



PUBLIC VERSION

March 11, 2024

M. US A. Inc. dba Kings Marble and Granite
1848 Industrial Blvd
Harvey, LA 70058
kingmarble06@yahoo.com

Musa Stone Import, Inc.
2115 Belle Chasse Hwy
Terrytown, LA 70056
kingmarble06@yahoo.com

KMGK, LLC dba KMG Marble and Granite
2150 Lapalco Blvd
Harvey, LA 70058
kmgmarble1@yahoo.com

Luke A. Meisner
On behalf of Cambria Company LLC
Schagrin Associates
900 Seventh Street, NW, Suite 500
Washington, DC 20001
LMeisner@SchagrinAssociates.com

Re: Notice of Initiation of Investigation and Interim Measures - EAPA Cons. Case 7838

To Mr. Meisner and the 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 of M. US A. Inc. d/b/a Kings Marble and Granite (Kings), Musa Stone Import, Inc. (Musa Stone), and KMGK, LLC dba KMG Marble and Granite (KMGK) (collectively, the Importers) 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 the Importers evaded antidumping duty (AD) and countervailing duty (CVD) orders A-570-084 and C-570-085 on quartz surface products (QSP) from the People's Republic of China (China) when importing QSP into the United States.¹ CBP has imposed

¹ See *Certain Quartz Surface Products from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 84 FR 33053 (July 11, 2019) (AD/CVD orders).

interim measures because there is reasonable suspicion that the Importers entered merchandise covered by the AD/CVD orders into the customs territory of the United States through evasion.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 “the 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 the Importers on November 9, 2023.⁴ The entries covered by this investigation are those entered for consumption, or withdrawn from warehouse for consumption, from November 9, 2022, through the pendency of this investigation.⁵

Initiation

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.”⁶ 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.”⁷ 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.

The Alleger, Cambria Company LLC, a domestic producer of QSP, noted that imports of QSP covered by the scope of the AD/CVD orders are subject to AD duties ranging from 255.27 to 326.15 percent and CVD duties ranging from 45.32 to 190.99 percent.⁸ The AD/CVD rates applicable on Chinese-origin QSP imports, the China-Wide Entity rate, and the All Others rate,

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

³ See 19 USC 1517(a)(4); see also 19 CFR 165.2.

⁴ See Email from CBP, “EAPA 7838 – Official Receipt of Properly Filed Allegation,” dated November 9, 2023 (Kings Official Receipt); see also Email from CBP, “EAPA 7855 – Official Receipt of Properly Filed Allegation,” dated November 9, 2023 (Musa Stone Official Receipt); see also Email from CBP, “EAPA 7886 – Official Receipt of Properly Filed Allegation,” dated November 9, 2023 (KMGK Official Receipt).

⁵ See 19 CFR 165.2.

⁶ See 19 CFR 165.15(b).

⁷ See 19 CFR 165.1.

⁸ See Letter from the Alleger, “Quartz Surface Products from the People’s Republic of China: Request for an Investigation under the Enforce and Protect Act of M. US A. Inc. d/b/a Kings Marble and Granite,” dated August 10, 2023; see also Letter from the Alleger, “Quartz Surface Products from the People’s Republic of China: Request for an Investigation under the Enforce and Protect Act of M. US A. Inc. d/b/a Kings Marble and Granite,” dated October 25, 2023 (Kings Allegation); see also Letter from the Alleger, “Quartz Surface Products from the People’s Republic of China: Request for an Investigation under the Enforce and Protect Act of Musa Stone Import, Inc.,” dated October 25, 2023 (Musa Stone Allegation); see also Letter from the Alleger, “Quartz Surface Products from the People’s Republic of China: Request for an Investigation under the Enforce and Protect Act of KMGK, LLC,” dated November 3, 2023 (KMGK Allegation) (collectively, the Allegations). The Alleger, Cambria Company LLC, is a domestic producer of QSP in the United States and, as such, has standing to submit these allegations pursuant to 19 USC 1517(a)(6)(A)(ii), 19 CFR 165.1(2), and 19 CFR 165.11(a); see Allegations at Exhibit 2.

equal a combined 371.47 percent.⁹ Because of these high AD/CVD rates, an incentive for importers exists to falsify the country of origin on the alleged Chinese-origin QSP discussed in the Allegations.

