



A-570-891
Sunset Review
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October 19, 2020

MEMORANDUM TO: Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

FROM: James Maeder
Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations

SUBJECT: Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order on Hand Trucks and Certain Parts Thereof from the People's Republic of China

I. Summary

The Department of Commerce (Commerce) analyzed the substantive response submitted by Gleason Industrial Products, Inc. and Precision Products, Inc. (collectively, the petitioners) in the third sunset review of the antidumping duty order¹ on hand trucks and certain parts thereof (hand trucks) from the People's Republic of China (China).² No other interested party submitted a substantive response. Accordingly, we conducted an expedited (120-day) sunset review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(e)(1)(ii)(C)(2). We recommend that you approve the positions described in the "Discussion of Issues" section of this memorandum. Below is the complete list of the issues in the sunset review for which we have received a substantive response:

1. Likelihood of continuation or recurrence of dumping
2. Magnitude of the margin of dumping likely to prevail

¹ See *Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof from the People's Republic of China*, 69 FR 70122 (December 2, 2004) (*Order*).

² See Petitioners' Letter, "Hand Trucks and Certain Parts Thereof from the People's Republic of China: Substantive Response of Gleason Industrial Products, Inc. and Precision Products, Inc. to the Notice of Initiation of the Third Five-Year (Sunset) Review of the Antidumping Order," dated July 23, 2020 (Substantive Response).

II. Background

On July 1, 2020, Commerce initiated the third sunset review of the *Order*, pursuant to section 751(c)(2) of the Act.³ On July 7, 2020, the petitioners timely notified Commerce (pursuant to 19 CFR 351.218(d)(1)(i)) that they intended to participate in the sunset review, and claimed domestic interested party status under section 771(9)(C) of the Act, as domestic manufacturers of hand trucks.⁴ Commerce received a complete substantive response filed by the petitioners on July 23, 2020,⁵ within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from any respondent interested parties, nor was a hearing requested. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited, *i.e.*, 120-day, sunset review of the *Order*. The deadline for the final results of this review is October 29, 2020.

III. Scope of the Order

The merchandise subject to this *Order* consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof.

A complete or fully assembled hand truck is a hand-propelled barrow consisting of a vertically disposed frame having a handle or more than one handle at or near the upper section of the vertical frame; at least two wheels at or near the lower section of the vertical frame; and a horizontal projecting edge or edges, or toe plate, perpendicular or angled to the vertical frame, at or near the lower section of the vertical frame. The projecting edge or edges, or toe plate, slides under a load for purposes of lifting and/or moving the load.

That the vertical frame can be converted from a vertical setting to a horizontal setting, then operated in that horizontal setting as a platform, is not a basis for exclusion of the hand truck from the scope of this order. That the vertical frame, handling area, wheels, projecting edges or other parts of the hand truck can be collapsed or folded is not a basis for exclusion of the hand truck from the scope of the order. That other wheels may be connected to the vertical frame, handling area, projecting edges, or other parts of the hand truck, in addition to the two or more wheels located at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the order. Finally, that the hand truck may exhibit physical characteristics in addition to the vertical frame, the handling area, the projecting edges or toe plate, and the two wheels at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the order.

Examples of names commonly used to reference hand trucks are hand truck, convertible hand truck, appliance hand truck, cylinder hand truck, bag truck, dolly, or hand trolley. They are

³ See *Initiation of Five-Year (“Sunset”) Review*, 85 FR 39526 (July 1, 2020) (*Sunset Initiation*).

⁴ See Petitioners’ Letter, “Hand Trucks and Certain Parts Thereof from the People’s Republic of China; A-570-981: Notice of Intent to Participate in the Third Five-Year (Sunset) Review of the Antidumping Order,” dated July 7, 2020.

⁵ See Substantive Response.

typically imported under heading 8716.80.5010 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.5090. Specific parts of a hand truck, namely the vertical frame, the handling area and the projecting edges or toe plate, or any combination thereof, are typically imported under heading 8716.90.5060 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, Commerce's written description of the scope is dispositive.

Excluded from the scope are small two-wheel or four-wheel utility carts specifically designed for carrying loads like personal bags or luggage in which the frame is made from telescoping tubular material measuring less than 5/8 inch in diameter; hand trucks that use motorized operations either to move the hand truck from one location to the next or to assist in the lifting of items placed on the hand truck; vertical carriers designed specifically to transport golf bags; and wheels and tires used in the manufacture of hand trucks.

Excluded from the scope is a multifunction cart that combines, among others, the capabilities of a wheelbarrow and dolly. The product comprises a steel frame that can be converted from vertical to horizontal functionality, two wheels toward the lower end of the frame and two removable handles near the top. In addition to a foldable projection edge in its extended position, it includes a permanently attached steel tub or barrow. This product is currently available under proprietary trade names such as the "Aerocart."

IV. History of the Order

On December 2, 2004, Commerce published in the *Federal Register* the antidumping duty order on hand trucks from China.⁶ For the three mandatory respondents (Qingdao Huatian Hand Truck Co.; Ltd, Qingdao Taifa Group Co., Ltd.; and True Potential Co., Ltd.) subject to individual examination, Commerce calculated weighted-average dumping margins ranging from 33.68 percent to 46.48 percent.⁷ For Qingdao Future Tool Inc. and Shandong Machinery Import & Export Group, which established their eligibility for a separate rate, Commerce assigned a rate of 32.76 percent.⁸ For the China-wide entity, Commerce assigned a rate of 383.60, which was based on adverse facts available.⁹

On June 30, 2015, Commerce completed the second expedited sunset review of the *Hand Trucks Orders*.¹⁰ Based on affirmative findings by Commerce and the ITC, on July 10, 2015, Commerce continued this order.¹¹

⁶ See AD Order.

