



A-570-967
C-570-968
Scope Ruling:
Bridging China Telescoping Pool Poles
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AD/CVD Operations, VI: VC

December 28, 2015

MEMORANDUM TO: Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

THROUGH: Scot Fullerton
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Antidumping and Countervailing Duty Operations, Office VI

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FROM: Victoria Cho
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SUBJECT: Antidumping and Countervailing Duty Orders on Aluminum
Extrusions from the People's Republic of China: Final Scope
Ruling on Bridging China Telescoping Pool Poles

Summary

On August 5, 2015, the Department of Commerce (the Department) received a scope ruling request from Bridging China International Ltd. (Bridging China)¹ to determine whether its Telescoping Pool Poles are subject to the antidumping duty (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (PRC).² On the basis of our analysis of the comments received, we determine that the Telescoping Pool Poles are excluded from the scope of the AD and CVD orders on aluminum extrusions from the PRC.

¹ Letter from Bridging China International LTD. to the Secretary of Commerce on Aluminum Extrusions from the People's Republic of China: Requesting for Scope Ruling on "Telescoping Pool Poles from Peoples Republic of China," dated August 5, 2015 (Scope Ruling Request).

² See *Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (collectively, the *Orders*).

Background

On August 5, 2015, Bridging China submitted its scope request in which it requested that the Department make a scope ruling that its Telescoping Pool Poles are outside the scope of the Orders.³ On September 25, 2015, the Department issued a letter extending the deadline for this scope ruling to November 3, 2015.⁴ On November 3, 2015, the Department issued a letter extending the deadline for this scope ruling to December 18, 2015.⁵ On December 18, 2015, the Department issued a letter extending the deadline for this scope ruling to December 28, 2015.⁶ No other parties submitted comments on Bridging China's Scope Request.

SCOPE OF THE ORDERS

The merchandise covered by the order{s} is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.*, without any coating or further finishing), brushed, buffed, polished, anodized (including

³ See Scope Ruling Request.

⁴ See Letter from the Department to Bridging China, "Aluminum Extrusions from the People's Republic of China (PRC): Extension of Deadline for Final Scope Ruling," dated September 25, 2015.

⁵ See Letter from the Department to Bridging China, "Aluminum Extrusions from the People's Republic of China (PRC): Extension of Deadline for Final Scope Ruling," dated November 3, 2015.

⁶ See Letter from the Department to Bridging China, "Aluminum Extrusions from the People's Republic of China (PRC): Extension of Deadline for Final Scope Ruling," dated December 18, 2015.

brightdip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.*, prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swaged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.*, by welding or fasteners) to form subassemblies, *i.e.*, partially assembled merchandise unless imported as part of the finished goods 'kit' defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation. The following aluminum extrusion products are excluded: aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a "finished goods kit." A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled "as is" into a finished product. An imported product will not be considered a "finished goods kit" and therefore excluded from the scope of the investigation merely by including fasteners such as screws, bolts, etc. in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) length of 37 millimeters (“mm”) or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of these orders are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 9031.90.90.95, 7616.10.90.90, 7609.00.00, 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8414.59.60.90, 8415.90.80.45, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8473.30.20.00, 8473.30.51.00, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8508.70.00.00, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8517.70.00.00, 8529.90.73.00, 8529.90.97.60, 8536.90.80.85, 8538.10.00.00, 8543.90.88.80, 8708.29.50.60, 8708.80.65.90, 8803.30.00.60, 9013.90.50.00, 9013.90.90.00, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.11.40.80, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99, as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

LEGAL FRAMEWORK

When a request for a scope ruling is filed, the Department examines the scope language of the order and the description of the product contained in the scope-ruling request.⁷ Pursuant to the Department's regulations, the Department may also examine other information, including the description of the merchandise contained in the petition, the records from the investigations, and prior scope determinations made for the same product.⁸ If the Department determines that these sources are sufficient to decide the matter, it will issue a final scope ruling as to whether the merchandise is covered by an order.⁹

Conversely, where the descriptions of the merchandise in the sources described in 19 CFR 351.225(k)(1) are not dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These factors are: (i) the physical characteristics of the merchandise; (ii) the expectations of the ultimate purchasers; (iii) the ultimate use of the product; iv) the channels of trade in which the product is sold; and (v) the manner in which the product is advertised and displayed. The determination as to which analytical framework is most appropriate in any given scope proceeding is made on a case-by-case basis after consideration of all evidence before the Department.

DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS SCOPE REQUEST¹⁰

Bridging China describes in its request that the Telescoping Pool Poles consist of four different "base" models (*i.e.*, "Base Model A," "Base Model B," "Base Model C," and "Base Model D") that vary in adjustable telescopic lengths.¹¹ The thirty separate and distinct Telescoping Pool Poles covered by this scope request fall under these four base model categories and may be summarized as follows:

A. Extruded Aluminum Tubular Section Component Parts

Bridging China's Telescoping Pool Poles are comprised of either two or three sections of various length tubular extruded aluminum of 6063 alloy, in accordance with the categorization of aluminum alloys by The Aluminum Association. The outer surface of the aluminum tube portion of the Telescoping Pool Poles is anodized and finished in either blue or silver colors. Depending on the Base Model, the outer surface is either smooth or ridged. The Telescoping Pool Pole aluminum tubular section comprises an outside diameter of approximately 1.125 inches and a thickness of approximately 0.038 inches.

⁷ See *Walgreen Co. v. United States*, 620 F.3d 1350, 1357 (Fed. Cir. 2010).

⁸ See 19 CFR 351.225(k)(1).

⁹ See 19 CFR 351.225(d).

¹⁰ See Scope Ruling Request at 7-23.

¹¹ *Id.* at 7-8.

B. Non-Extruded Aluminum Component Parts

Bridging China's Telescoping Pool Pole further consists of either an inner or outer locking mechanism,¹² depending on the Base Model, a handle portion and a distal end portion to which various accessory attachments are attached to the end of the pole.¹³

C. Accessory Attachments Not Imported With The Products At Issue

Bridging China explains that its pool poles may be used with accessory attachments, such as various types of vacuum heads, leaf nets, skimmers and brushes, all of which are used for swimming pool maintenance and cleaning. Interchangeable accessory attachments,¹⁴ however, are not included with the Bridging China's Telescoping Pool Poles as a component part thereof and must be purchased separately by an end user for use with the Telescoping Pool Poles. Other brand name accessories compatible with the Pool Poles include Swimline, Poolmaster, Pentair, Poollife, JED Pool Tools, Polaris, Clearview, Hydrottools, Ocean Blue Water Products, Clear Choice and Water Tech.¹⁵

D. Assembly, Packaging and Shipping

Bridging China's Telescoping Pool Poles arrive in the United States fully assembled and ready to use. No further assembly is required by the end user and the Telescoping Pool Poles are immediately ready for use with any Bridging China products or other compatible brand or generic pool pole accessory attachment that utilizes the standard dual peg attachment means. Bridging China's Telescoping Pool Poles are individually wrapped and sealed in individual plastic polybags. Wrapped and sealed Pool Poles are boxed and sealed in sets of 12 for shipping and importation into the U.S.¹⁶

Bridging China states that its articles are currently classified under item 9506.99.55.00 of the HTS.¹⁷

¹² Base Models A, C, and D use an outer locking mechanism that is comprised of solely of plastic material. The coupling or locking mechanism allows the sections of the Bridging China's Telescoping Pool Poles to be adjusted to meet a user's specific needs. As with all telescoping pool poles, one section of a pole slides into the interior of another section, thereby adjusting the overall length of the pole to an overall desired length, and locked in place by way of an inner or outer locking or coupling mechanism to maintain that desired length for use. *See* Scope Ruling Request at 10-17, depicting the various models.

¹³ *Id.* at 9 and at Exhibit C.

¹⁴ Accessory attachments, which may be used with the Bridging China's Telescoping Pool Poles include various vacuum heads, leaf nets, skimmers and brushes, all of which are used for swimming pool maintenance and cleaning – *but are not shipped with nor included with the Pool Poles.*

¹⁵ *See* Scope Ruling Request at 17-19.