[Date, entity, and description] Chinese QSP manufacturer named Zhangzhou Betop Import & Export Trade Co., Ltd. (Betop Stone) [description of activity and products].¹⁰ The Alleger noted that “[Entity and description of activities].”¹¹

[Date, entities, and description] QSP slabs that “appear to be imitations of Cambria’s Britannicca product.”¹² Correspondingly, [description] that the sides of those slabs were stamped “Calacatta Britannicca A1818” and “Calacatta Britannicca [product].”¹³ [description] the back of those slabs were branded as “MUSA QUARTZ.”¹⁴ [entity and description] “the importer of these slabs is KMG.”¹⁵

The importer of these slabs, “KMG”, could refer to Kings’ full name, Kings Marble and Granite, which creates the acronym KMG, or it could refer to KMGK’s d/b/a name, KMG Marble and Granite.¹⁶ Correspondingly, both Kings and KMGK are located close to [entity], in Gretna and Harvey, Louisiana, respectively.¹⁷ Furthermore, Kings and KMGK appear to be affiliated companies with a similar import pattern that indicates that either company could be the importer of the QSP slabs.

Screenshots from Musa Hamed’s LinkedIn page – the 100% owner of Musa Stone, Kings’ company website, and the Louisiana Secretary of State business filings search engine indicate that the owners and registered agents of both companies have the same last name, Hamed, and appear to be part of the same family; therefore, the companies are potentially related to each other.¹⁸ [datasource] import data indicates that both companies imported some of their QSP during 2022-2023 from the same suppliers in Vietnam, the Philippines, and India.¹⁹ Moreover, some of Kings’ and KMGK’s respective import shipments contain common details indicating that they imported identical shipments. In other words, Kings’ and KMGK’s individual shipment charts in [datasource] each list shipments with the same arrival date, shipper name, shipment origin, weight, and goods shipped description.²⁰ These identical imported shipments may indicate that the companies coordinated their import efforts by conferring together and then importing identical shipments from the same exporter. As such, these appear to be affiliated companies

⁹ *Id.*

¹⁰ *Id.* at 7-8 and Exhibits 9-10.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See Kings Allegation at Exhibits 4-5; see also KMGK Allegation at 5 and Exhibit 13.

¹⁷ *Id.* Gretna, Louisiana is less than six miles from Harvey, Louisiana, and so is proximate. Gretna and Harvey, Louisiana [location and entity].

¹⁸ See Kings Allegation at Exhibits 4-5, 8; see also KMGK Allegation at Exhibit 12.

¹⁹ See Kings Allegation at Exhibit 3; see also KMGK Allegation at Exhibit 3.

²⁰ *Id.*

and so either company could have been the importer of the QSP slabs that the [entities and description].

Kings' and KMGK's Identical Shipments				
Arrival Date	Shipper	Shipment Origin	Weight (kg)	Goods Shipped Description
2023-02-19	Phu Son JSC	Vietnam	24,750	Quartz Artificial Polished Slabs
2023-01-08	Badan Building Materials Corp.	Philippines	26,939	Quartz Stone
2022-11-14	Phu Son JSC	Vietnam	24,750	Quartz Artificial Polished Slabs
2022-11-11	Phu Son JSC	Vietnam	24,750	Quartz Artificial Polished Slabs
2022-08-30	B.M. House India Ltd.	India	26,500	Granite Slabs - Total 07 Crates...
2022-08-30	B.M. House India Ltd.	India	26,500	Granite Slabs- - Total 07...
2022-08-30	B.M. House India Ltd.	India	26,500	Granite Slabs- - Total 07...

In addition to Kings and KMGK, the Allegations indicate that Musa Stone could be another importer of QSP from Betop Stone.²¹ The [datasource] import data indicates that Musa Stone is also an importer of QSP.²² Musa Stone is located in Terrytown, Louisiana, which is geographically close to [entity], Kings, and KMGK.²³ One of Kings' owners, also bears the Hamed family name (Musa Hamed), indicating that Musa Stone is, at the very least, affiliated to Kings and KMGK.²⁴ Furthermore, because Musa Stone and its owner's name contain the name "Musa," the "MUSA QUARTZ" brand name that was present on the QSP [entities and description] may also be a Musa Stone brand name.²⁵

The Allegor states that Betop Stone produced the Calacatta Britannicca A1818 QSP slabs at issue in China.²⁶ As support, the Allegor provided screenshots from Betop Stone's company website, which state:

We founded {sic} at Shuitou Xiamen in 2008. After 14 years developing, now we have company in Xiamen Hongkong {sic} and New York. We ship material from China Malaysia {sic} to Global World. We have Quartz factory in Malaysia. We ship quartz slabs from Malaysia to USA.... Also we ship quartz from China to other country {sic} in the world.²⁷

Betop Stone's website lists "Calacatta Britannicca Warm A1818" and other iterations of the Calacatta Britannicca A1818 product name among the products it sells.²⁸ Screenshots from the vendor website, StoneContact.com, also contained a Betop Stone listing for "Calacatta Britannicca Warm-A1818."²⁹ This listing denoted the product's port of departure as "Kelang-China."³⁰ Kelang is an alternate name for Port Klang, Malaysia.³¹

The evidence discussed thus far indicates that at least one of the Importers imported the Calacatta Britannicca A1818 QSP slabs, that Calacatta Britannicca A1818 is Betop Stone product

²¹ See Allegations.

²² See Musa Stone Allegation at Exhibit 3. Musa Stone's QSP imports are from 2023 and so are recent.

²³ *Id.* at 7 and Exhibit 4, page 5; see also Kings Allegation at Exhibit 4; see also KMGK Allegation at Exhibits 12-13.

²⁴ See Kings Allegation at Exhibit 4, pages 1-2; Exhibit 5, pages 4, 6; and Exhibit 8, page 1; see also Musa Stone Allegation at Exhibit 4, page 5. These exhibits indicate that both Musa Hamed and Hussein Hamed own Kings and that Musa Hamed solely owns Musa Stone.

²⁵ See Musa Stone Allegation at 7 and Exhibit 7, pages 1, 8.

²⁶ See Allegations at 1, 6-8, and Exhibits 10-11.

²⁷ *Id.* at Exhibit 10, page 1.

²⁸ *Id.* at Exhibit 11, pages 1, 3.

²⁹ *Id.* at Exhibit 11, pages 7-8.

³⁰ *Id.* at Exhibit 11, page 7.

³¹ See February Memorandum at Attachment 5.

name, and, therefore, that the slabs originated from Betop Stone in China. However, the Importers' [datasource] import data do not list any shipments of QSP from China or Malaysia.³² Instead, the Importers' [datasource] import data list shipments of QSP from Vietnam, Thailand, the Philippines, Brazil, and India in the [date range, entity, and description].³³ The Alleger asserts that Vietnam was the most likely transshipment point, although the Alleger also noted that the Philippines was another possible transshipment point. Correspondingly, Vietnam, Thailand, and the Philippines are the closest countries to Betop Stone's Hong Kong and Xiamen, China locations.

Regarding potential processing of QSP from China in a third country such as Vietnam, the scope of the AD/CVD orders makes several applicable statements. The scope of the AD/CVD orders "includes surface products of all other sizes, thicknesses, and shapes."³⁴ Additionally, QSP is covered by the scope of the AD/CVD orders regardless of whether it is "polished or unpolished, cut or uncut, fabricated or not fabricated, cured or uncured, edged or not edged, finished or unfinished, thermoformed or not thermoformed, packaged or unpackaged, and regardless of the type of surface finish."³⁵ Moreover, the scope of the AD/CVD orders includes QSP

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.³⁶

As such, any QSP slabs that the Importers imported from a third country, where the QSP slabs were originally produced in China, would continue to be Chinese-origin QSP covered by the AD/CVD orders, even if in Vietnam or in another country outside China the QSP slabs were cut into custom countertop dimensions for its customers, had sink holes added, or had any other finishing work performed on them.

Initiation Assessment

In assessing the basis for the Allegations, CBP finds that the information the Alleger submitted reasonably suggests that the Importers entered merchandise covered by the AD/CVD orders into the customs territory of the United States through evasion.³⁷ Specifically, the Allegations indicate that the Importers entered QSP slabs with Calacatta Britannicca A1818 stamped on the sides. As noted, Betop Stone's website identifies Calacatta Britannicca A1818 as one of its QSP products.³⁸ Likewise, the QSP vendor website Stone Contact also lists Betop Stone's Calacatta Britannicca A1818 slabs for sale.³⁹ Because this is a specific product name mentioned on two websites as a Betop Stone product, Calacatta Britannicca A1818 appears to be a unique product name indicating that the slabs with that name on them originated from Betop Stone. Further, the

³² See Allegations at Exhibit 3. The only shipment from China in the [datasource] import data was shipped from Quanzhou Sandemachinery Co., Ltd to Musa Stone and was described as a "Slab Lifter A Frame Rack This Shipment {sic} Contains No Wood Packing Materials{.}" Thus, this shipment does not appear to be from Betop Stone or to contain any QSP. See Musa Stone Allegation at Exhibit 3, page 4.

