



U.S. Customs and Border Protection

PUBLIC VERSION

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RE: Notice of Initiation of Investigation and Interim Measures: Consolidated EAPA Case 7730

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). Specifically, CBP is investigating whether Double L Group, LLC (Double L) and Manufacturing Network Inc. (MNI) (collectively referred to as the “Importers”) evaded antidumping duty (AD) and countervailing duty (CVD) orders A-570-947 and C-570-948,¹ by entering into the United States Chinese-origin steel grating that was misclassified as non-covered merchandise. Based on a review of available information, CBP has determined that there is reasonable suspicion of evasion of AD/CVD duties by the Importers; therefore, CBP has imposed the interim measures outlined below.

¹ See *Certain Steel Grating from the People’s Republic of China: Antidumping Duty Order*, 75 FR 43143 (Dept. of Commerce, July 23, 2010); *Certain Steel Grating from the People’s Republic of China: Countervailing Duty Order*, 75 FR 43144 (Dept. of Commerce, July 23, 2010) (collectively, the *Orders*).

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”² Entry is defined as an “entry for consumption, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.”³ Hog Slat Inc. (referred to hereafter as Hog Slat) filed separate EAPA allegations against each of the Importers on April 18, 2022.⁴ On June 29, 2022, CBP acknowledged receipt of the properly filed EAPA allegations.⁵ Therefore, the entries covered by the period of investigation (POI) are those entered for consumption, or withdrawn from warehouse for consumption, from June 29, 2021, through the pendency of this investigation.⁶

Consolidation of Investigations

CBP is consolidating EAPA investigations 7730 and 7731 into a single investigation. The new consolidated case number will be 7730 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 provides 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.⁷ In these investigations, the Importers are alleged to be entering merchandise that is subject to the *Orders*.⁸ The entries of the Importers also fall within a similar period of investigation.⁹ Moreover, the Importers are alleged to import steel grating produced in China and misclassified as non-covered merchandise to evade AD/CVD duties.¹⁰ Because factors warranting consolidation are present in these investigations, CBP is consolidating them and hereby provides notice pursuant to 19 CFR 165.13(c). We note that the deadlines for this consolidated investigation will be set from the date of initiation of the investigations, which is July 21, 2022.¹¹

Initiation

On July 21, 2022, the Trade Remedy Law Enforcement Directorate, within CBP’s Office of Trade, initiated investigations under EAPA as a result of the Allegations submitted by Hog Slat

² See 19 CFR 165.2.

³ See 19 CFR 165.1.

⁴ See Hog Slat’s Letters, “Allegation of AD/CVD Evasion Under the Enforce and Protect Act of 2015,” dated April 18, 2022; and “Allegation of AD/CVD Evasion Under the Enforce and Protect Act of 2015,” dated April 18, 2022 (we note that each letter is identical, and collectively refer to them as the Allegations).

⁵ See CBP’s Email, “EAPA 7730 & 7731: Receipt of the Allegations,” dated June 29, 2022.

⁶ See 19 CFR 165.22.

⁷ See also 19 USC 1517(b)(5).

⁸ See, e.g., the Allegations at 2 – 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See Initiation Memo.

regarding the evasion of AD/CVD duties by the Importers.¹² Hog Slat alleged that the Importers entered Chinese-origin steel grating that was misclassified as non-covered merchandise to evade the *Orders*.¹³ The *Orders* cover “certain steel grating, consisting of two or more pieces of steel, including load-bearing pieces and cross pieces, joined by any assembly process, regardless of: (1) size or shape; (2) method of manufacture; (3) metallurgy (carbon, alloy, or stainless); (4) the profile of the bars; and (5) whether or not they are galvanized, painted, coated, clad or plated. Steel grating is also commonly referred to as “bar grating,” although the components may consist of steel other than bars, such as hot-rolled sheet, plate, or wire rod.” Moreover, in a recent scope ruling covering steel grating used as flooring in pig farrowing crates and steel grating used as flooring, Commerce found these products to be covered merchandise.¹⁴ The covered merchandise in Commerce’s ruling was referred to as a tri-bar truss floor and is composed of parallel galvanized cut-to-length steel wire rods or round bars (tri-bar) connected by welded crossbars.¹⁵ Commerce found that flooring components and pig farrowing crate components not made of steel grating, *e.g.*, cast iron, were non-covered merchandise.¹⁶

