusions into the United States.

The term “evasion” refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material or false, or any omission that is material, and that results in any cash deposit or any security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.² 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.³

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.”⁴ CBP acknowledged receipt of the properly filed allegation against the Importers on January 10, 2020.⁵ These seven 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further below, and the entries covered by the consolidated investigation are those entered for consumption, or withdrawn from warehouse for consumption from January 10, 2019, through the pendency of this investigation. In addition, 19 CFR 165.2 provides that at its discretion, CBP may investigate other entries of such covered merchandise.

Initiation of Investigations

On January 27, 2020, the Trade Remedy Law Enforcement Directorate (“TRLED”), within CBP’s Office of Trade, initiated separate investigations against the Importers as a result of allegations submitted by the Aluminum Extrusions Fair Trade Committee (“AEFTC”)⁶ on

¹ See *Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order*, 76 FR 30650 (Dept. Commerce, May 26, 2011); see also *Aluminum Extrusions from the People’s Republic of China: Countervailing Duty Order*, 76 FR 30653 (Dept. Commerce, May 26, 2011) (collectively, the *Orders*).

² See 19 USC 1517(a)(5).

³ See 19 USC 1517(e); see also 19 CFR 165.24.

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

⁵ See January 10, 2020 email, “EAPA Investigations 7422-7429.”

⁶ The individual members of the AEFTC are as follows: Aerolite Extrusion Company; Alexandria Extrusion Company; William L. Bonnell Company, Inc. (“Bonnell”); Frontier Aluminum Corporation; Futura Industries Corporation (“Futura”); Extrusion North America at Hydro (“Hydro”); Kaiser Aluminum Corporation; Profile Extrusion Company; and Western Extrusions Corporation. The AEFTC notes that while Futura remains a member of the AEFTC, Bonnell acquired Futura in early 2017, and Futura is now a wholly-owned subsidiary of Bonnell. In addition, in October 2017, Norsk Hydro ASA acquired Orkla ASA’s 50% ownership in Sapa AS, giving Norsk Hydro ASA full ownership of Sapa AS. Sapa AS changed its name to Hydro Extruded Solutions AS and is now a business unit within Norsk Hydro ASA called Extruded Solutions. Further, Benada Aluminum of Florida, Inc. was an original member of the petitioning AEFTC but has left the Aluminum Extruders Council and is no longer a member of the AEFTC.

The AEFTC is a committee of domestic producers of aluminum extrusions and qualifies as an interested party under 19 CFR 165.1(4), a “trade or business association a majority of the members of which manufacture,

evasion of AD/CVD duties.⁷ In its allegations, the AEFTC asserts that the Importers evaded the Orders by importing Chinese-origin aluminum extrusions that were transshipped through the Dominican Republic by Kingtom Aluminio S.R.L. (“Kingtom”).⁸ The allegation contends that Kingtom appears to have neither the capability to produce the types of extrusions it is exporting to the United States, nor the capacity to produce the volume of extrusions it is shipping, and is therefore, at least in part, transshipping subject merchandise to the United States by incorrectly identifying the merchandise as a product of the Dominican Republic, thereby evading AD/CVD duties on aluminum extrusions from China.⁹

The AEFTC submitted reasonably available evidence to substantiate its allegation to reasonably suggest evasion of AD/CVD duties. First, the AEFTC submitted an affidavit from [redacted], which describes in detail [redacted] experience and knowledge of the aluminum extrusion industry [redacted]. In the affidavit, [redacted] detailed two visits to Kingtom’s plant [redacted].¹⁰ Upon inspection of Kingtom’s infrastructure, [redacted] observed that, at the time of his visit [redacted], Kingtom’s cast house, where primary aluminum and scrap would be remelted and cast into billets for pressing, was not running.¹¹ Further, he observed that Kingtom did not have the appropriate extrusion presses running to produce the sizes of aluminum profiles it was later exporting to the U.S.¹² Specifically, [redacted] noted that Kingtom had only [redacted] extrusion presses, of which only [redacted] were running, and [redacted] cast house tables capable of producing billets for 4-, 5-, and 6-inch extrusion presses.¹³ Accordingly, at the time of [redacted] visit, Kingtom did not have an active cast house, and its limited line of extrusion presses were capable of only producing small aluminum profiles, up to 4.5 inches in diameter.¹⁴

