



A-570-851
POR: 02/01/2015-01/31/2016
Public Document
AD/CVDVI: MJH

June 26, 2017

MEMORANDUM TO: Ronald K. Lorentzen
Acting Assistant Secretary
for Enforcement and Compliance

FROM: Gary Taverman
Deputy Assistant Secretary
Antidumping and Countervailing Duty Operations

SUBJECT: Certain Preserved Mushrooms from the People's Republic of
China: Issues and Decision Memorandum for Final Results of
Administrative Review

SUMMARY

On April 7, 2016, the Department of Commerce (the Department) published its notice of initiation of an administrative review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China.¹ The Department published the preliminary results of review on March 6, 2017,² and has now analyzed comments submitted by Dezhou Kaihang Agricultural Science Technology Co., Ltd. (Dezhou Kaihang) regarding the *Preliminary Results*. The period of review (POR) is February 1, 2015, through January 1, 2016. Based on our analysis of the comments received, the final results are unchanged from the *Preliminary Results*. We recommend that you approve the positions described in the "Discussion of the Issues" section of this memorandum. Below is a complete list of the issues about which we received comments from the interested parties:

Comment: Whether the Department Should Reaffirm the *Preliminary Results* With Respect to Dezhou Kaihang

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 20324 (April 7, 2016).

² See *Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015-2016*, 82 FR 12564 (March 6, 2017) (*Preliminary Results*).

BACKGROUND

On March 6, 2017, the Department published the *Preliminary Results* in the *Federal Register*.³ On April 5, 2017, the Department received a letter in lieu of a case brief from Dezhou Kaihang Agricultural Science Technology Co., Ltd. (Dezhou Kaihang).⁴ No other parties submitted case briefs or rebuttal briefs.

SCOPE OF THE ORDER

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. “Certain Preserved Mushrooms” refers to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are “brined” mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.⁵

Excluded from the scope of this order are the following: (1) all other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including “refrigerated” or “quick blanched mushrooms;” (3) dried mushrooms; (4) frozen mushrooms; and (5) “marinated,” “acidified,” or “pickled” mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.

³ See *Preliminary Results*.

⁴ See letter from Dezhou Kaihang to Secretary of Commerce “Dezhou Kaihang Agricultural Science Technology Co.’s Letter Brief in the Administrative Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People’s Republic of China” dated April 5, 2017.

⁵ On June 19, 2000, the Department affirmed that “marinated,” “acidified,” or “pickled” mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See Recommendation Memorandum-Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People’s Republic of China,” dated June 19, 2000. On February 9, 2005, the United States Court of Appeals for the Federal Circuit upheld this decision. See *Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).