CBP 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.”¹⁷ 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 covered merchandise.”¹⁸ Thus, the allegation must reasonably suggest not only that merchandise covered by an AD and/or CVD order was entered into the customs territory of the United States by the importer alleged to be evading, but also that such entry was made with 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 assessing the claims made and evidence provided in the Allegations, CBP found that the information provided by Hog Slat reasonably suggests that the Importers are evading the *Orders* by misclassifying Chinese-origin steel grating as non-covered merchandise and failing to declare the merchandise as subject to the *Orders*.¹⁹

¹² See CBP’s Memorandum, “EAPA Allegations 7730 and 7731: Initiation of Investigations,” dated July 21, 2022 (Initiation Memo).

¹³ *Id.*

¹⁴ See the Allegations at Exhibit 5, which contains the Memorandum to Scot Fullerton, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, “Certain Steel Grating from the People’s Republic of China: Scope Ruling on Pig Farrowing Crates and Farrowing Floor Systems,” dated May 11, 2021 (Commerce’s Pig Farrowing Crate Scope Ruling).

¹⁵ See Commerce’s Pig Farrowing Crate Scope Ruling at 9.

¹⁶ *Id.*

¹⁷ See 19 CFR 165.15(b).

¹⁸ See 19 CFR 165.1.

¹⁹ See Initiation Memo.

Specifically, Hog Slat claimed that the Importers entered covered steel grating from China, *i.e.*, “tri-bar flooring,” either as a standalone product or as part of a package of components used to construct swine products (*e.g.*, pig farrowing crates), and that the Importers have done so without payment of applicable AD/CVD duties.²⁰ Hog Slat asserts that the plain language of the scope of the *Orders* covers “certain steel grating, consisting of two or more pieces of steel, including load-bearing pieces and cross pieces, joined by any assembly process...”²¹ According to Hog Slat, the Importers’ tri-bar flooring satisfies this definition, consisting of two or more pieces of steel that are joined together by welding.²² The Hog Slat notes that both CBP and the U.S. Department of Commerce (Commerce) have already determined that tri-bar flooring is covered merchandise under the *Orders*.²³ Hog Slat notes these determinations apply both to tri-bar flooring imported as a standalone product, and also to tri-bar flooring imported as part of an assembly to construct a range of different swine products (*e.g.*, farrowing floor systems, farrowing crates, nursery flooring systems, and nursery confinement systems).²⁴ Hog Slat also notes that the Importers offer such products for sale.²⁵

Hog Slat observes that MNI’s website indicates it has been a leader in the manufacturing original equipment manufacturing industry since 2000, and employs “engineers, logistics experts, and quality control specialists both in the USA and China” to deliver its products.²⁶ Hog Slat further explains that MNI’s website indicates it offers agricultural products such as hog equipment (*e.g.*, farrowing crates, breeding stalls, and nursery barns), cast iron flooring, tri-bar flooring, stainless steel troughs, *etc.*²⁷ Hog Slat remarks that MNI’s website indicates its farrowing crates include tri-bar flooring in its final, finished form, stating that the flooring is “hot dipped galvanized for longevity” and is available in a variety of configurations.²⁸ As such, Hog Slat claims MNI is a manufacturer and seller of covered merchandise.²⁹

With respect to Double L, Hog Slat notes Double L’s website lists numerous products related to poultry and swine production for sale, such as swine ductwork, swine wall inlets, swine ceiling inlets, pig mats, swine flooring (of which tri-bar flooring is one type), and swine shutters.³⁰ Hog Slat observes that Double L’s tri-bar flooring is made of rolled steel rods which are welded to a

²⁰ In the Allegations, Hog Slat uses the term “tri-bar flooring” as an umbrella term encompassing the pertinent steel grating products imported by the Importers. Hog Slat contends these products may also be referred to as “tri-creep flooring,” “tri-step flooring,” or by other trade names. *See* the Allegations at 2.

²¹ *See* the *Orders*. Hog Slat notes that the International Trade Commission’s Final Report provides additional confirmation that the importers’ tri-bar flooring is covered merchandise. *See* the Allegations at 14 – 15, citing *Certain Steel Grating from China, Investigation Nos. 701-TA-465 and 731-TA-1161 (Final)*, Publication 6148 (July 2010) (*ITC Final Report*). The *ITC Final Report* may be found in Attachment 10 of the Allegations.