[redacted] explains that extrusion presses are capable of producing extrusion profiles that are approximately 1.5 inches smaller than the diameter of the press.¹⁵ Therefore, Kingtom’s largest press, viewed by [redacted] would only be capable of extruding up to 4.5 inch diameter profiles.¹⁶ However, [redacted] provided [redacted], which indicate that Kingtom is selling profiles [redacted] that are 7 inches in diameter.¹⁷ As such, Kingtom would need a 9-inch, or larger, press to produce this item.

produce, or wholesale a domestic like product in the United States.” In addition, the individual members of the AEFTC are U.S. producers of aluminum extrusions and are domestic interested parties pursuant to 19 CFR 165.1(2). Accordingly, the AEFTC is authorized to file this request under 19 CFR 165(11)(a).

⁷ See CBP Memoranda, “Initiation of Investigations” for EAPA cases 7422-7429, January 27, 2020. The initial submissions by the AEFTC included an allegation against [redacted], designated as EAPA Case Number 7422. This allegation was withdrawn by the AEFTC on March 26, 2020. See “AEFTC Request to Withdraw EAPA Case Number 7422”, March 26, 2020.

⁸ See *Aluminum Extrusions from the People's Republic of China: Request for an Investigation under the Enforce and Protect Act* (“Allegation”), at.2.

⁹ *Id.*

¹⁰ *Id.*, at 11 and Exhibit 3.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*, at 12, and Attachment 1.

The quantity and sizes of Kingtom's extrusion presses is corroborated in an affidavit submitted by [

].¹⁸ [] is a member of the Aluminum Extruders Council and had been manufacturing aluminum extrusions since [].¹⁹ [] has more than [] years of experience in the aluminum extrusion industry, thus accrediting his expertise in the industry. [

] visited Kingtom's facility and identified [] extrusion presses, the largest being an 8-inch press, which was not running at the time of the visit.²⁰ [] indicated that only Kingtom's 4-inch and 5-inch presses appeared to be running at the time of his visit.²¹ As noted above, even if Kingtom's 8-inch press had been active at the time of [], it would still not be large enough to produce the 7-inch profiles it sold [].

Further, [] indicated that, at the time of their respective visits, Kingtom appeared to lack the paint lines required to paint the products it was exporting.²² As of [] Kingtom had [] running with the capability to paint up to 20-25 foot length profiles.²³ According to [], in order to serve the Florida market for exports of aluminum extrusions in the production of patio enclosures that Kingtom claimed to be marketing and exporting, Kingtom would require a paint line capable of painting profiles up to 40 feet in length.²⁴

Regarding Kingtom's overall production capacity, both [] attest to Kingtom's limited number of presses and the limited activity of those presses during their respective visits. Specifically, [] indicates, based on his experience and the machinery that was active at the time of his [] visits, that Kingtom possessed the capacity to ship approximately 560,000 pounds of extrusions per month.²⁵ This calculation is based on several factors, including the limited number and sizes of active press, standard maintenance downtime, the rate of scrap that is produced from extruding the aluminum through the presses, plus downstream scrap, which reduces the total extrusion output quantity.²⁶ However, according to the allegation, in May 2018, Kingtom shipped over 670,000 pounds of profiles to its customers.²⁷ This is approximately 20% beyond [] calculated maximum output for Kingtom during this period. [] further indicates that Kingtom is currently selling approximately one million pounds of profiles per month to the Puerto Rican market alone.²⁸ Again, even with Kingtom's later additional presses viewed during [], Kingtom would not be reasonably expected to produce this quantity given the limited number of total presses, much less the presses that were active at Kingtom's facility during [

¹⁸ *Id.*, at 12, and Attachment 9.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*, at 13, and Attachment 9.

²² *Id.*, at 13, and Attachments 1 and 9.

²³ *Id.*

²⁴ *Id.*, at 13-14, and Attachments 1 and 9.

²⁵ *Id.*, at 15, and Attachment 3.

²⁶ *Id.*, at 16, and Attachment 3.