¹⁶ *Id.* at 19-24.

¹⁷ *Id.* at 7.

RELEVANT SCOPE DETERMINATIONS¹⁸

Unger Telescoping Poles¹⁹

Unger Enterprises, Inc. (Unger) argued that its telescoping poles are finished goods and therefore not subject to the orders. The Department found that, in addition to extruded aluminum components, Unger's telescoping poles include non-extruded aluminum materials such as plastic tube plugs, hand grips, locking collars, locking buttons and cones which go beyond mere fasteners.²⁰ In response to arguments by Petitioner that the non-extruded aluminum parts are mere fasteners or that they are merely "incidental" to the function of the product, the Department observed that the *Orders* contain no requirement regarding "incidental" function, and found that the non-extruded aluminum components integrate into the product in a variety of ways beyond that of a mere fastener.²¹ The Department additionally found that the telescoping poles were fully and permanently assembled and completed at the time of entry.²²

In addition, similar to the products considered in Drapery Rail Kits (Redetermination),²³ Banner Stands,²⁴ and Solar Panels,²⁵ Unger's telescoping poles are designed to work with removable/interchangeable attachments.²⁶ The various products that may be attached to Unger's telescoping poles by end users after importation are interchangeable and are available from Unger and a variety of other suppliers. As a result, the Department determined that the product in question is excluded from the scope of the orders under the finished goods exclusion.²⁷

Clik-Clik MagPole²⁸

Clik-Clik Systems, Inc. (Clik-Clik) argued that its MagPole pole product is a finished good and not subject to the orders. The Department found that, in addition to extruded aluminum

¹⁸ See the Department's Memorandum "Prior Scope Rulings Relevant to this Proceeding," dated concurrently with this memorandum.

¹⁹ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Unger Enterprises Inc.'s Telescoping Poles" (February 19, 2015) (Unger Telescoping Poles), at 10.

²⁰ *Id.*, at 10-11.

²¹ *Id.*, at 11.

²² *Id.*

²³ See the Department's memorandum entitled "Final Scope Ruling on Drapery Rail Kits," dated February 3, 2012, *Final Results of Redetermination Pursuant to Court Remand Rowley Company v. United States* Ct. No. 12-00055 (CIT 2012), and *Rowley Company v. United States*, Consol. Ct. No. 12-00055 (CIT 2013) (Court Order affirming our remand redetermination), (collectively, "Drapery Rail Kits"). See also Prior Scopes Memorandum at Attachment 3.

²⁴ See the memorandum from John Conniff and Eric B. Greynolds to Christian Marsh entitled, "Final Scope Ruling on Banner Stands and Back Wall Kits," dated October 19, 2011 (Banner Stands Kits Scope Ruling); see also Prior Scopes Memorandum at Attachment 1.

²⁵ See memorandum from Brooke Kennedy to Christian Marsh, "Final Scope Ruling on Clenergy (Xiamen) Technology's Solar Panel Mounting Systems," dated October 31, 2012 (Solar Panels Scope Ruling); see also Prior Scopes Memorandum at Attachment 5.

²⁶ *Id.*, at 11-12.

²⁷ *Id.*, at 13.

²⁸ See Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Final Scope Ruling on Clik-Clik Systems Inc. Magpole" (November 19, 2014) (Clik-Clik Magpole).

components, the MagPole included non-extruded aluminum materials such as fiberglass tubes, plastic handles, plastic buttons, rubber bumpers and steel rolling pins which go beyond mere fasteners.²⁹ In addition, the Department found that the MagPole is fully and permanently assembled and completed at the time of entry.³⁰ Although the MagPole may be used with separate tools, those attachments are removable/interchangeable, available from a wide variety of suppliers, and selected based on the preference of the end user.³¹ The Department therefore determined that Klik-Klik's MagPoles are excluded from the scope of the orders as finished goods.³²