²² *Id.* at 14.

²³ *See* the Allegations at 3, citing CBP’s Letter, “Notice of Determination as to Evasion,” dated June 21, 2021 (EAPA 7474 Determination as to Evasion); Commerce’s Pig Farrowing Crate Scope Ruling. These two documents may be found in Attachments 4 and 5 of the Allegations, respectively.

²⁴ *Id.*

²⁵ *See* the Allegations at 3, and Attachments 7 – 9.

²⁶ *Id.* at 4 – 7, and Attachments 7.a – 7.c. Hog Slat also provided photographs of covered merchandise sold by MNI taken from MNI’s website.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 7.

³⁰ *Id.* at 7 – 10, and Attachments 8.a – 8.d. Hog Slat also provided photographs of covered merchandise sold by Double L taken from Double L’s website.

cross rod, also made of steel, and referred to by Double L as “tri-creep” flooring, which contains a “{c}orrosion-resistant, hot dipped galvanized steel creep, and frame” that is “four times stronger than resistance welding and is built to withstand the constant movement and heavy weight of pigs.”³¹ Therefore, Hog Slat contends the tri-bar flooring configurations offered for sale by Double L are covered merchandise under the *Orders*.³²

Hog Slat provided an affidavit which indicates that the Importers’ current U.S. pricing for tri-bar flooring is simply not feasible without AD/CVD evasion.³³ Hog Slat provided several examples of [activity].³⁴ In one case, Hog Slat describes how [sales activity].³⁵ Hog Slat notes that [product description].³⁶ Hog Slat also notes that the applicable cash deposit rates typically are 62.46% (CVD all-others rate) plus 145.18% (AD China-wide rate),³⁷ and as such, should be adding approximately 200% to the Importers’ prices, if they are paying cash deposits.

Hog Slat submitted [trade data].³⁸ Hog Slat provided an affidavit from [person], who has worked in the swine industry for 29 years and is an industry expert.³⁹ The affidavit indicates that at times [activities of companies].⁴⁰ While the [description of trade data].⁴¹ Thus, Hog Slat asserts that the Importers are misclassifying their entries of tri-bar flooring as non-covered merchandise using HTS numbers not listed in the scope of the *Orders* in their entry documentation.

Interim Measures

Not later than 90 calendar days after initiating an investigation under EAPA, CBP will decide based on the record evidence if there is reasonable suspicion that such merchandise covered by the *Orders* was entered into the United States through evasion. CBP need only have sufficient evidence to support a reasonable suspicion that the importer alleged to be evading entered merchandise covered by an AD and/or CVD order into the customs territory of the United States by a materially 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. 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, based on the record evidence, there is reasonable suspicion that the Importers entered covered merchandise into the customs territory of the United States through evasion.

³¹ *Id.* at 8, and Attachments 8.c and 8.d.

³² *Id.* at 10.

³³ *Id.* at Attachment 6.

³⁴ *Id.* at 17 – 18, and Attachment 6.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *See* the *Orders*.

³⁸ *See* the Allegations at 2 – 3, and Attachment 3.

³⁹ *Id.* at Attachment 6.

⁴⁰ *Id.* at 2 – 3, and Attachments 3 and 6.

⁴¹ *Id.*

CF28 Responses and Analysis

As referenced below, in August 2022 CBP issued CBP Form 28 (CF28) requests for information to the Importers, requesting various information including documentation substantiating the manufacturers' purchase of raw materials, mill certificates for steel and iron raw materials, information on the manufacturer, entry documentation, part numbers and descriptions for pig farrowing crates, technical literature provided to customers, and advertising for the POI entries in question. The Importers' responses contribute to the reasonable suspicion that the Importers entered covered merchandise without the payment of applicable AD/CVD duties.

Double L

On August 8, 2022, CBP requested information from Double L concerning entry numbers: [number]6731, entered August 13, 2021; [number]0243, entered December 19, 2021; and [number]0185, entered January 5, 2022.⁴² Double L submitted a timely but incomplete response on September 8, 2022.⁴³ As outlined below, Double L's response to the CF28s contains multiple discrepancies and is not complete. Moreover, Double L's response indicates its entries contain covered merchandise that was misclassified as not subject to AD/CVD duties.

Double L did not provide any CF28 response for entry 0243. For entries 0185 and 6731, Double L provided no narrative in its CF28 responses. We analyze the documents Double L submitted below.