²⁷ *Id.*

²⁸ *Id.*

] visit.²⁹ Further, public import/export data provided in the allegation reveal that, in the [] period from [], Kingtom's two active presses could produce approximately [] pounds of extrusions.³⁰ However, during that time span Kingtom exported 5,319,211 pounds of extrusions,³¹ approximately [] percent beyond Kingtom's calculated capacity.

The allegation also calls into question Kingtom's production capacity based on available raw materials. Because there is no primary aluminum production in the Dominican Republic and there is also very little scrap aluminum in the Dominican Republic, both inputs must be imported.³² The evidence indicates that Kingtom has been exporting a significantly greater volume of extrusions than it could have produced even assuming that Kingtom was consuming all of the primary aluminum and scrap imported into the Dominican Republic.³³ In other words, Kingtom's exports of aluminum extrusions exceed the total amount of raw materials imported into the Dominican Republic during the time period identified above. The typical proportions of the "charge" required to produce a billet in a cast house are approximately 69 percent scrap aluminum, 30 percent primary aluminum, and 1 percent additional alloying elements.³⁴ The production of about 500,000 pounds worth of extruded aluminum profiles would require about 600,000 pounds of billets.³⁵ This means that there is almost a 17 percent scrap loss rate in the production of extrusions from billets.

According to [] data submitted in the allegation, Kingtom exported approximately 1,897,624 pounds of extruded aluminum products to the United States in the second quarter of 2018, *i.e.*, its first quarter of operation.³⁶ According to [] declaration, Kingtom must have been importing raw materials in preparation to begin production well before operations started.³⁷ Based on the ratios discussed above, it would take approximately 2,277,149 pounds of billet (which would require 1,571,233 pounds of scrap aluminum and 683,145 pounds of primary aluminum) to produce the quantity of extrusions that Kingtom exported during that timeframe.³⁸ However, based on ComTrade import statistics from the first quarter of 2018, the entirety of the Dominican Republic imported only approximately 730,402 pounds of scrap aluminum and 647,118 pounds of primary aluminum.³⁹

Finally, the allegation offers evidence that scrutinizes Kingtom's pricing structure, indicating that Kingtom sells its merchandise below market value and giving further indication that Kingtom imports and transships Chinese-origin aluminum extrusions. The allegation avers that Kingtom exports and sells its aluminum extrusions in the U.S. market at amounts below

²⁹ *Id.*

³⁰ *Id.*, at 18, and Exhibit 10.

³¹ *Id.*, and Exhibit 2, showing public import data from [].

³² *Id.*, at 19, and Exhibit 3.

³³ *Id.*, at 20.

³⁴ *Id.*, at 20, and Exhibit 3.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ See ComTrade import data, attached at Exhibit 11. Data in kilograms are adjusted to pounds by a rate of 1 kilogram to 2.20462 pounds. These calculations are based on import statistics into the Dominican Republic in the first quarter of 2018 for primary aluminum and scrap aluminum and have been taken as a representative example.

the cost of production.⁴⁰ As support, the AEFTC provides a cost model analysis of products similar to those that Kingtom appears to have sold to the U.S. market.⁴¹ This cost model suggests that Kingtom sells its products at prices substantially lower than its costs by margins ranging from [] to [] percent.⁴² As such, as contended in the allegation, Kingtom’s sales prices are not economically sustainable and further suggests that Kingtom is able to maintain these artificially low prices because it is supplementing its production with transshipped Chinese product.⁴³

Interim Measures

Not later than 90 calendar days after initiating an investigation under EAPA, TRLED will decide based on the record of the investigation if there is reasonable suspicion that merchandise covered by the AD/CVD orders was entered into the United States through evasion. Therefore, CBP need only have sufficient evidence to support a reasonable suspicion that merchandise covered by an AD or CVD order was entered into the United States by the importer by a material false statement or act, or material omission, that resulted in the reduction or avoidance of applicable AD or CVD cash deposits or other security. 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 reasonable suspicion that the importers entered covered merchandise into the United States through evasion by means of transshipment through the Dominican Republic.⁴⁴

