

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1424 (Final)]

### Mattresses From China

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of mattresses from China, provided for in subheadings 9404.21.00, 9404.29.10, 9404.29.90, 9401.40.00, and 9401.90.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).<sup>2,3,4</sup>

#### Background

The Commission, pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)), instituted this investigation effective September 18, 2018, following receipt of a petition filed with the Commission and Commerce by Corsicana Mattress Company, Dallas, Texas; Elite Comfort Solutions, Newnan, Georgia; Future Foam Inc., Council Bluffs, Iowa; FXI, Inc., Media, Pennsylvania; Innocor, Inc., Red Bank, New Jersey; Kolcraft Enterprises Inc., Chicago, Illinois; Leggett & Platt, Incorporated, Carthage, Missouri; Serta Simmons Bedding, LLC, Atlanta, Georgia; and Tempur Sealy International, Inc., Lexington, Kentucky. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of mattresses from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 13, 2019 (84 FR 27657). The hearing was

held in Washington, DC, on October 11, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on December 9, 2019. The views of the Commission are contained in USITC Publication 5000 (December 2019), entitled *Mattresses from China: Investigation No. 731–TA–1424 (Final)*.

By order of the Commission.

Issued: December 9, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–747 (Final)]

### Fresh Tomatoes From Mexico

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is threatened with material injury by reason of imports of fresh tomatoes from Mexico, provided for in heading 0702 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”).<sup>2,3,4</sup>

#### Background

The Commission instituted this investigation effective April 1, 1996, following receipt of a petition filed with the Commission and Commerce by the Florida Tomato Growers Exchange, Orlando, Florida; the Florida Fruit and Vegetable Association, Orlando, Florida; the Florida Farm Bureau Federation, Gainesville, Florida; the South Carolina Tomato Association, Inc., Charleston, South Carolina; the Gadsden County Tomato Growers Association, Inc.,

Quincy, Florida; the Accomack County Farm Bureau, Accomack, Virginia; the Florida Tomato Exchange, Orlando, Florida; the Florida Department of Agriculture and Consumer Services, Tallahassee, Florida; and the Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee, and Virginia Tomato Growers. The Commission scheduled the final phase of its investigation following notification of a preliminary determination by Commerce that imports of fresh tomatoes from Mexico were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)).

The Commission commenced the final phase of its investigation on August 21, 1996.<sup>5</sup> On October 28, 1996, Commerce issued its preliminary determination that imports of fresh tomatoes from Mexico were being sold at LTFV in the United States and announced that Commerce and certain producers/exporters of fresh tomatoes from Mexico had signed a suspension agreement.<sup>6</sup> Also on October 28, 1996, Commerce suspended the final phase of its investigation.<sup>7</sup> On November 1, 1996, the Commission suspended the final phase of its investigation.<sup>8</sup>

On October 1, 2001, the Commission instituted its first five-year review to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to a continuation or recurrence of material injury.<sup>9</sup> On January 4, 2002, the Commission determined that it would conduct a full review concerning the suspended investigation on fresh tomatoes from Mexico.<sup>10</sup> On July 30, 2002, Commerce terminated the suspension agreement, and Commerce and the Commission terminated their reviews of the suspended investigation and resumed their final phase antidumping investigations.<sup>11</sup> On December 16, 2002, Commerce and the Commission suspended their resumed final phase investigations when Commerce signed a new suspension agreement with certain growers/exporters of fresh tomatoes from Mexico.<sup>12</sup>

On November 1, 2007, the Commission instituted its second five-year review to determine whether

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 84 FR 56761 (October 23, 2019).

<sup>3</sup> Commissioner Jason E. Kearns did not participate in this investigation.

<sup>4</sup> The Commission also finds that imports subject to Commerce’s affirmative critical circumstances determination are not likely to undermine seriously the remedial effect of the antidumping duty order on China.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 84 FR 57401 (October 25, 2019).

<sup>3</sup> The Commission further determines that it would not have found material injury by reason of subject imports but for the suspension of liquidation of entries of subject merchandise. See 19 U.S.C. 1673d(b)(4)(B).

<sup>4</sup> Chairman David S. Johanson not participating.

<sup>5</sup> 61 FR 46823 (September 5, 1996).

<sup>6</sup> 61 FR 56618 (November 1, 1996).

<sup>7</sup> 61 FR 56618 (November 1, 1996).

<sup>8</sup> 61 FR 58217 (November 13, 1996).

<sup>9</sup> 66 FR 49975 (October 1, 2001).

<sup>10</sup> 67 FR 3229 (January 23, 2002).