Ace's Telescoping Extension Poles³³

Ace's Hardware Corporation (Ace) argued that its Telescoping Extension Poles product is excluded from the orders as finished merchandise. The Department found that the pole products at issue contained extruded aluminum "as parts" in addition to non-extruded aluminum components beyond mere fasteners (*e.g.*, plastic locking collar and handle, zinc alloy universally threaded tip, or a fiberglass tube).³⁴ In addition, the Department found that the pole products at issue are imported as finished products that contain aluminum extrusions as parts that are fully and permanently assembled at the time of importation.³⁵ Similar to its prior scope rulings such as Klik-Klik MagPole and Unger Telescoping Poles, the Department determined that Ace's poles need not include removable/interchangeable attachments to qualify for the finished merchandise exclusion.³⁶

ARGUMENTS FROM INTERESTED PARTIES

Bridging China's Comments

Bridging China argues that its Telescoping Pool Poles constitute finished merchandise at the time of entry into the United States and, therefore, are outside the scope of the order. Bridging China further argues that all the components of the Telescoping Pool Poles are "fully and permanently assembled at the time of entry" into the United States, and therefore, should be *excluded* from the scope of the *Orders*. Bridging China notes further that end users may, depending on their specific needs, choose to attach the Pool Poles to a variety of separate accessories from different companies, but that this fact does not preclude exclusion as finished merchandise.³⁷

²⁹ *Id.*, at 8.

³⁰ *Id.*

³¹ *Id.*, at 9.

³² *Id.*

³³ See the Department's memorandum entitled, "Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Final Scope Ruling on Ace Hardware Corporation's Telescoping Extension Poles," dated August 28, 2015 (Ace's Telescoping Extension Poles Scope Ruling).

³⁴ See Ace's Telescoping Extension Poles Scope Ruling at 3-6.

³⁵ *Id.*, at 8-9.

³⁶ *Id.*, at 9.

³⁷ See Scope Ruling Request at 55-59.

Petitioner did not comment.³⁸

DEPARTMENT'S POSITION

The Department examined the language of the *Orders* and the description of the products contained in Bridging China's Scope Ruling Request, as well as previous rulings made by the Department. We find that the description of the products, the scope language, and prior rulings are, together, dispositive as to whether the products at issue are subject merchandise, in accordance with 19 CFR 351.225(k)(1). Accordingly, for this determination, the Department finds it unnecessary to consider the additional factors specified in 19 CFR 351.225(k)(2). For the reasons set forth below, we find that the merchandise at issue, Bridging China's Telescoping Pool Poles, meet the exclusion criteria for "finished merchandise."

The scope of the *Orders* excludes "finished merchandise containing aluminum extrusions *as parts* that are fully and permanently assembled and completed at the time of entry..." (emphasis added). Thus, the scope language describes excluded finished merchandise as "containing aluminum extrusions *as parts*..." Thus, the excluded "finished merchandise" must contain aluminum extrusions "as parts" plus an additional non-extruded aluminum component. Otherwise, this specific language (*i.e.*, "as parts") would be read out of the scope, resulting in the different condition "containing aluminum extrusions that are fully and permanently assembled and completed at the time of entry." Thus, to give effect to this "as parts" language, we find that to qualify for the finished merchandise exclusion the product must contain aluminum extrusions as parts, and must include some non-extruded aluminum component.

We also draw guidance from the "finished goods kit" exclusionary language in the scope. The scope language states: "{ t} he scope also excludes *finished goods* containing aluminum extrusions that are entered unassembled in a '*finished goods kit*.' A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a *final finished good*"³⁹ Thus, we find that the difference between "finished goods" and "finished goods kits," as described in the scope, is that the former is assembled upon entry while the latter is unassembled upon entry. While the scope goes on to say that "{a} n imported product will not be considered a 'finished goods kit' and therefore excluded from the scope of the investigation merely by including fasteners such as screws, bolts, etc. in the packaging with an aluminum extrusion product," we dispute the notion that an unassembled product in kit-form that consists solely of extruded aluminum, save for fasteners, would fall within the scope of the *Orders* while the identical product, entering the United States as an assembled good, would fall outside the scope of the *Orders*. Accordingly, to read the scope to apply in a consistent manner to a given product—whether the product enters assembled as a finished good or unassembled as a finished good kit—we are considering the fasteners language when considering whether a product constitutes a finished good that is excluded from the orders.