Pursuant to 19 CFR 165.5, in obtaining information necessary to carry out its functions and duties under this part, CBP may employ any means authorized by law. In general, CBP will obtain information from its own files, from other agencies of the United States Government, through questionnaires and correspondence, and through fieldwork by its officials. Accordingly, CBP has utilized the following sources to obtain information for EAPA Cons. Case 7423:

Customs Form 28

On February 14, 2020, CBP issued CBP Form 28, Request for Information (“CF-28”) to [], Classic Metals, Industrias Feliciano, H&E Home, and Puertas Y Ventanas, and on February 18, CBP issued a CF-28 to JL Trading. Also, in conjunction with EAPA Cons. Case 7348, CBP issued CF-28s to Florida Aluminum and Global Aluminum on November 19 and November 20, 2019, respectively.⁴⁵ The CF-28s requested the Importers and [] to,

⁴⁰ See Allegation at 22, and Attachment 3.

⁴¹ *Id.* at Exhibit 10. The consumption rates in this cost model are based on [], which are reflective of extruder rates in the Caribbean region and also uses actual Dominican Republic inputs and costs to calculate what the production cost would be in the Dominican Republic.

⁴² *Id.* at 22, and Exhibit 3.

⁴³ *Id.*, at 23.

⁴⁴ See 19 CFR 165.24(a).

⁴⁵ See CF-28s issued to [], Classic Metals, Industrias Feliciano, H&E Home and Puertas y Ventanas (February 14, 2020), CF-28 issued to JL Trading (February 18, 2020), CF-28 issued to Florida Aluminum (November 19, 2019), and CF-28 issued to Global Aluminum (February 20, 2019). H&E Home failed to respond to the original request for information and a subsequent re-issuance of the CF-28. Florida Aluminum and Global

among other information, provide CBP with part numbers and schematic drawings corresponding to the extruded aluminum profiles imported from Kingtom and related to the dies Kingtom uses in its production of aluminum extrusions. In addition, the CF-28s requested the Importers to provide mill test certificates indicating the original sources of the aluminum ingots used by Kingtom in its production of aluminum extrusions. Information requested in the CF-28s to [], Classic Metals, Industrias Feliciano, H&E Home, JL Trading, and Puertas Y Ventanas addressed merchandise entered by those importers in January and February 2020. The CF-28s sent to Florida Aluminum and Global Aluminum addressed merchandise entered, respectively, in May and September 2019.⁴⁶

The responses received from Classic Metals, Florida Aluminum, Industrias Feliciano, and Puertas Y Ventanas did not adequately address the information sought in the CF-28 requests. Consequently, CBP issued supplemental CF-28s to these importers, who provided more fulsome responses to the supplemental requests.⁴⁷

Of particular importance, [] submitted information that provided a list of equipment used by Kingtom in its manufacturing process, as well as the dates in which the equipment was allegedly installed in Kingtom's facility.⁴⁸ Specifically, according to the report provided by Kingtom to [], the equipment list details that Kingtom possessed:

[

•

].⁴⁹

The scarce amount of equipment present at Kingtom's facility attests to a limited production capacity and capability, particularly during Kingtom's initial stage of operation. Further, the information contained in the equipment list closely aligns with the observations made by [] and [] in the allegation submitted by the AEFTC. [] observed that Kingtom's lone cast house furnace was not running []. Further, [] noted the [] extrusion presses, as corroborated in the equipment list submitted by [], but indicated that only two were running at the time of his visit. [] also observed the [] cast house tables listed in the equipment list, and elaborated that the tables were capable of producing billets for 4-, 5-, and 6- inch

Aluminum are also importers named in EAPA Cons. Case 7348, which is being investigated concurrently with EAPA Cons. Case 7423.

⁴⁶ *Id.*

⁴⁷ See Supplemental CF-28 responses from Classic Metals (March 30, 2020), Florida Aluminum (January 8, 2020), Industrias Feliciano (April 2, 2020), and Puertas Y Ventanas (April 1, 2020).

⁴⁸ See []

].