With respect to entries 0185 and 6731, Double L did not answer the following questions:

1. Please submit documentation including the dated transportation documents, container load plans from the manufacturers of the raw materials, including the dated receipt with a signature of receipt for the raw materials.
 - a. Provide all packaging costs and information.
 - b. Provide a list of all parts and part numbers comprising the pig farrowing crates and provide a complete narrative description of each part.

For each part made of iron or steel, please provide the mill certificate for the raw material purchased.

2. Explain how long the factory has been opened for business.
 - a. Provide the name of the factory owner and all corporate officer information. Is this company related to you, the importer? If there is a relationship, explain how this relationship affects the price paid or payable.
 - b. Provide all the names of your corporate officers.

⁴² See CF28s issued to Double L on August 8, 2022 (Double L's CF28s).

⁴³ See Double L's CF28 Response, dated September 8, 2022 (Double L's CF28 Response). Although CBP issued three CF28s to Double L, asking identical questions in each, Double L provided one response to these three questionnaires.

...

5. Provide names of all forwarding agents, subcontractors, and intermediaries involved and their contact information.
6. In the event CBP wishes to clarify any of the above answers with the importer, please provide a public facing email address so that we may do so.⁴⁴

Although Double L was simply not responsive to four of the six questions asked of it, as discussed below, our analysis of the limited documentation the company provided indicates its entries contain misclassified covered merchandise.

Double L's CF28 Response contains several documents which have not been translated from Chinese, despite the CF28's specific directions that all documents should be clear, legible and in English.⁴⁵ The invoices and purchase orders indicate Double L's supplier is [company].⁴⁶ Double L provided a document it labelled the "[company]," but the document is untranslated, so we are unable to analyze it or even ascertain if this is the business license of [company].⁴⁷ In sum, Double L's CF28 response contains none of the requested information concerning the manufacturer of Double L's pig farrowing crates.

Double L also provided three documents it labelled raw material "certifications," one for [raw material] and two for [raw material].⁴⁸ With respect to the [raw material] certification, while there appears to be some [recipe] listed on the document based on the presence of various [components] listed, the document is in Chinese, and thus, we are unable to analyze it.⁴⁹ Further, the CF28s requested information from Double L for the entries in question, which entered the United States between August 13, 2021, and January 5, 2022. Here, the [raw material] certification submitted by Double L is dated [date]. Because the entries in question pre-date [date], this certification cannot be for a raw material used to manufacture any of the entries in question.⁵⁰

One of the documents submitted by Double L purporting to be a [raw material] certification is dated [date], and the other has no date.⁵¹ As the [date] document is dated long after Double L's August 13, 2021, and January 5, 2022, entries arrived in the United States, it too cannot pertain to the raw materials used to manufacture the entries in question. While in Chinese, this document appears to contain some [recipe], based on the presence of various [components] listed, while the undated document does not.⁵² Because neither document is translated, as requested in the CF28s, we are unable to analyze the contents of these documents. Double L has simply not provided any usable, translated information to CBP concerning the manufacturer of its pig farrowing crates or the raw materials used to manufacture them for the entries in question.

⁴⁴ See Double L's CF28s.

⁴⁵ *Id.*

⁴⁶ See Double L's CF28 Response.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

Double L has provided limited entry documentation, including invoices, purchase orders, packing lists, and bills of lading for entries 0185 and 6731.⁵³ Double L did not provide the requested proofs of payment, nor did it provide CBP Forms 7501, Entry Summaries, which would link the entries to the sales documents. We requested all bills of lading, including master and house bills, but Double L only provided one bill of lading per entry and it is not clear whether Double L provided the master bill of lading or the house bill of lading.⁵⁴ As noted above, Double L provided no narrative tying these documents to the entries in question, but we were able to trace order numbers, part numbers and container numbers between each set of documents.

