



**UNITED STATES DEPARTMENT OF COMMERCE**  
**International Trade Administration**  
Washington, D.C. 20230

A-570-890  
Scope Request  
**Public Document**  
IA/NME/VIII: MSH

DATE: November 14, 2005

MEMORANDUM TO: Stephen J. Claeys  
Deputy Assistant Secretary  
for Import Administration

THROUGH: Wendy J. Frankel *WJF*  
Office Director  
AD/CVD Operations, Office 8

Robert Bolling *RB*  
Program Manager  
AD/CVD Operations, Office 8

FROM: Michael Holton *MH*  
Senior Case Analyst

RE: Antidumping Investigation: Wooden Bedroom Furniture from the  
People's Republic of China

SUBJECT: Final Scope Ruling and Formal Scope Inquiry Initiation: Dorel  
Asia

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**Summary**

On February 15, 2005, the Department of Commerce ("the Department") received a request on behalf of Dorel Asia ("Dorel") for a determination on whether certain infant furniture (*i.e.*, infant (baby) changing tables, toy boxes or chests, infant (baby) armoires, and toddler beds) is covered by the antidumping duty order on wooden bedroom furniture from the People's Republic of China. See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture from the People's Republic of China, 70 FR 329 (January 4, 2005) ("Order"); see also Notice of Final Determination of Sales at Less Than Fair Value in the Investigation of Wooden Bedroom Furniture from the People's Republic of China, 69 FR 67313 (November 17, 2004) ("Final Determination"). On March 9, 2005,



Petitioners<sup>1</sup> submitted comments regarding the scope ruling request. On March 11, 2005, the Department also received a request on behalf of Style Craft Furniture Co., Ltd. ("Style Craft") for a determination on whether toddler beds are covered by the Order. On March 22, 2005, Style Craft submitted comments in support of Petitioners' recommended exclusion language for toddler beds. On March 23, 2005, Birchfield Design Group, Birchfield Design (Asia) Ltd., Dongguan Birchfield Gifts Co. Ltd., and Dongguan Longgreen Birchfield Arts & Craft Co., Ltd. (collectively "Birchfield") submitted comments in response to Dorel's scope ruling request and Petitioners' comments regarding infant (baby) changing tables. On March 24, 2005, Dorel submitted a response to Petitioners' March 9, 2005, comments. On March 28, 2005, the Department received comments on behalf of Toys "R" Us and Babies "R" Us in response to Dorel's scope ruling request and Petitioners' comments on whether certain infant furniture (i.e., infant (baby) changing tables, toy boxes or chests, infant (baby) armoires, and toddler beds) are covered by the Order. On April 4, 2005, the Petitioners submitted a response to Birchfield's March 23, 2005, comments and Dorel's March 24, 2005, comments. On April 4, 2005, Birchfield submitted additional comments on the requested clarification of scope with respect to infant (baby) changing tables.

On the basis of the above-noted requests, comments, review of the petition, review of the initial furniture investigation record, and the determinations by the Department and the International Trade Commission ("ITC"), as provided by 19 CFR 351.225(k)(1), we recommend that the Department find that the infant (baby) armoires and toy boxes or chests are within the scope of the Order. In addition, we have concluded that a formal scope inquiry is warranted with respect to infant (baby) changing tables and toddler beds at issue. As a result, the Department is initiating a formal scope inquiry to address these issues pursuant to 19 CFR 351.225(e).

## **Background**

The Department defined the scope of the investigation in its notice of initiation.<sup>2</sup> During the investigation the scope language was modified to exclude jewelry armoires, cheval mirrors,<sup>3</sup> and

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<sup>1</sup> Petitioners in this case are the American Furniture Manufacturers Committee for Legal Trade and its individual members the Cabinet Makers, Millmen, and Industrial Carpenters Local 721, UBC Southern Council of Industrial Worker's Local Union 2305, United Steel Workers of American Local 193U, Carpenters Industrial Union Local 2093, and Teamsters, Chauffeurs, Warehousemen and Helper Local 991

<sup>2</sup> See Notice of Initiation of Antidumping Duty Investigation: Wooden Bedroom Furniture from the People's Republic of China, 68 FR 70228 (December 17, 2003) ("Initiation Notice").

<sup>3</sup> See Issues and Decision Memorandum Concerning Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom furniture from the People's Republic of China, to Laurie Parkhill, Office Director, from Robert Bolling, Program Manager, dated August 31, 2004. ("Jewelry Armoires and Cheval Mirrors Memorandum").

mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set<sup>4</sup> in the Final Determination and the Order.<sup>5</sup>

For purposes of this investigation, the product covered is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, oriented strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chiffrobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or

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<sup>4</sup> See Memorandum Concerning Mirrors in the Antidumping Duty Investigation of Wooden Bedroom furniture from the People's Republic of China, to Laurie Parkhill, Office Director, from Robert Bolling, Program Manager, dated September 29, 2004 ("Mirrors Memorandum").