⁴⁹ *Id.*

extrusion presses.⁵⁰

The CF-28 responses received from Classic Metals, Industrias Feliciano, JL Trading, and Puertas Y Ventanas provided schematic drawings of Kingtom’s dies, which are enumerated and appear on Kingtom’s invoices to its customers.⁵¹ Notably, many of the schematic drawings approved for Kingtom’s use are dated months after Kingtom began exporting to these importers. For example, in its CF-28 response, JL Trading provided schematic drawings of various dies used in Kingtom’s production of apparent standard parts used in JL Trading’s products. [] drawings are dated by Kingtom as January, March, or July 2019⁵² suggesting that Kingtom acquired the drawings and produced the molds long after JL Trading began purchasing and importing aluminum extrusions from Kingtom. CBP data indicates that JL Trading began importing aluminum extrusions from Kingtom in [].⁵³

Other Record Evidence

On [], U.S. Government Officials conducted a site visit at Kingtom’s production facility in the Dominican Republic.⁵⁴ According to the ensuing report of the visit, the U.S. Government Officials observed the following:

- []
- []
- []⁵⁵

In addition to their observations of Kingtom’s total and operational machinery, the verification personnel interviewed []. [] indicated that Kingtom’s [] extrusion machines had the capacity to produce [] tons of aluminum extrusions per month, if all three presses were operating 24 hours per day.⁵⁶ [] further stipulated that, at the time proximate to the site visit, Kingtom was producing approximately [] tons (or []) of aluminum extrusions monthly.⁵⁷

[] statement regarding Kingtom’s production aligns generally with the statements and export data provided by [] in the AEFTC allegation.⁵⁸ However, []

⁵⁰See Allegation at 11, and Exhibit 3.

⁵¹ See “CEE CF-28 Response, Entry 7224” for Classic Metals, March 4, 2020; see also “CEE CF-28 Supplemental Response, Schematic Drawings” from Industrias Feliciano, April 2, 2020; see also CEE CF-28 Supplemental Response, Entry 6208” from JL Trading, March 16, 2020; see also “CF-28 Supplemental Response, Entry 0598” from Puertas Y Ventanas, April 1, 2020.

⁵² See “CEE CF-28 Supplemental Response, Entry 6208” from JL Trading, March 16, 2020.

⁵³ See [].

⁵⁴ See TRLED “Memo to the File,” CBP site visit to Kingtom, submitted to the administrative record for EAPA Cons. Case 7348 on January 28, 2020.

⁵⁵ *Id.*, at 2.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ See Allegation at 18, and Exhibit 2.

] statement does not comport with the multiple individual observations taken over an extended period of time and documented by the allegers and U.S. government personnel who independently documented Kingtom’s production. The observations of Kingtom’s production indicated that Kingtom was likely producing aluminum extrusions at a rate far below its stated or maximum capacity.

TRLED also relied on information obtained in EAPA Cons. Case 7348, which was initiated based on evidence that reasonably suggested evasion of the Orders on merchandise entered into the United States that Kingtom manufactured.⁵⁹ Specifically, the allegation provided record evidence showing that Kingtom’s exports of aluminum extrusions to the United States exceeded its production capacity.⁶⁰ The allegation also provided an affidavit by an aluminum expert, []. During a [], the aluminum expert observed that Kingtom only had three ingots of 99.9 percent aluminum on its floor, which totaled about 15,000 lbs.⁶¹ Kingtom also had 15-20 bales of scrap aluminum that were mostly made of aluminum extrusions.⁶² In total, the aluminum expert, [], claims that the aforementioned volumes of raw material are not enough to manufacture the billet quantities required to produce Kingtom’s average monthly exports of aluminum extrusions to the United States.⁶³ The aluminum expert, [], alleged that to maintain the inventory level needed to keep prices at Kingtom’s levels (*i.e.*, low), Kingtom would require near daily deliveries of raw materials.⁶⁴ The allegor in EAPA Cons. Case 7348 claimed that Kingtom recognized its vulnerability to CBP investigations due to its transshipment of covered Chinese aluminum extrusions and that it is looking for suppliers of raw materials.⁶⁵

Further, TRLED determined that reasonable suspicion of evasion existed in EAPA Cons. Case 7348 and imposed interim measures against entries into the United States on aluminum extrusions manufactured by Kingtom.⁶⁶ CF-28s issued to the importers named in EAPA Cons. Case 7348 requested, among other things, Kingtom’s production records for specific entries under review. Hialeah Aluminum, which is not a subject in EAPA Cons. Case 7423, failed to respond to the CF-28. Neither Florida Aluminum nor Global Aluminum provided any production records from Kingtom, such as [].⁶⁷