Upon examination of information submitted on this proceeding, namely Bridging China's Scope Ruling Request and its Exhibits, we find that, similar to the Unger Telescoping Poles Scope

³⁸ Petitioner is the Aluminum Extrusions Fair Trade Committee.

³⁹ See the *Orders* (emphasis added).

Ruling, Clik-Clik MagPole Scope Ruling, and Ace’s Telescoping Extension Poles Scope Ruling, Bridging China’s Telescoping Pool Poles contain aluminum extrusions “as parts” (*i.e.*, the extruded aluminum pool poles of series 6063 aluminum) plus additional non-extruded aluminum components that are imported as finished products that contain aluminum extrusions as parts that are fully and permanently assembled at the time of importation.

Bridging China’s Telescoping Pool Poles contain aluminum extrusions “as parts” plus additional non-extruded aluminum components that go beyond mere fasteners.⁴⁰ Bridging China’s Telescoping Pool Poles’ non-extruded aluminum components consist of a locking mechanism, handle, and distal end.⁴¹ In prior scope rulings, the Department has found that such components go beyond mere fasteners.⁴² Thus, we find that both families of Bridging China’s Telescoping Pool Poles meet this requirement of the finished merchandise exclusion because both contain non-extruded aluminum components as parts that go beyond mere fasteners.

The finished merchandise exclusion also requires that the product at issue be “fully and permanently assembled and completed at the time of entry.” The information submitted by Bridging China indicates that, similar to the Unger Telescoping Poles Scope Ruling, Clik-Clik MagPole Scope Ruling, and Ace’s Telescoping Extension Poles Scope Ruling, the products at issue are imported as finished products that are fully and permanently assembled at the time of importation. For example, photographs submitted as part of the scope request show that the products are completely assembled when they enter the United States.⁴³ Therefore, we find that the Telescoping Pool Poles meet the requirement in the scope definition that they enter into the United States as fully and permanently assembled and completed products.

Additionally, similar to the products considered in Clik-Clik MagPole, Unger Telescoping Poles, and Ace’s Telescoping Extension Poles, Bridging China’s Telescoping Pool Poles are designed to work with removable/interchangeable attachments. The various products that may be attached to Bridging China’s Telescoping Pool Poles as accessory attachments include various vacuum heads, leaf nets, skimmers and brushes, all of which are used for swimming pool maintenance and cleaning.⁴⁴ Interchangeable accessory attachments, however, are not included with the Bridging China’s Telescoping Pool Poles as a component part thereof and must be purchased separately by an end user for use with the Telescoping Pool Poles.⁴⁵ Consistent with the aforementioned Scope Rulings, the Department finds that it would be unreasonable to require the inclusion at the time of importation of an interchangeable attachment that can change with users’ needs for the Department to consider Bridging China’s Telescoping Pool Poles to be finished merchandise for the purposes of scope exclusion. Consequently, as noted above, we determine that Bridging China’s Telescoping Pool Poles are fully assembled and completed at the time of entry and contain non-extruded aluminum components, and as such, we find that Telescoping Pool Poles to be excluded from the scope of the *Orders* as “finished merchandise.”

⁴⁰ See Scope Ruling Request at 56-57.

⁴¹ *Id.*, at 9-17.

⁴² See, e.g., Unger Telescoping Poles Scope Ruling at 10-11.

⁴³ See Scope Ruling Request at 21-23.

⁴⁴ *Id.*, at 57-58.

⁴⁵ *Id.*

RECOMMENDATION

For the reasons discussed above, and in accordance with 19 CFR 351.225(d) and 19 CFR 351.225(k)(1), we recommend finding that the models within both families of Bridging China's Telescoping Pool Poles are finished merchandise and, thus, not subject to the scope of the *Orders*.

If the recommendation in this memorandum is accepted, we will serve a copy of this determination to all interested parties on the scope service list via first-class mail, as directed by 19 CFR 351.225(d).

Agree Disagree



Christian Marsh
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

12/28/15

Date