<sup>5</sup> See also Memorandum to the File from Laurel LaCivita, Analyst, to Laurie Parkhill, Office Director, Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China: Summary on Comments to the Scope (June 17, 2004); Memorandum to Laurie Parkhill, Office Director, from Erol Yesin, Case Analyst, Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China: Summary on the Scope of the Investigation (November 8, 2004).

hang over the dresser; (5) chests-on-chests,<sup>6</sup> highboys,<sup>7</sup> lowboys,<sup>8</sup> chests of drawers,<sup>9</sup> chests,<sup>10</sup> door chests,<sup>11</sup> chiffoniers,<sup>12</sup> hutches,<sup>13</sup> and armoires;<sup>14</sup> (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the Petition excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately

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<sup>6</sup> A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

<sup>7</sup> A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

<sup>8</sup> A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

<sup>9</sup> A chest of drawers is typically a case containing drawers for storing clothing.

<sup>10</sup> A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

<sup>11</sup> A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

<sup>12</sup> A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

<sup>13</sup> A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

<sup>14</sup> An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;<sup>15</sup> (9) jewelry armories;<sup>16</sup> (10) cheval mirrors<sup>17</sup> and (11) certain metal parts.<sup>18</sup>

Imports of subject merchandise are classified under statistical category 9403.50.9040 of the HTSUS as "wooden...beds" and under statistical category 9403.50.9080 of the HTSUS as "other...wooden furniture of a kind used in the bedroom." In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under statistical category 9403.50.9040 of the HTSUS as "parts of wood" and framed glass mirrors may also be entered under statistical category 7009.92.5000 of the HTSUS as "glass mirrors...framed." This investigation covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive. Order at 332-3.

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<sup>15</sup> As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. See Customs' Headquarters' Ruling Letter 043859, dated May 17, 1976.

<sup>16</sup> Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door lined with felt or felt-like material, with necklace hangers, and a flip-top lid with inset mirror. See Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, Issues and Decision Memorandum Concerning Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China dated August 31, 2004.

<sup>17</sup> Cheval mirrors, *i.e.*, any framed, tiltable mirror with a height in excess of 50 inches that is mounted on a floor-standing, hinged base.

<sup>18</sup> Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified in subheading 9403.90.7000, of the HTSUS.

## Scope Request

### **Summary of Dorel's Infant (baby) Armoires, Toy Boxes or Chests, Infant (baby) Changing Tables, and Toddler Beds Scope Ruling Request**

#### General Comments

- Dorel contends that the scope description of the Order on wooden bedroom furniture is not dispositive with regard to infant furniture.
- Dorel cites the ITC's final determination recognizing that the products covered by the injury investigation are "designed and manufactured for use in the bedroom" and "generally are designed and offered for the sale in coordinated groups and share the same basic design, finish, and construction." Wooden Bedroom Furniture from China, Inv. No. 731-TA-1058, USITC Pub. No. 3748 (Dec. 2004) ("ITC Final Determination") at 6.
- Dorel also claims that the ITC recognized that wooden bedroom furniture suites are typically for adult, youth or hospitality markets. See ITC Final Determination at I-11.
- Additionally, Dorel asserts that the general intent of the petition was to cover adult bedroom furniture because the descriptions in the scope and petition did not identify or provide affirmative scope language that included pieces of infant furniture (e.g., infant (baby) armoires, toy boxes or chests, infant (baby) changing tables, and toddler beds).
- Dorel also asserts that infant furniture should be excluded because the scope specifically excluded infant cribs, the most common kind of infant bedroom furniture.
- Dorel contends that the specialized nature of infant furniture distinguishes it from adult bedroom furniture, which is why it was not intended to be covered by the scope of the Order and should be excluded.
- Dorel concedes that youth bedroom furniture is within the scope of the Order as the ITC recognized. Specifically, however, Dorel contends that the definition of youth is distinct from infant, defining *youth* as an "early period of development or existence," and *infant* as "a child in the earliest period of life, especially before he or she can walk." Dorel argues that this distinction of *youth* and *infant* supports its perception that infant bedroom furniture should be excluded from the scope of the Order. Dorel continues by arguing that infant bedroom furniture can only be sold for infants and youth bedroom furniture is not interchangeable for use with infants.
- Additionally, Dorel argues that Petitioners have not referenced any portion of the record that would indicate that infant bedroom furniture was part of the original petition, and that the Petitioners are not allowed to expand the scope of the Order after the ITC has made its

injury determination.