³³ See Allegations at Exhibit 3.

³⁴ *Id.* at Exhibit 1.

³⁵ *Id.*

³⁶ *Id.*

³⁷ See Allegations.

³⁸ *Id.* at Exhibits 10-11.

³⁹ *Id.*

Allegations indicate that Betop Stone produces this QSP product in China.⁴⁰ Betop Stone claims to also have a factory in Malaysia.⁴¹ There is not an AD/CVD order on QSP from Malaysia.⁴² Therefore, if Betop Stone produced in Malaysia the Calacatta Britannica A1818 QSP slabs that the Importers imported, the slabs would not need to be transshipped and their origin would be listed as Malaysia. However, the Allegations' import data do not list any shipments of QSP from Malaysia to any of the three importers, which indicates that the Importers did not enter any Malaysian-origin QSP.⁴³ As such, the Calacatta Britannica A1818 QSP slabs that the Importers entered likely came from Betop Stone's China location. The fact that the Allegations' import data does not denote any shipments of QSP from China but does list relatively recent shipments of QSP from countries close to China indicates that transshipment likely occurred through one of those countries.⁴⁴ Therefore, this information reasonably suggests that the Importers are entering Chinese-origin QSP covered by the AD/CVD orders into the United States by evasion.

For the reasons set forth herein, CBP is initiating an investigation under the authority of 19 USC 1517(b)(1) on the Importers' imports of covered merchandise that are alleged to be entered for consumption into the customs territory of the United States through evasion.⁴⁵ While CBP shall make a determination as to whether merchandise properly within the scope of the AD/CVD orders was entered into the customs territory of the United States through evasion, the statute does not limit this determination to only the type of evasion for which the investigation was initiated.⁴⁶

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.⁴⁷ CBP need only have sufficient evidence to support a reasonable suspicion that the Importers alleged to be evading entered merchandise covered by an AD or CVD order into the United States 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.⁴⁸ 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 on covered entries imported from Badan Building Materials Corporation (Badan) and Siam Stone Product Co. Ltd (Siam Stone) because there is reasonable suspicion that the Importers entered Chinese-origin covered merchandise into the United States through evasion.⁴⁹

After initiating this investigation, on December 13, 2023, CBP issued CBP Form 28 requests for information (CF-28s) to Kings, Musa Stone, and KMGK concerning their entries from Vietnam, Thailand, and the Philippines that arrived in the United States within six months of the Allegations'

⁴⁰ *Id.* at 1, 6-8, and Exhibits 10-11.

⁴¹ *Id.* at Exhibit 10, page 1.

⁴² See <https://www.trade.gov/data-visualization/adcvd-proceedings> for a list of Malaysia's AD/CVD orders.

⁴³ See Allegations at Exhibit 3.

⁴⁴ *Id.*

⁴⁵ See also 19 CFR 165.15.

⁴⁶ See 19 USC 1517(c)(1)(A).

⁴⁷ See 19 CFR 165.24(a); see also CBP Memorandum, "Initiation of Investigation for EAPA 7838, 7855, and 7886 (Consolidated Case 7838)" dated December 4, 2023 (Initiation Memorandum).

⁴⁸ See 19 USC 1517(e); see also 19 CFR 165.24.

⁴⁹ See Initiation Memorandum.

[Date, entity, and description].⁵⁰ In these CF-28s, CBP requested complete production records, factory information, transportation documents, and sales transaction documents.⁵¹ CBP also issued a request for information (RFI) to the Alleger to elicit more information concerning their Allegations.⁵² On January 5, 2024, the Alleger submitted a response to CBP’s RFI.⁵³

On January 23, 2024, KMGK submitted its CF-28 response to CBP that pertained to its January 2023 entry from a Philippine exporter, Badan.⁵⁴ KMGK provided most of the information that CBP requested concerning this entry,⁵⁵ however, it did not provide the following requested items or explain its failure to do so, nor did it request an extension to provide them:

- Stamped timecards
- Packaging costs
- The name of Badan’s factory owner

Among the documents KMGK did provide, the entry summary and entry/immediate delivery form listed the vessel name and voyage number as [identifier], whereas the bill of lading and the Philippine certificate of origin listed [identifier].⁵⁶ The response did not contain any information reconciling the different vessel names and voyage numbers.⁵⁷ As such, these differing vessel names and voyage numbers could indicate that transshipment occurred.

