



U.S. Customs and Border Protection

PUBLIC VERSION

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Re: Notice of Initiation of Investigation and Interim Measures - EAPA Case 7740

To the Representatives and Counsel of the above-referenced Entities:

The purpose of this notice 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). CBP is investigating whether LE North America JV, LLC (LENA), doing business as (dba) LE Surfaces¹ (collectively, the Importer), evaded antidumping (AD) and countervailing duty (CVD) orders A-570-084 and C-570-085 (AD/CVD Orders)² on quartz surface products (QSP) from the People's Republic of China (China), by means of transshipment through Thailand, when importing QSP into the United States. CBP has determined that there is reasonable suspicion of evasion of AD/CVD duties by the Importer and, therefore, CBP is issuing a formal notice of initiation of investigation (NOI) and imposing interim measures.³

Period of Investigation

¹ See November 17, 2022, CF-28 Response, "LE North America JV, LLC – Response to Two CF-28s; dated 10/04/2022 (CF-28 Responses) at 1. In the responses, the Importer's counsel states it is replying on behalf of LE North America JV, LLC (LENA)—doing business as (dba) LE Surfaces.

² See *Certain Quartz Surface Products from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 84 Fed. Reg. 33053 (Dep't Commerce July 11, 2019).

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

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 Importer on August 23, 2022.⁵ Therefore, the entries covered by this investigation are those entered for consumption, or withdrawn from warehouse for consumption, from August 23, 2021, through the pendency of this investigation.⁶

Initiation

On September 14, 2022, the Trade Remedy Law Enforcement Directorate (TRLED), within CBP’s Office of Trade, initiated this investigation under EAPA after evaluating the allegation⁷ submitted by Cambria Company LLC (the *Alleger*),⁸ regarding the evasion of the applicable AD/CVD Orders.⁹ In its allegation, the *Alleger* asserts that available information reasonably suggests the Importer evaded the AD/CVD Orders by transshipment and failed to declare the subject QSP as originating in China. Specifically, the Allegation suggested that the Importer transshipped Chinese-origin QSP from L&E Stone Quartz Surfaces (Chinese Supplier) through Thailand via its affiliate, Leta Stone Co., Ltd. (LETA or Thai Supplier). prior to the Thai Supplier’s factory becoming operational. The basis for this Allegation is as follows:

The *Alleger* claims that the Thai Supplier is affiliated with the Chinese Supplier as indicated on its company website: <https://www.lestone.com>.¹⁰ The Chinese Supplier’s website states that it established a factory in Thailand and lists the name and factory location, at which the Thai Supplier is currently located, on its website. The Chinese Supplier was founded over 15 years ago in a small town, Xinyang, located 500 miles west of Shanghai. The Importer is the “exclusive marketing company and distributor for all products being imported into North America from all L&E STONE facilities.” According to the Chinese Supplier’s website, all of its affiliated production facilities are located in China, Korea, and Thailand.¹¹ The Importer is a joint venture established by one of L&E Stone’s affiliates and a U.S. company called U.S. Surfaces, which is co-located with the Importer at the same Texas address.¹² The Importer, directly or through its partners, is also a primary investor in the L&E Stone companies in Korea and Thailand.¹³

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

⁵ See August 23, 2022, email entitled “EAPA 7740 - Receipt of Properly Filed Allegation.”

⁶ See 19 CFR 165.2.

⁷ See “Quartz Surface Products from the People’s Republic of China: Request for an Investigation under the Enforce and Protect Act of LE North America JV, LLC.” (Allegation), dated June 30, 2022.

⁸ The *Alleger* is a domestic producer of QSP and the petitioner before the U.S. Department of Commerce (DOC) and the U.S. International Trade Commission (ITC) in the original AD/CVD investigations; therefore, it qualifies for interested party status pursuant to 19 USC 1517(a)(6) and 19 CFR 165.1.

⁹ See CBP Memorandum, “Initiation of Investigation for EAPA Case 7740— Quartz Surface Products (QSP),” dated September 14, 2022.

¹⁰ See Allegation at 5 and Exhibit 5.