Enactment of Interim Measures

⁵⁹ See CBP Memorandum, “Initiation of Investigation for EAPA Case Number 7348 – Global Aluminum Distributor, LLC,” dated October 31, 2019 (Global Aluminum Initiation); *see also* CBP Memorandum, “Initiation of Investigation for EAPA Case Number 7349 – Florida Aluminum Extrusion, LLC,” dated October 31, 2019 (Florida Aluminum Initiation); *see also* CBP Memorandum, “Initiation of Investigation for EAPA Case Number 7350 –Hialeah Aluminum Supply, Inc.,” dated October 31, 2019 (Hialeah Aluminum Initiation).

⁶⁰ See “Supplemental Allegation Concerning Evasion” for EAPA Cons. Case 7348, August 22, 2019 at 4.

⁶¹ *Id.*, at 4, and Exhibit 1.

⁶² *Id.*

⁶³ *Id.*, at 4, and Exhibit 1, Attachment 5.

⁶⁴ *Id.*, at 4, and Exhibit 1.

⁶⁵ *Id.*, at 4.

⁶⁶ See “TRLED Notice of Initiation of Investigation and Interim Measures – EAPA Cons. Case 7348,” dated February 5, 2020.

⁶⁷ *Id.*, at 6.

Based on the record evidence, combined and evaluated in comparison of the allegation, CBP has determined that reasonable suspicion exists that aluminum extrusions produced by Kingtom and entered into the customs territory of the United States by the Importers are, at least in part, transshipped from China, and thus, are evading the Orders on aluminum extrusions from China. Therefore, TRLED is imposing interim measures pursuant to this investigation.⁶⁸ Specifically, in accordance with 19 USC 1517(e)(1-3), CBP shall:

- (1) Suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after {January 27, 2020,} the date of the initiation of the investigation;
- (2) pursuant to the Commissioner's authority under section 504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation; and
- (3) pursuant to the Commissioner's authority under section 623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.⁶⁹

In addition, CBP will require live entry and reject any entry summaries that do not comply, and require refile of entries that are within the entry summary rejection period. CBP will also evaluate the Importers' continuous bonds to determine sufficiency. 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 seven investigations against Classic Metals, Florida Aluminum, Industrias Feliciano, Global Aluminum, H&E Home, JL Trading, and Puertas y Ventanas into a single investigation covering all seven importers. The new consolidated case number will be EAPA Consolidated Case 7423, 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, all seven importers are alleged to have entered suspected aluminum extrusions from the Dominican Republic that are covered by the same AD/CVD orders. The importers' entries also fall within a common period of investigation. Moreover, the importers have a common supplier in the Dominican Republic. Because factors warranting consolidation are present in these investigations, CBP is consolidating them and providing this notice pursuant to 19 CFR 165.13(c). We note that the deadlines for the consolidated investigation will be set from the date of initiation of all of the allegations, which is January 27, 2020.⁷⁰

⁶⁸ See 19 USC 1517(e); *see also* 19 CFR 165.24.

⁶⁹ *See also* 19 CFR 165.24.

⁷⁰ *See* 19 CFR 165.13(a); *see also* 19 USC 1517(b)(5)(B).

For any future submissions or factual information that you submit to CBP pursuant to this EAPA investigation, please provide a public version to CBP at epallegations@cbp.dhs.gov and to the email addresses of the parties identified, which will be distributed shortly. Documents containing business confidential information, and corresponding public versions of documents, must be submitted in accordance with EAPA regulations.⁷¹ Should you have any questions regarding this investigation, you may contact us at epallegations@cbp.dhs.gov with “EAPA Cons. Case 7423” 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/tradeenforcement/tftea/enforce-and-protect-act-eapa>.

Sincerely,



Brian M. Hoxie
Director, Enforcement Operations Division
Trade Remedy & Law Enforcement Directorate
CBP Office of Trade

⁷¹ See 19 CFR 165.4; see also 19 CFR 165.5; see also 19 CFR 165.23(c); see also 19 CFR 165.26.