We requested that Double L provide “diagrams of the pig farrowing crates/parts, technical literature provided to customers, and any type {of} advertising for these products, such as brochures or website information.”⁵⁵ In response Double L only submitted a technical diagram for entry 6731, but not for entry 0185.⁵⁶ We note the technical diagram is partially in Chinese, and not translated, but indicates it is for an “[designation]” product.⁵⁷ Double L lists the pig farrowing floors it sells on its website, and provided a link to this page.⁵⁸ We believe the inclusion of “[designation]” on the technical diagram, purchase order and invoice indicates this product is Double L’s Model WV57, ValuCast & Ultra-Slat Steel Creep Flooring, as this appears to be its only product with an “[designation]” designation.⁵⁹ WV57 is described as being made of cast iron and a corrosion-resistant hot-dipped galvanized steel creep and frame, constructed with 3-gauge woven wire.⁶⁰ We note that 3-gauge woven wire is approximately a quarter of an inch thick.⁶¹ Given Double L’s description of this product on its website, it appears the Ultra Slat flooring of model WV57 is covered merchandise.

For entry 0185, Double L’s purchase order lists a part called “Valuecast” which appears to correspond to a part labelled “cast iron” on the invoice.⁶² Various sized tri-bar flooring sections for farrowing crates are also listed on the purchase order and invoice.⁶³ Of the different farrowing crate floorings on the Double L website, we believe the shipping documents indicate this product is one of three pig farrowing floors sold by Double L: TV57 ValuCast and Triangular Steel Creep Farrowing Floor, TS57 Schonlau & Triangular Steel Creep, or Recessed Tri-Creep/Cast Farrowing Floor.⁶⁴ All three models are described by Double L as having cast iron components, as well as creep (*i.e.*, tri-bar) components which are described as corrosion-resistant, hot-dipped galvanized steel which is welded together to create the flooring.⁶⁵

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *See* Double L’s CF28s.

⁵⁶ *See* Double L’s CF28 Response.

⁵⁷ *Id.*

⁵⁸ This same information may be found in the Allegations. *See* the Allegations at Attachment 8.C.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *See* Double L’s CF28 Response.

⁶³ *Id.*

⁶⁴ *See* the Allegations at Attachment 8.C.

⁶⁵ *Id.*

The physical characteristics of Double L’s triangular steel creep floors and its ultra-slat steel creep floor are consistent with the characteristics of covered steel grating because they are composed of parallel galvanized woven steel wire or round bars (tri-bar) connected by welded crossbars,⁶⁶ while the *Orders* indicate covered steel grating is described as “two or more pieces of steel, including load-bearing pieces and cross pieces, joined by any assembly process.”⁶⁷ Moreover, Double L’s triangular steel creep floors and its ultra-slat steel creep floor, are both galvanized,⁶⁸ which is also consistent with the description of covered merchandise in the scope of the *Orders* (*i.e.*, steel grating is made of pieces of steel “whether or not they are galvanized”).⁶⁹

In sum, Double L did not provide a CF28 response for one entry, provided untranslated information, and provided a very limited CF28 response for entries 0185 and 6731. Despite these deficiencies, CBP’s analysis of the information Double L provided in comparison to its website indicates models WV57, TV57, TS57, and Recessed Tri-Creep/Cast Farrowing Floor contain parts which are covered merchandise. Furthermore, the purchase orders for entries 0185 and 6731 indicate that Double L classified the merchandise under HTS [number], regardless of whether the parts were non-covered cast iron or covered steel grating, instead of HTS 7308.90.7000, which is listed in the scope of the *Orders*.⁷⁰

MNI

On August 18, 2022, CBP requested information from MNI concerning entry numbers: [number]9693, entered December 9, 2021; and [number]9702, entered October 1, 2021.⁷¹ MNI submitted a timely response on September 28, 2022.⁷² As outlined below, MNI’s response to the CF28s indicates its entries contain covered merchandise which was misclassified as not subject to AD/CVD duties.

MNI provided answers to CBP’s questions along with all requested supporting documentation. For entry 9693, MNI stated that there are two-line items for entry 9693, a floor made from cast iron and a tri-step creep floor.⁷³ MNI contends that its tri-step creep floor is manufactured from steel rods that are welded together, and then legs and trusses are welded onto the steel rod configuration.⁷⁴ MNI noted that it imports tri-step creep floor from certain Chinese producers to be used in conjunction with swine enclosures.⁷⁵

⁶⁶ See the Allegations at Attachment 8.C.

⁶⁷ See the *Orders*.

⁶⁸ See the Allegations at Attachment 8.C.

⁶⁹ See the *Orders*.

⁷⁰ See Double L’s CF28 Response. We note HTS 7308.90.7000 specifically covers steel grating, whereas HTS [number] covers other sheet-metal roofing, siding, flooring and roof drainage equipment.