#### Infant (baby) Armoires

- Dorel states that infant (baby) armoires, currently classifiable under HTS subheading number 9403.50.9080, are designed to hold infant clothes with a hanging area not to exceed 22 inches in depth from front to back and not to exceed 21 inches in height from the hanging bar to the upper shelf. Dorel explains that the typical infant armoire has doors with one or more drawers. According to Dorel, hanging area and depth of the armoire make clear that the hanging cabinet would only hold infant clothing.
- Dorel contends that under a Diversified Products analysis, infant (baby) armoires are outside the scope of the Order. Specifically, Dorel asserts that infant (baby) armoires' physical characteristics differ from wooden bedroom furniture because infant armoires are significantly smaller than the adult armoires and may or may not have shelves or drawers. Dorel contends that purchasers do not perceive infant (baby) armoires to be wooden bedroom furniture because furniture retailers sell infant furniture separately from bedroom furniture, and have separate sections for infant furniture and bedroom furniture. Additionally, Dorel claims that the ultimate use of infant (baby) armoires differs from wooden bedroom furniture because the size specifications are not large enough to hang adult clothes and unlike regular armoires are often not large enough to store a television. Furthermore, Dorel explains that the channels of trade for infant furniture differ from wooden bedroom furniture because, as already explained, they are displayed separately in stores, on websites, and are imported or sold separately from other wooden furniture. Finally, Dorel claims that infant furniture is advertised separately from wooden bedroom furniture and, unlike wooden bedroom furniture, it is not typically sold in suites.

#### Toy Boxes or Chests

- Dorel states that toy boxes or chests, currently classifiable under HTS subheading number 9403.60.8080, are used to store toys, have slow-closing safety hinges, no locking mechanism, and air vents.
- Dorel contends that under a Diversified Products analysis toy boxes or chests are outside the scope of the Order. Dorel also contends that toy boxes or chests physically differ from typical wooden bedroom chests because they have slow-closing safety hinges, no locking mechanism, air vents and are typically smaller than other bedroom chests. Dorel argues that purchasers do not consider toy boxes or chests to be wooden bedroom furniture because furniture retailers sell infant furniture separately from bedroom furniture. Dorel also claims that the ultimate use of toy boxes or chests differ from wooden bedroom furniture because they are typically not used in the bedroom and are contrasted with other storage chests, such as blanket chests, which are intended to be used in the bedroom. Furthermore, Dorel explains that the channels of trade for infant furniture differ from

wooden bedroom furniture because, as already explained, they are displayed separately in stores and on websites, and are imported or sold separately from other wooden furniture. Finally, Dorel claims that infant furniture is advertised separately from wooden bedroom furniture and, unlike wooden bedroom furniture, is not typically sold in suites.

#### Infant (baby) Changing Tables

- Dorel, Birchfield and Toys “R” Us and Babies “R” Us contend that infant (baby) changing tables should be excluded from the scope of the Order. They describe infant (baby) changing tables as tables that generally contain railing around the top portion of the table, may or may not have shelves or drawers under the table, and are used to support an infant while someone changes the infant’s clothes or diapers.

#### Toddler Beds

- Dorel, Style Craft and Toys “R” Us and Babies “R” Us contend that toddler beds should be excluded from the scope of the Order. They describe toddler beds as beds with frames that are designed to fit a crib mattress only.

#### **Summary of Toys “R” Us’ and Babies “R” Us’ Infant (baby) Armoires and Toy Boxes or Chests Scope Comment**

##### Infant (baby) Armoires

- Toys “R” Us and Babies “R” Us contend that unlike adult bedroom armoires, infant (baby) armoires are often used as multipurpose storage pieces and are not designed or marketed specifically for clothing storage in a bedroom setting. Instead, Toys “R” Us and Babies “R” Us argue that infant (baby) armoires are often used in playrooms or elsewhere in the home for storage of toys, infant care products or other non-bedroom items. Additionally, Toys “R” Us and Babies “R” Us contend that the smaller size of an infant (baby) armoire limits its utility as a clothing wardrobe, which permits the piece to be used in other settings that would not be appropriate for a traditional armoire.