The response contained a contract, commercial invoice, packing list, loading list, draft waybill, import declaration, and proof of payment indicating that Badan imported [material] into the Philippines from Ba Dan Construction Materials Limited (Ba Dan Construction) in Macau, China that it then purportedly used in the production of QSP at its Philippine factory.⁵⁸ The response also contained a Philippine import declaration indicating that New Zhong Yuan Ceramics Import and Export Co. Ltd. of Guangdong, China supplied [material] to Badan that it ostensibly used in its QSP production.⁵⁹ Badan issued proforma and commercial invoices to KMGK for the entry that likewise indicated [individual] at [individual]@NewZhongYuan.com was KMGK’s point of contact at Badan.⁶⁰ The proforma invoice also listed Mr. [individual]’s mobile/WhatsApp number, which begins with China’s country code (+86), indicating that Mr.

⁵⁰ See KMGK CF-28 Response, dated January 23, 2024 (KMGK CF-28 Response - Badan Entry); see also KMGK CF-28 Response, dated January 29, 2024 (KMGK CF-28 Response - Phu Son Entries); see also Kings’ CF-28 Response, dated January 31, 2024 (Kings CF-28 Response); see also Musa Stone CF-28 Response, dated February 13, 2024 (Musa Stone CF-28 Response – Phu Tan); see also Musa Stone CF-28, December 13, 2024 (Musa Stone CF-28 – Siam Stone). Kings’ CF-28 response concerned entry [Entry #]5247 from [location]. KMGK CF-28 responses concerned entry [Entry #]2143 from Badan and entries [Entry #]0689, [Entry #]2540, and [Entry #]7217 from Phu Son. One of KMGK’s three entries from Phu Son entered before [entities, date, and activities], whereas the other two entries entered afterwards. Musa Stone’s CF-28 response concerned entry [Entry #]8993 from Phu Tan. The Musa Stone CF-28 concerning its entry from Siam Stone pertained to entry [Entry #]2508.

⁵¹ *Id.* These documents were requested on the second page of the CF-28s issued to the Importers.

⁵² See CBP Email, “Questions Concerning the Three Allegations,” dated December 20, 2023.

⁵³ See Letter from the Alleger, “EAPA 7838, 7855, & 7886 – Response to Questions Concerning the Three Allegations,” dated January 5, 2024. The Alleger dated the response’s cover page as “November 5, 2024” but it was actually submitted to CBP on January 5, 2024.

⁵⁴ See KMGK CF-28 Response - Badan Entry. This was entry [Entry #]2143.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See KMGK CF-28 Response - Badan Entry.

[individual] likely resides in China.⁶¹ These combined facts suggest that New Zhong Yuan may be Badan's Chinese parent company. Additionally, the similarity of Ba Dan Construction's name to Badan suggests it also may be a Chinese affiliate of Badan.

KMGK provided a Badan company information sheet that stated “{o}ur production base is located in the Alviera Industrial Park in Hacienda Dolores, Porac, Pampanga, the Philippines, and was put into operation in July 2019.”⁶² No information was presented to demonstrate that Badan had another facility in operation prior to this time.⁶³ However, Badan exported its first shipment of QSP to the United States in February 2019, which was subsequently declared as having a country of origin of [location].⁶⁴ The fact that Badan exported this shipment six months before it began producing QSP in the Philippines, and the lack of information demonstrating that it had another facility in operation in the Philippines prior to this time, supports the conclusion that the QSP for that shipment originated elsewhere. Given that Badan appears to have a Chinese parent company, it is likely that Badan sourced the exported QSP from China. As such, Badan appears to have facilitated transshipment in the past. If had previously facilitated evasion, it may be willing to do so again. Thus, reasonable suspicion exists that KMGK entered Chinese-origin QSP from Badan.