¹¹ *Id.*

¹² *Id.* See also CF-28 Responses at 2: “LENA is a joint venture between (i) Surface Warehouse, LP (“Surface Warehouse”)—a Texas limited partnership doing business as U.S. Surfaces and Vadara Quartz Surfaces—and (ii) LE USA, LLC (“LE USA”), a Texas limited liability company. Surface Warehouse and LE USA each owns [#] % of LENA. LE USA is owned by [name] and [name], both of whom own the majority of shares in LETA.” Surface Warehouse also operates at the same facility (office) as LENA.

¹³ See Allegation at 5 and Exhibit 5.

The Alleger obtained trade data from [name] showing shipments of artificial quartz stone slabs classified under harmonized tariff schedule (HTS) number 6810.99 matching the HTS number listed in the scope of AD/CVD Orders for the covered QSP, shipped from the Thai Supplier to the Importer since June 2021.¹⁴ The scope of the AD/CVD Orders covers “certain quartz surface products. Quartz surface products consist of slabs and other surfaces created from a mixture of materials that includes predominately silica (e.g., quartz, quartz powder, cristobalite) as well as a resin binder (e.g., an unsaturated polyester). Quartz surface slabs are generally classified under Harmonized Tariff Schedule of the United States (HTSUS) number 6810.99.0010, which provides for “Articles of cement, of concrete or of artificial stone, whether or not reinforced: Other articles: Other: Agglomerated quartz slabs of the type used for countertops.”

More significantly, as part of its Allegation, the Alleger explains that the Importer transshipped Chinese-origin QSP from the Chinese Supplier through Thailand via its Thai Supplier prior to the Thai Supplier’s Thai factory becoming operational. The Alleger supported this claim by citing to a press release found on the Chinese Supplier’s website, dated November 17, 2021, which indicates that the Thai Supplier did not start operations at its Thai facility until November 2021.¹⁵ This suggests that the Thai Supplier started exporting QSP to the Importer at least five (5) months before the facility was operational and had announced its initial production of QSP in November 2021.¹⁶ The Alleger also states that there is a discrepancy with the factory sites in Thailand. The Alleger provided a Google Maps view, of the Thai Supplier’s location at 30 Sukhumvit 61 Alley, Khwaeng Khlong Tan Nuea, Khet Watthana, Krung Thep Maha Nakhon 10110 (30 Sukhumvit), the address used on its initial shipments to the Importer, which showed that the location was an office building.¹⁷ The Thai Supplier appears to have a more current address, with a factory location at 228 Moo 8 Hua Wa Srimahapho, Prachin Buri, Thailand 25140 (228 Moo 8).¹⁸

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.”¹⁹ 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.”²⁰ 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 through evasion, but that such entry was

¹⁴ See Allegation at Exhibit 6.

¹⁵ *Id.* at Exhibit 7.

¹⁶ *Id.* at 6 and Exhibit 7.

¹⁷ Note: The image in the Google Maps appears to have been captured in March 2021,

¹⁸ *Id.* at 7 and Exhibit 8.

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

²⁰ See 19 USC 1517(a)(5)(A); *see also* 19 CFR 165.1 (setting forth the definition of “evasion”).

made by a material false statement or act, or material omission, which 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 Allegation, TRLED found that the Allegation reasonably suggests that the Importer has engaged in attempts to evade the AD/CVD Orders by transshipment and failing to declare Chinese-origin QSP as subject to the AD/CVD Orders. Specifically, the Allegor has submitted documentation reasonably available to it to support these claims, including the [name] trade data showing shipments of artificial quartz stone slab classified under HTS number 6810.99 from the Thai Supplier to the Importer since June 2021, prior to its production facility's initial production in November 2021, and its relationship to Chinese suppliers of QSP. Additionally, the documents provided by the Allegor indicate that prior to the Thai Supplier production facility being announced to be operational in November 2021, QSP exports to the Importer appeared to be manufactured at an address that is an office building located at 30 Sukhumvit.