<sup>11</sup> 67 FR 50858 (August 6, 2002); 67 FR 53361 (August 15, 2002); 67 FR 5685 (September 5, 2002).

<sup>12</sup> 67 FR 77044 (December 16, 2002); 67 FR 78815 (December 26, 2002).

termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to a continuation or recurrence of material injury.<sup>13</sup> On January 18, 2008, Commerce terminated the suspension agreement, and Commerce and the Commission terminated their reviews of the suspended investigation and resumed their final phase antidumping investigations.<sup>14</sup> On January 22, 2008, Commerce and the Commission again suspended their resumed final phase investigations when Commerce signed a new suspension agreement with certain growers/exporters of fresh tomatoes from Mexico.<sup>15</sup>

On December 3, 2012, the Commission instituted its third five-year review to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to continuation or recurrence of material injury.<sup>16</sup> On March 1, 2013, Commerce terminated the suspension agreement and its review of the suspended investigation and resumed its final phase antidumping investigation.<sup>17</sup> On March 4, 2013, the Commission terminated its review of the suspended investigation and resumed its final phase antidumping investigation.<sup>18</sup> Also on March 4, 2013, Commerce signed a new suspension agreement with certain grower/exporters of fresh tomatoes from Mexico and again suspended its resumed final phase antidumping investigation.<sup>19</sup> On March 5, 2013, the Commission again suspended its resumed final phase antidumping investigation.<sup>20</sup>

On February 1, 2018, the Commission instituted its fourth five-year review to determine whether termination of the suspended investigation on fresh tomatoes from Mexico would likely lead to continuation or recurrence of material injury.<sup>21</sup> On May 7, 2019, Commerce terminated the suspension agreement and its review of the suspended investigation and resumed its final phase antidumping investigation.<sup>22</sup> Also on May 7, 2019, the Commission terminated its review of the suspended investigation and resumed its final

phase antidumping investigation.<sup>23</sup> On September 19, 2019, Commerce signed a new suspension agreement with certain grower/exporters of fresh tomatoes from Mexico and again suspended its resumed final phase antidumping investigation.<sup>24</sup> On September 24, 2019, the Commission again suspended its resumed final phase antidumping investigation.<sup>25</sup>

On October 11 and 15, 2019, Commerce received timely requests, pursuant to section 734(g) of the Tariff Act of 1930 (19 U.S.C. 1673c(g)), to continue its antidumping investigation on fresh tomatoes from Mexico and resumed its final investigation.<sup>26</sup> On October 17, 2019, the Commission, therefore, continued its antidumping investigation. Notice of the scheduling of the continuation of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 23, 2019 (84 FR 56837). The hearing was held in Washington, DC, on October 24, 2019, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on December 9, 2019. The views of the Commission are contained in USITC Publication 5003 (December 2019), entitled *Fresh Tomatoes from Mexico: Investigation No. 731-TA-747 (Final)*.

By order of the Commission.

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**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-631 and 731-TA-1463-1464 (Preliminary)]

### Forged Steel Fittings From India and Korea

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of forged steel fittings from India and Korea, provided for in subheadings 7307.92.30, 7307.92.90, 7307.93.30, 7307.93.60, 7307.93.90, 7307.99.10, 7307.99.30, and 7307.99.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV") and to be subsidized by the government of India.<sup>2,3</sup>

#### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce ("Commerce") of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses

<sup>13</sup> 72 FR 61903 (November 1, 2007).

<sup>14</sup> 73 FR 2887 (January 16, 2008); 73 FR 5869 (January 31, 2008).

<sup>15</sup> 73 FR 4831 (January 28, 2008); 73 FR 7762 (February 11, 2008).

<sup>16</sup> 77 FR 71629 (December 3, 2012).

<sup>17</sup> 78 FR 14771 (March 7, 2013).

<sup>18</sup> 78 FR 16529 (March 15, 2013).

<sup>19</sup> 78 FR 14967 (March 8, 2013).

<sup>20</sup> 78 FR 16530 (March 15, 2013).

<sup>21</sup> 83 FR 4676 (February 1, 2018).

<sup>22</sup> 84 FR 20858 (May 13, 2019).

<sup>23</sup> 84 FR 21360 (May 14, 2019); 84 FR 27805 (June 14, 2019).

<sup>24</sup> 84 FR 49987 (September 24, 2019).

<sup>25</sup> 84 FR 54639 (September 24, 2019).

<sup>26</sup> 84 FR 57401 (October 25, 2019).

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 84 FR 64265, November 21, 2019, and 84 FR 64270, November 21, 2019.

<sup>3</sup> Commissioner Randolph J. Stayin is recused from this proceeding.