On January 29, 2024, KMGK submitted its CF-28 responses to CBP that pertained to its February 2023, August 2023, and October 2023 entries from a Vietnamese exporter named Phu Son JSC (Phu Son).⁶⁵ KMGK also provided the entries' respective invoices, bills of lading, and Vietnamese certificates of origin, which indicated that the entries contained QSP. Although KMGK provided some of the information that CBP requested,⁶⁶ KMGK did not provide the following requested items or explain its failure to do so, nor did it request an extension to provide them:

- Complete production records for the QSP in the three entries, including the purchase orders, commercial invoices, and proofs of payment for the QSP's raw materials
- Stamped timecards and work orders
- Vietnamese customs documents pertaining to any imported raw materials
- A description of all the equipment used in the production of QSP
- A photograph of each piece of equipment
- Packaging costs
- The names of Phu Son's corporate officers
- KMGK's proofs of payment for these three entries from Phu Son

KMGK provided two reports on various tests conducted during October-November 2023 on QSP samples Phu Son submitted to a third-party company.⁶⁷ However, these tests occurred after the production and exportation of the QSP in the three CF-28 entries and were not associated with the QSP in KMGK's three entries from Phu Son. Moreover, KMGK did not provide the

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ See CBP Memorandum, “Adding Information to the Administrative Record of EAPA 7838,” dated February 29, 2024 (February Memorandum) at Attachment 2, page 1.

⁶⁵ See KMGK CF-28 Response - Phu Son Entries. Also known as Phu Son Joint Stock Company. These were entries [Entry #]0689, [Entry #]2540, and [Entry #]7217.

⁶⁶ *Id.*

⁶⁷ *Id.*

requested documents related to Phu Son’s purported production of the QSP in the three entries; therefore, KMGK has not substantiated that the QSP in these entries was produced in Vietnam.

On January 31, 2024, Kings submitted its CF-28 response to CBP that pertained to its January 2023 entry from a Vietnamese exporter named [entities].⁶⁸ Kings provided a sales contract, commercial invoice, packing list, bill of lading, two proofs of payment, and several photographs.⁶⁹ These documents ostensibly indicated that the entry contained marble slabs. Although Kings provided some of the information that CBP requested,⁷⁰ Kings did not provide the following requested items or explain its failure to do so, nor did it request an extension to provide them:

- Complete production records, such as purchase orders, commercial invoices, proofs of payment pertaining to the raw materials
- Vietnamese customs documentation (if imported) for all raw materials
- Stamped timecards and work orders
- A photo of each piece of equipment
- Packaging costs
- Explanation about how long the factory has been open for business
- Name of factory owner and names of all of [entity]’s corporate officers

Kings did not provide documentation indicating where the marble originated, such as from a quarry or a trading company. As such, the production and classification of the merchandise as marble is not substantiated.

On December 13, 2023, CBP issued a CF-28 to Musa Stone concerning its May 2023 entry from a Thai exporter, Siam Stone.⁷¹ The extended due date for Musa Stone’s response was February 12, 2024.⁷² However, to date, CBP has not received Musa Stone’s CF-28 response related to Siam Stone as of the writing of this notice. Accordingly, Musa Stone has not provided any information substantiating that Siam Stone produced the entry’s QSP in Thailand. Because Musa Stone has not provided any documents substantiating the entry’s purported Thai production and has not cooperated with CBP’s CF-28 request, reasonable suspicion exists that this entry may have entered through evasion.

On February 13, 2024, Musa Stone submitted its CF-28 response to CBP that pertained to its March 2023 entry from a Vietnamese exporter named Phu Tan Co., Ltd (Phu Tan).⁷³ Musa Stone provided a letter to CBP, proofs of payment, five commercial invoices, a bill of lading, a Vietnamese certificate of origin, a production flow chart, a list of Phu Tan’s machinery, Phu Tan’s Vietnamese business registration, documents pertaining to Phu Tan’s purchase of the raw material [material], and photographs of Phu Tan’s machinery.⁷⁴ As such, Musa Stone provided most of the information that CBP requested.⁷⁵ The information in these documents did not give the appearance that evasion occurred in this entry.

⁶⁸ See Kings CF-28 Response. This was entry [Entry #]5247.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See Musa Stone CF-28 – Siam Stone. This was entry [Entry #]2508.

⁷² See February Memorandum at Attachment 3.

⁷³ See Musa Stone CF-28 Response – Phu Tan. This was entry [Entry #]8993.