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. CBP need only have sufficient evidence to support a reasonable suspicion that the importer alleged to be evading entered merchandise covered by an AD or CVD order into the United States, by a materially 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 Importer entered covered merchandise into the United States through evasion by transshipment and failure to declare the Chinese-origin QSP subject to the AD/CVD Orders.²¹

CBP Form 28 (CF-28) Responses

On October 4, 2022, CBP issued CBP Form 28 (CF-28), Requests for Information (RFI) to the Importer for entry numbers [no.]8676 (entry 8676) and [no.]8684 (entry 8684).²² On November 17, 2022, CBP received timely CF-28 responses for entries 8676 and 8684 from the Importer's counsel.²³

In its responses, the Importer maintains that the Thai Supplier, rather than the Chinese Supplier, manufactured the QSP that was imported during the relevant period. Specifically, it explains:

LETA {the Thai Supplier} manufactures quartz slabs at their facility in Thailand using quartz sand (aka quartz grit), quartz powder, and resin (collectively, "raw materials"), with the production capability [no.] per day and a turnaround time of approximately [no.] in general. {The Thai Supplier}'s headquarters and factory plant were located at No. 30, Soi Sukhumvit 61 (Setthabut), Klongton-Nua,

²¹ See 19 CFR 165.24(a).

²² See October 4, 2022, CF-28 Request for Information on entries 8676 and 8684.

²³ See CF-28 Responses.

Wattana, Bangkok, 10110, Thailand before October 2021 and are now located at 228 Moo 8 Hua Wa, Srimahaphot, Prachin Buri, 25140, Thailand, since October 2021. LETA purchases and imports raw materials and then transforms these raw materials into finished quartz slabs through a manufacturing process in its facility in Thailand. The finished quartz slab products are therefore properly identified as having a country of origin of Thailand.

Between April 2021 and July 2021 (based on the dates of purchase orders included in Exhibits 3A-3L), {the Thai Supplier} purchased raw materials from its supplier that were highly likely to have been specifically used in the production of the quartz slabs subject to the CF-28s. {Thai Supplier}'s supplier issued commercial invoices to {the Thai Supplier} for the raw materials needed to manufacture these products{.}

²⁴

In response to the CF-28s, the Importer also submitted CBP Form 7501 (CF-7501) for entry 8676, demonstrating that it classified the entered quartz slabs under HTS 6810.99.0010—CEMENT, CONC, ART ST, OTH, QRT SLB with the declared Customs entered value of [no.]. Additionally, it provided two invoices, [no.] and [no.],²⁵ for this entry, with the corresponding purchase orders (PO) [no.] and [no.], both of which contained quartz slabs with the color code [no.]. The CF-28 responses clarified that the products in these entries contained “Quartz slabs, {which} are engineered stones made from ground-up particles of quartz bound together with resins and other additives.”²⁶ This means the engineered quartz slabs are covered by the scope of the AD/CVD Orders. Other documents submitted for this entry included raw material sale contracts, commercial invoices, bill of lading (BOL), certificate of origin from Thai Ministry of Commerce and proof of payment for quartz grits, quartz powder and resin.²⁷ The raw material sales contracts and proofs of payments applied to both PO [no.] and PO [no.].

The CF-7501 for entry 8684 also declared the entered quartz slabs as classified under HTS 6810.99.0010—CEMENT, CONC, ART ST, OTH, QRT SLB, with a declared Customs entered value of [no.]. Two invoices were represented in this entry, invoice numbers [no.] and [no.], dated July 16, 2021, and the invoices were associated with PO [no.], containing [no.] quartz slabs, and PO [no.], containing [no.] quartz slabs. Together, this shows that the engineered quartz slabs are covered by the scope of the AD/CVD Orders. Other documents associated with PO [no.] that were submitted in the CF-28 response were raw materials documents such as sale contracts, commercial invoices, BOL and proof of payment for quartz grits, quartz powder and resin.²⁸ Other documents associated with PO [no.] that were submitted in the CF-28 response were raw materials sale contracts, commercial invoices, BOL, packing list, dated July 23, 2021, and proof of payment for quartz grits, quartz powder and resin.²⁹

²⁴ See CF-28 Responses at 2-3.

²⁵ See CF-28 Responses Exhibit 1.

²⁶ See CF-28 Responses at 1.

²⁷ See CF-28 Responses Exhibit 3A, Exhibit 3B, And Exhibit 3C. Note, the raw material invoice for resin is the same for both entries and for each PO.