##### Toy Boxes or Chests

- Toys “R” Us and Babies “R” Us argue that the name toy box or chest clearly indicates that the item is designed and marketed to store toys. While Toys “R” Us and Babies “R” Us state that it is physically possible for a toy box or chest to store blankets and other bedroom items, they also state that although a toy box or chest may be used to store non-bedroom items (e.g., books, holiday ornaments or old tax returns), none of these potential uses should impact the classification of the product. See, e.g., Riekes Crisa Corp. v. United States, 84 Cust. Ct. 132, 145 C.D. 4852 (1980) (stating that “a fugitive use or mere



susceptibility or capability of use is not controlling as to such chief use”).

## **Summary of the Petitioners’ Scope Comments**

### **Infant (baby) Armoires and Toy Boxes or Chests**

- Petitioners state that although it may seem the scope definition concentrates on adult bedroom furniture, the scope clearly covers youth and infant bedroom furniture. Petitioners add that the express exclusion of infant cribs should not be interpreted as explicitly excluding all infant furniture. Rather the exclusion of infant cribs in the scope is evidence of Petitioners’ intent to only exclude infant cribs and include all other types of infant bedroom furniture.
- Petitioners also state that there are numerous types of wooden bedroom furniture that are not explicitly mentioned in the scope, but are covered by the language that includes “other bedroom furniture consistent with the above list.”
- Petitioners argue that there is no support for Dorel’s assertion that infant furniture is a specialized category that is totally separate from youth bedroom furniture.
- Petitioners contend that a Diversified Products analysis indicates that infant bedroom furniture is covered by the scope of the Order. Specifically, Petitioners argue that the physical characteristics of infant (baby) armoires are indistinguishable from those products designed for adult or youth bedrooms other than their smaller size, and size is insufficient grounds to exclude a product from the scope. Petitioners add that slow-closing safety hinges, no locking mechanisms, and air vents do not distinguish toy chests from other types of chests, whether they are used to store toys, blankets, or other articles. Petitioners argue that purchaser perceptions cannot serve as evidence that infant furniture is excluded from the scope because the same would be true for youth bedroom furniture, which is also clearly included in the scope of the Order. Additionally, Petitioners argue that there are no differences in ultimate use for either infant (baby) armoires and toy boxes or chests. Petitioners contend that infant bedroom furniture and other types furniture are not sold through different channels of trade because like other wooden bedroom furniture, infant furniture is also sold in department stores, retail furniture stores, catalogs, and “big box” retailers. Finally, Petitioners state that youth bedroom furniture, including infant furniture, and adult bedroom furniture are all advertised and displayed in a similar manner.

## **Legal Framework**

The Department examines scope requests in accordance with 19 CFR 351.225. On matters concerning the scope of an antidumping duty order, the Department first examines the description of the merchandise contained in the petition, the initial investigation, the determinations of the Secretary (including prior scope determinations) and the ITC. 19 CFR 351.225(k)(1). This determination may take place with or without a formal inquiry. If the Department determines that these descriptions are dispositive of the matter, the Department will issue a final scope ruling as to whether or not the subject merchandise is covered by an order, pursuant to 19 CFR 351.225(d).

Conversely, where the descriptions of the merchandise are *not* dispositive, the Department will consider the five additional factors set forth at 19 CFR 351.225(k)(2). These criteria 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 inquiry is made on a case-by-case basis after consideration of all evidence before the Department.

### **Analysis: Infant (baby) Armoires and Toy Boxes or Chests**

#### **General**

For this case, the Department evaluated Dorel's request and the Toys "R" Us and Babies "R" Us comments in accordance with 19 CFR 351.225(k)(1) and finds that the descriptions of the product contained in the petition, the initial investigation, the determinations by the Secretary (including prior scope determinations) and the ITC are, in fact, dispositive with respect to infant (baby) armoires and toy boxes or chests. Therefore, with respect to these two products, the Department finds it unnecessary to consider the additional factors in 19 CFR 351.225(k)(2).

Although the infant (baby) armoires and toy boxes or chests are designed for infant or youth use, the Department does not find that an "infant" classification or description is grounds for the exclusion of these items from the scope of the Order. Further, the exclusion of infant cribs is not indicative that all infant wooden bedroom furniture was intended to be excluded from the scope. Rather the exclusion of "infant" cribs in the scope is evidence only of the intent to exclude infant cribs and does not on its own provide any indication regarding the inclusion or exclusion of other types of infant bedroom furniture. However, the specificity of the language excluding infant cribs from the Order, along with the inclusion of scope language that "other bedroom furniture consistent with the above list" are within the scope of the Order, indicates that all other types of infant wooden bedroom furniture that are consistent with the descriptions in the scope language are included within the Order, as long as they are not specifically excluded. Our analysis is broken out by product type below.

### Infant (baby) Armoires

The scope language identifies a typical “armoire” as “a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.” Dorel’s own description of the infant (baby) armoire as a piece with doors, and one or more drawers with a hanging area and a hanging bar is consistent with the scope language.