⁷⁴ *Id.*

⁷⁵ *Id.*

On February 29, 2024, CBP placed a memorandum on the administrative record.⁷⁶ This memorandum contained information on Musa Stone's imports from Phu Tan, a list of entries from Badan, several CF-28-related emails, and several business reports on KMGK, Kings, and Musa Stone.

Although the Importers did not fully substantiate that the merchandise they entered from Phu Son and [entity] originated in Vietnam, CBP does not at this time determine that the aforementioned evidence pertaining to those two companies indicates that evasion occurred. Further, CBP also did not observe evidence of evasion in the Musa Stone's entry from Phu Tan. Therefore, CBP is not taking interim measures with respect to the Importers' entries from Phu Son, Phu Tan, or [entity].

In contrast, Musa Stone did not provide any documents to CBP pertaining to its entry from Siam Stone. Therefore, Musa Stone has not substantiated that Siam Stone produced the entry's QSP or that it was produced in Thailand.⁷⁷ As such, Musa Stone has not cooperated with CBP's CF-28 request and so a reasonable suspicion exists that this entry may have entered through evasion. Finally, although KMGK provided most of the documents pertaining to its entry from Badan, Badan appears to have facilitated transshipment in the past using QSP potentially sourced from its parent company in China.⁷⁸ This apparent past transshipment casts doubt on the reliability of the entry's declared Philippine-origin and its connection to a Chinese parent company indicates it may have sourced QSP for that shipment from China. As such, reasonable suspicion exists that KMGK's entries from Badan may have likewise entered through evasion.

Enactment of Interim Measures

Based on the record evidence described above, CBP determines that reasonable suspicion exists that the Importers entered Chinese-origin QSP from Badan and Siam Stone that is subject to AD/CVD orders A-570-084 and C-570-085 into the United States that was transshipped. Therefore, CBP is imposing interim measures on the Importers' entries from Badan and Siam Stone pursuant to this investigation.⁷⁹ 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 December 4, 2023, the date of the initiation of the investigation;
- (2) pursuant to the Commissioner's authority under section 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 December 4, 2023; and
- (3) pursuant to the Commissioner's authority under section 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.⁸⁰

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

⁷⁶ See February Memorandum.

⁷⁷ See Musa Stone CF-28 – Siam Stone.

⁷⁸ See KMGK CF-28 Response – Badan Entry.

⁷⁹ See 19 USC 1517(e); see also 19 CFR 165.24.

⁸⁰ See also 19 CFR 165.24(b)(1)(i)-(iii).

may also evaluate the Importers' continuous bond to determine their sufficiency. Finally, CBP may pursue additional enforcement actions, as provided by law, consistent with 19 USC 1517(h).

Consolidation of the Investigations

CBP consolidated EAPA investigations 7838, 7855, and 7886 on the Importers into a single investigation.⁸¹ The new consolidated (Cons.) case number is EAPA Cons. Case 7838, 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.⁸² The Importers in these three investigations appear to be affiliated and enter the same covered merchandise subject to the same AD/CVD orders on QSP from China.⁸³ In addition, the Importers' entries overlap within a similar period of investigation.⁸⁴ Because factors warranting consolidation are present in these investigations, CBP is consolidating them and will provide notice pursuant to 19 CFR 165.13(c). We note that the deadlines for the consolidated investigation have been set from the date of initiation of EAPA investigation 7838, which is December 4, 2023.⁸⁵

For future submissions or factual information that you submit to CBP pursuant to this EAPA investigation, please provide a business confidential version and public version to CBP and serve the public versions on the parties to this investigation.⁸⁶ Public versions of administrative record documents will be available via the EAPA Portal: <https://eapallegations.cbp.gov>. 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 with "EAPA Cons. 7838" 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>.

⁸¹ Prior to consolidation, EAPA investigation 7838 pertained to Kings, EAPA investigation 7855 pertained to Musa Stone, and EAPA investigation 7886 pertained to KMGK.

⁸² See also 19 USC 1517(b)(5).

⁸³ See Allegations.

⁸⁴ *Id.* at Exhibit 3.

⁸⁵ See 19 CFR 165.13(a); see also 19 USC 1517(b)(5)(B).

⁸⁶ See 19 CFR 165.4; see also 19 CFR 165.23(c) and 19 CFR 165.26.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victoria Cho".

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