²⁸ See CF-28 Responses Exhibit 3D, Exhibit 3E, Exhibit 3F, and Exhibit 3C.

²⁹ See CF-28 Responses Exhibit 3G, Exhibit 3F, Exhibit 3H, Exhibit 3C, Exhibit 3I, Exhibit 3J, Exhibit 3K, and Exhibit 3L.

The raw materials were all purchased from Chinese suppliers through a Hong Kong middleman [name], including quartz grits and quartz powder from [name and location] China and unsaturated polyester resin from [name] in China. [name] is part of the Loyalty Enterprise group of companies, which includes the Importer, the Chinese Supplier and Thai Supplier. This shows that the Thai Supplier buys materials from a known producer of QSP in China, which it also happens to be affiliated with via ownership.³⁰ The CF-28 Responses also contained Thai certificates of origin for finished QSP, financial statements for the Thai Supplier, bills of materials for QSP production, and a flow chart of the production process, including photos of machinery and curing process production slips.

Official Trade Data

CBP reviewed its trade data systems to validate the Allegor's claim of QSP being exported from the Thai Supplier to the United States prior to the Thai Supplier being located at its 228 Moo 8 factory location.³¹ The CBP trade data showed that the Thai Supplier exported QSP to the United States as far back as [date], prior to the Thai Supplier being located at this address.³² At the time of these entries, the Importer declared to CBP that the manufacturer was located at 30 Sukhumvit, which Google Maps indicates is an office building.³³ The first instance of the Thai Supplier being listed as located at 228 Moo 8 in CBP systems was in [date].³⁴

In addition, CBP obtained [name] trade data that showed the [activity location] during the 2021 to 2022 period. The QSP imported from [names] in 2021 and 2022 mostly consisted of HTS heading [no.],³⁵ which may represent [description] or may represent [description]. Most of the Thai supplier's exports for the same period fall under HTS heading [no.], which represents [description and function].

Other Research

To confirm the Allegor's claim that the Thai Supplier's facility located at 30 Sukhumvit is an office building,³⁶ CBP conducted its own research regarding the 30 Sukhumvit location. CBP confirmed that this location is an office building.³⁷ CBP also researched the 228 Moo 8 location and found that Google Maps shows a photo of a factory as of April-May 2022.³⁸

³⁰ See CF-28 Responses at 2.

³¹ See Allegation at 7.

³² See CBP Memorandum to the File (CBP Dec. Memo), dated December 8, 2022, Attachment 1.

³³ *Id.* at Attachment 2.

³⁴ *Id.* at Attachment 1.

³⁵ See CBP Dec. Memo Attachment 3. The international six digits classification under HTS 2506.10.— Quartz (other than natural sands); quartzite, whether or not roughly trimmed or merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape. This six-digit code is listed in the scope of the AD/CVD Orders.

³⁶ See Allegation for the Google Maps View of Leta Stone Pre-Factory Address, attached as Exhibit 8. See also, CBP Dec. Memo Attachment 2.

³⁷ *Id.*

³⁸ See CBP Dec. Memo Attachment 2.

CBP also looked into the press release announcing production beginning in November 2021, as found on the Chinese Supplier’s website. After clicking on the press release headline, CBP found a few differing headlines, including “Global Quartz Manufacturer L&E STONE Opens New Factory in Thailand,” dated November 11, 2021; “L&E STONE begins slab production in Thailand,” dated November 17, 2021; and “L&E STONE announces construction of slab production facility in Thailand,” dated November 17, 2021.³⁹ No further text is included on the website, besides the headlines. The first headline is accompanied by a photo of a large yet unfinished factory, with portions of the factory roof missing and unfinished office space. Nevertheless, there appears to be activity occurring at the factory.⁴⁰

Analysis

The aforementioned evidence supports TRLED’s determination that there is reasonable suspicion that the Importer entered covered merchandise, Chinese-origin QSP, into the United States through evasion by means of transshipment through Thailand during the period of investigation.