Each infant (baby) armoire example provided by Dorel is a tall cabinet or wardrobe (typically 50 inches or taller) with doors, and one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus used for storing clothes. Dorel’s argument that infant (baby) armoires are designed to hold only infant clothes is not persuasive. The scope language makes no reference to whether the subject merchandise is designed for storing infant, youth, or adult clothes and thus does not distinguish armoires by clothing size. Additionally, the scope language provides that any bedroom armoire that is “made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, oriented strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished,” is within the scope of the Order.

Toys “R” Us and Babies “R” Us contend that infant (baby) armoires are distinguishable from adult armoires because they are often used as multipurpose storage pieces and may be used in other areas of the home. They do not, however, explain how Dorel’s description of infant (baby) armoires does not meet the description of merchandise within the scope of the order, and they acknowledge that use is not a controlling factor for determining whether a particular item is included within the scope. In this case, the scope language does not exclude wooden bedroom furniture that may be used in other areas of the home. The scope language includes furniture that is “generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish.” See Order at 332. Therefore, whether an infant (baby) armoire is used in other the areas of the home is irrelevant because the infant (baby) armoire meets the description of an armoire included in the scope of the Order.

### Toy Box or Chest

The scope language identifies a typical “chest” as a piece that “can either include drawers or be designed as a large box incorporating a lid.” Dorel argues that toy boxes or chests are distinct from other bedroom boxes or chests incorporating a lid because toy boxes and chests are used to store toys, have slow-closing safety hinges, no locking mechanism, and air vents. The scope

language, however, clearly states that wooden bedroom “chests” or “box(es) incorporating a lid” are within the scope of the Order, regardless of the proposed contents and design of the chests or boxes. The scope of the Order makes no reference requiring that boxes or chests be used for any particular or defined purpose. Nor does the scope of the Order provide exclusionary language for toy boxes or chests or any other wooden bedroom furniture that may be fitted with slow-closing safety hinges, special locking mechanisms, or air vents. Additionally, the scope language provides that any bedroom chest that is “made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, oriented strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished,” is within the scope of the Order. Therefore, Dorel’s wooden toy boxes or chests clearly meet the description of merchandise covered by the Order.

### **Analysis: Infant (baby) Changing Tables and Toddler Beds**

The Department also evaluated Dorel’s request and Petitioners’, Toys “R” Us’ and Babies “R” Us’, Birchfield’s, and Style Craft’s comments in accordance with 19 CFR 351.225(k)(1) and finds that the descriptions of the product contained in the petition, the initial investigation, the determinations by the Secretary (including prior scope determinations) and the ITC are not dispositive with respect to infant (baby) changing tables and toddler beds. Therefore, we recommend initiating a formal scope inquiry to address infant (baby) changing tables and toddler beds pursuant to 19 CFR 351.225(e) and have not summarized the comments herein.

The Department has reviewed the comments with respect to infant (baby) changing tables and toddler beds from numerous interested parties. The comments suggest that infant (baby) changing tables and toddler beds are similar to other covered or excluded merchandise in the Order. Unlike infant (baby) armoires and toy boxes or chests, however, the scope descriptions of the merchandise contained within the petition, the initial investigation and Order, and the determinations by the Department and the ITC, as provided by 19 CFR 351.225(k)(1), are not dispositive with regard to infant (baby) changing tables and toddler beds. Therefore, we are unable to conclude based solely on the current descriptions whether these items are subject to the Order.

### **Recommendation**

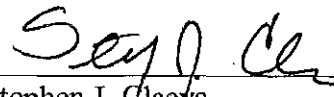
Because the criteria under 19 CFR 351.225(k)(1) are dispositive with regard to infant (baby) armoires and toy boxes or chests the, Department determines that it is unnecessary to consider the five additional factors set forth at 19 CFR 351.225(k)(2).

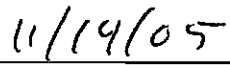
Based upon the above analysis, we recommend the Department find that infant (baby) armoires and toy boxes and chests are within the scope of the Order. Additionally, we recommend that the

Department initiate a formal scope inquiry to obtain further information with respect to infant (baby) changing tables and toddler beds at issue. If you agree, we will issue a letter to the interested parties of this proceeding requesting additional comments regarding infant (baby) changing tables and toddler beds.

  
\_\_\_\_\_  
Agree

\_\_\_\_\_  
Disagree

  
\_\_\_\_\_  
Stephen J. Claeys  
Deputy Assistant Secretary  
for Import Administration

  
\_\_\_\_\_  
Date