⁷¹ See CF28s issued to MNI on August 18, 2022 (MNI’s CF28s).

⁷² See MNI’s CF28 Response, dated September 28, 2022 (MNI’s CF28 Response). Although CBP issued two CF28s to MNI, asking identical questions in each, MNI provided one response to these two questionnaires.

⁷³ *Id.* at 2.

⁷⁴ *Id.* at 2 – 3.

⁷⁵ *Id.* at 3.

MNI indicates that its tri-step creep floor is the same product CBP investigated under EAPA 7474, and that was subject to Commerce’s Pig Farrowing Crates Scope Ruling.⁷⁶ Although MNI provides arguments as to why it believes EAPA 7474 and Commerce’s scope ruling were wrongly decided, MNI’s admission that its tri-step creep floor is the same product for which the Allegations were filed and covered by Commerce’s scope ruling indicates that MNI’s entries contain covered merchandise. Moreover, the description of its tri-step creep floor match that of the covered merchandise.

The physical characteristics of MNI’s tri-step creep floor is consistent with the characteristics of covered steel grating because it is composed of parallel galvanized round bars (tri-bar) connected by welded crossbars,⁷⁷ while the *Orders* indicate covered steel grating is described as “two or more pieces of steel, including load-bearing pieces and cross pieces, joined by any assembly process.”⁷⁸ Moreover, MNI’s tri-step creep floor is galvanized,⁷⁹ which is also consistent with the description of covered merchandise in the scope of the *Orders* (*i.e.*, steel grating is made of pieces of steel “whether or not they are galvanized”).⁸⁰

With respect to entry 9702, the documents submitted by MNI indicate there were no flooring components, either of cast iron or steel grating, in this entry.⁸¹ In sum, MNI’s CF28 Response indicates its tri-step creep floor is covered merchandise. Furthermore, MNI indicated that it classified the merchandise under HTS 7308.90.9530 instead of HTS 7308.90.7000, which is listed in the scope of the *Orders*.⁸²

Additional Evidence of Evasion – Trade Data

As discussed above, Hog Slat submitted [data and description],⁸³ and an affidavit from an industry expert indicates that at times [action by company].⁸⁴ We have not found that [activities of companies].⁸⁵

Enactment of Interim Measures

Based on the record evidence described above, CBP determines that reasonable suspicion exists that the Importers imported steel grating into the United States from China and misclassified it as non-covered merchandise which should have been subject to the *Orders*. Therefore, CBP is imposing interim measures pursuant to this investigation.⁸⁶

Specifically, in accordance with 19 USC 1517(e)(1-3), CBP shall:

⁷⁶ See the Allegations at Attachments 4 and 5 for the EAPA 7474 Determination as to Evasion and Commerce’s Pig Farrowing Crate Scope Ruling.

⁷⁷ See MNI’s CF28 Response at 4.

⁷⁸ See the *Orders*.

⁷⁹ See MNI’s CF28 Response at 4.

⁸⁰ See the *Orders*.

⁸¹ *Id.* at 9 – 10, and Exhibit 2.

⁸² *Id.* at 7.

⁸³ See the Allegations at 2 – 3, and Attachment 3.

⁸⁴ *Id.* at 2 – 3, and Attachments 3 and 6.

⁸⁵ See Double L NTAC Report.

⁸⁶ See 19 USC 1517(e); *see also* 19 CFR 165.24.

- (1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after July 21, 2022, the date of the initiation of the investigations;
- (2) pursuant to the Commissioner's authority under 19 USC 1504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation: July 21, 2022; and
- (3) pursuant to the Commissioner's authority under 19 USC 1623, 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.⁸⁷

In addition, CBP will require live entry and 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 Importers' continuous bonds to determine their sufficiency. Finally, CBP may pursue additional enforcement actions, as provided by law, consistent with 19 USC 1517(h).

Any future submissions or factual information that you submit to CBP pursuant to this EAPA investigation must be made electronically using EAPA's case management system (CMS) at <https://eapallegations.cbp.gov/>.

Should you have any questions regarding this investigation, please feel free to contact us at eapallegations@cbp.dhs.gov, with paul.j.walker@cbp.gov and Steven.W.Emilius@cbp.dhs.gov copied. Please include "EAPA Consolidated Case 7730" 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,



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

⁸⁷ See also 19 CFR 165.24(b)(1)(i-iii).