First, although CBP does not know for certain when the 228 Moo 8 factory was actually completed and began producing QSP, it is likely that at some point after November 2021 the 228 Moo 8 factory became operational and is seemingly able to produce QSP in Thailand.⁴¹ Nevertheless, the Importer has maintained, and the documents submitted in the CF-28 Responses make it appear as though the Thai Supplier had the capability to produce QSP in Thailand prior to the 228 Moo 8 factory being operational.

For example, many of the documents (*i.e.*, sale contracts, commercial invoices, BOLs, and proof of payments for quartz grits, quartz powder and resin) submitted in the CF-28 Responses listed the Thai Supplier’s address as 30 Sukhumvit.⁴² In addition, the Importer stated in its CF-28 Responses: “{The Thai Supplier’s} headquarters and factory plant were located at No. 30, Soi Sukhumvit 61 (Setthabut), Klongton-Nua, Wattana, Bangkok, 10110, Thailand before October 2021 and are now located at 228 Moo 8 Hua Wa, Srimahaphot, Prachin Buri, 25140, Thailand since October 2021.”⁴³ The Importer did not provide any information indicating that the Thai Supplier had a separate factory location prior to or during the time the Thai Supplier was located at 30 Sukhumvit. These documents and the Importer’s statements all suggest that a factory location existed at 30 Sukhumvit; however, CBP’s research and Google Maps both show that the 30 Sukhumvit address is an office building, and one that rents only office space.⁴⁴ As such, CBP cannot determine that the documents submitted in the CF-28 Responses are reliable, as most of the documents are dated prior to November 2021 and do not show an address where such large purchases of raw materials or exports of finished goods could be stored and used to produce QSP.

In particular, CBP cannot be sure that the submitted raw material invoices are accurate or reliable. The [name] trade data shows that the Thai Supplier largely imported under the HTS heading [no. and name], which could also represent [description].

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ It does seem to CBP that the 228 MOO 8 factory was established to produce QSP in Thailand.

⁴² See CF-28 Responses Exhibit 2.

⁴³ See CF-28 Responses at 2.

⁴⁴ See CBP Dec. Memo Attachment 2.

According to the scope of the AD/CVD Orders, even unfinished slabs would be considered subject merchandise if further processed in a third country:

“Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise fabricated in a third country, including by cutting, polishing, curing, edging, thermoforming, attaching to, or packaging with another product, or any other finishing, packaging, or fabrication that would not otherwise remove the merchandise from the scope of the orders if performed in the country of manufacture of the quartz surface products.”

Because no factory appeared to exist before October/November 2021, and CBP data shows imports of finished quartz slabs from the Thai Supplier to the United States as early as [[date](#)], CBP suspects that the “raw materials” being imported into Thailand by the Thai Supplier from its Chinese Supplier prior to November 2021 were likely [[descriptions](#)].

As to the actual date of production beginning in Thailand, there is contradictory evidence on the record. The press release headlines on the Chinese Supplier’s website conflict with each other. Two headlines indicate that production started at the Thai Supplier’s 228 Moo 8 factory in November 2021, but one headline announces that the construction of the factory in November 2021 was ongoing. Therefore, based on the CF-28 Responses and Allegation alone, CBP cannot be sure when the Thai Supplier’s factory started producing the full amount of QSP that it is exporting to the United States. Again, CBP confirmed in its own data systems that the Thai Supplier had exports of finished QSP as early as [[date](#)] to the United States. If the press release headlines stating that initial production began sometime in November 2021 are accurate, then CBP still needs to determine how much was actually produced during November and December 2021 and when the factory was manufacturing at full capacity to support the amount QSP it exports to the United States and other customers. To further support that the fact that the factory was not fully operational through most of 2021, the company’s “Independent Auditors Report and Financial Statement for Year Ended 31 December 2021” in the property, plant and equipment section, states that the construction of the factory building, the installation of the electric system and the installation of the machinery were under the status “in process” for the year.⁴⁵ This may indicate that the facility lacked the capability to produce QSP at the location in 2021.

Although in its CF-28, CBP asked for the Importer to provide, among other items, “Production records for the commodity of this entry,” and “Include the purchase orders, invoices, and proof of payments for all raw materials the manufacturer purchased,” the Importer did not comply with this request. Therefore, CBP cannot ascertain that production of the products in the entries actually occurred in Thailand prior to the 228 Moo 8 location being operational, as the CF-28 Responses assert. For production records, the Importer only provided some curing production records for the two entries.⁴⁶ These records are inconclusive because no other production records for any other stages in the production process were provided. The production flow chart indicates that there is more than one stage to the production process.⁴⁷ Also, as seen indicated in

⁴⁵ See CF-28 Responses Exhibit 17.

⁴⁶ CBP notes that the same handwriting occurs on all on the curing records.

⁴⁷ See CF-28 Responses Exhibit 12A.

the scope of the AD/CVD Orders above, curing in a third country alone does not change the country of origin for purposes of being covered by the AD/CVD Orders. For raw materials, the Importer only provided raw material invoices for three major inputs related to the period when the QSP was “produced.” The Importer did not provide any proof of purchase for other needed inputs which the Importer reported that it used to produce the QSP. As listed in the bill of materials⁴⁸ provided in the CF-28 Responses, the Thai Supplier also uses [material descriptions] in its own production process.⁴⁹

The CF-28 Responses are also unreliable because there were discrepancies with the paperwork associated with the entries. For example, PO [no.] for entry 8684, in connection with commercial invoice number [no.] containing artificial quartz slabs, was issued by the Importer to the Thai Supplier on August 31, 2021, which is over two months after the packing list was issued by the Thai Supplier, which was on June 23, 2021.⁵⁰ Additionally, CBP noted that the certificates of origin for the finished QSP exports from Thai Ministry of Commerce in connection with POs [no.] were all issued on October 10, 2022, even though the shipments associated with entry 8676 and entry 8684 were dated September 2021, demonstrating the certificates of origin were issued one year after the entries has shipped from Thailand to the United States.

Finally, there is evidence that the Importer has ties to Chinese companies, including known producers of QSP, as shown by the ownership structure outlined in the Allegation and by the Importer itself in its CF-28 Responses. In addition, the Importer shows imports of QSP directly from China to Thailand in 2021, according to [name] trade data.⁵¹

For all these reasons, CBP finds there is reasonable suspicion that the Importer entered covered merchandise from China through Thailand at least during the year 2021 and failed to claim the QSP as subject to the AD/CVD Orders upon entry to the United States.

Enactment of Interim Measures

Based on the reasons discussed above, TRLED finds that there is reasonable suspicion that the Importer imported covered merchandise, Chinese-origin QSP, into the United States through evasion by means of transshipping the merchandise through Thailand. Therefore, CBP is imposing interim measures on the Importer’s imports of QSP into the United States.⁵² Specifically, in accordance with 19 USC 1517(e)(1)-(3), CBP will:

- (1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after September 14, 2022, 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

⁴⁸ A bill of materials is like an industrial recipe for creating an end product.

⁴⁹ See CF-28 Responses Exhibit 11.

⁵⁰ See CF-28 Responses Exhibit 7A.

⁵¹ See Footnote 1 of this notice and CF-28 Responses at 2.

⁵² See 19 USC 1517(e); see also 19 CFR 165.24.

(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.⁵³

In addition, for future entries, CBP will require those entries to be entered as Type 03 and require entry documents to be submitted. CBP will also reject any entry summaries that do not comply with these requirements and will require refile of entries that are within the entry summary rejection period to comply these requirements. CBP will also evaluate the Importer's 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/>. Please provide a business confidential and public version to CBP and serve the public version on the parties to this investigation (*i.e.*, to the parties identified at the top of this notice). Public versions of administrative record documents will be available via the EAPA Portal at <https://eapallegations.cbp.gov/>.⁵⁴ Please note that CBP is requiring that all documents submitted via the CMS are made text searchable, especially if those documents are submitted as PDFs.

Should you have any questions regarding this investigation, you may contact us at eapallegations@cbp.dhs.gov and cc: somboun.dauble@cbp.dhs.gov and steve.d.bezircanian@cbp.dhs.gov with "EAPA Case 7740" 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/eapa>.

Sincerely,



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

⁵³ See also 19 CFR 165.24(b)(1)(i)-(iii).

⁵⁴ See 19 CFR 165.4; see also 19 CFR 165.23(c); see also 19 CFR 165.26.