⁷ See Amended Final Determination of Sales at Less Than Fair Value: *Hand Trucks and Certain Parts Thereof from the People's Republic of China*, 69 FR 65410 (November 12, 2004) (*Amended Final Determination*); see also Notice of Final Determination of Sales at Less Than Fair Value: *Hand Trucks and Certain Parts Thereof from the People's Republic of China*, 69 FR 60980 (October 14, 2004) (*Final LTFV*).

⁸ *Id.*

⁹ *Id.*

¹⁰ See *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 80 FR 39748 (July 10, 2015).

¹¹ See *Hand Trucks and Certain Parts Thereof: Continuation of Antidumping Duty Order*, 80 FR 50266 (August 19, 2015) (*Second Continuation of the Antidumping Duty Order*).

Since the second sunset review of the order, Commerce has conducted no administrative reviews with respect to hand trucks from China. Commerce issued amended final results pursuant to settlement in the 2009-10 and 2010-11 administrative reviews of the order.¹² There have been no related findings (*e.g.*, changed circumstances reviews, scope rulings, or duty absorption reviews) since the publication of the antidumping order. The order remains in effect for all manufacturers, producers, and exporters of the subject merchandise.

There have been no duty absorption findings regarding this antidumping duty order. Since the publication of the *First Continuation of the Antidumping Duty Order* on April 28, 2010, Commerce has conducted numerous scope inquiries related to the *Order*.¹³

V. **Legal Framework**

In accordance with section 751(c)(1) of the Act, Commerce is conducting this sunset review to determine whether revocation of the *Order* would likely lead to continuation or recurrence of dumping. Sections 751(c)(1)(A) and (B) of the Act provide that, in making this determination, Commerce shall consider both the weighted-average dumping margins determined in the investigation and in subsequent reviews, and the volume of imports of subject merchandise for the period before, and the period after, the issuance of the *Order*.

In accordance with the guidance provided in the legislative history accompanying the Uruguay Round Agreements Act (URAA), specifically the Statement of Administrative Action, H.R. Doc. 103-316, vol. 1 (1994) (SAA), the House Report, H. Rep. No. 103-826, pt. 1 (1994) (House Report), and the Senate Report, S. Report No. 103-412 (1994) (Senate Report), Commerce's determinations of likelihood will be made on an order-wide, rather than a company-specific basis.¹⁴ In addition, Commerce normally determines that revocation of an AD order is likely to lead to continuation or recurrence of dumping when: (a) dumping continued at any level above *de minimis* after issuance of the order; (b) imports of the subject merchandise ceased after issuance of the order; or (c) dumping was eliminated after the issuance of the order and import volumes for the subject merchandise declined significantly.¹⁵

In addition, as a base period for import volumes comparison, it is Commerce's practice to use a one-year period immediately preceding the initiation of the investigation, rather than the level of pre-order import volumes, as the initiation of an investigation may dampen import volumes, and, thus, skew comparison.¹⁶ When analyzing import volumes for second and subsequent sunset

¹² See *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement*, 80 FR 34369 (June 16, 2015) (*Amended Final Results 2009-2010 AR*); see also *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement; 2010-2011*, 80 FR 34371 (June 16, 2015).

¹³ A listing of scope decisions made regarding the Antidumping Duty Order on Hand Trucks and Certain Parts Thereof from the People's Republic of China can be found at the following website: <https://legacy.trade.gov/enforcement/operations/scope/country/china/products/prc-hand-trucks-ad.asp>. The scope rulings in which the petitioners participated are listed in Petitioners' Substantive Response at Appendix A.

¹⁴ See SAA at 879; see also House Report at 56.

¹⁵ See SAA at 889-90; see also House Report at 63-64; and Senate Report at 52.

¹⁶ See, *e.g.*, *Stainless Steel Bar from Germany; Final Results of the Sunset Review of Antidumping Duty Order*, 72

reviews, Commerce's practice is to compare import volumes during the years preceding initiation of the underlying investigation to import volumes since the issuance of the last continuation notice.¹⁷

Further, section 752(c)(3) of the Act states that Commerce shall provide the International Trade Commission (ITC) the magnitude of the margin of dumping likely to prevail if the *Order* were revoked. Generally, Commerce selects the margins from the final determination in the original investigation as the margins of dumping likely to prevail if the *Order* were revoked, as these margins are the only calculated rates that reflect the behavior of exporters without discipline of an order in place.¹⁸ However, in certain circumstances, a more recently calculated rate may be appropriate (*e.g.*, "if dumping margins have declined over the life of an order and imports have remained steady or increased, {Commerce} may conclude that exporters are likely to continue dumping at lower rates found in a more recent review.").¹⁹

In February 2012, Commerce announced it was modifying its practice in sunset reviews such that it will not rely on weighted-average dumping margins that were calculated using the methodology found to be World Trade Organization (WTO)-inconsistent.²⁰ In the *Final Modification for Reviews*, Commerce stated that "only in the most extraordinary circumstances" would it rely on margins other than those calculated and published in prior determinations.²¹ Commerce further stated that apart from the "most extraordinary circumstances," it would "limit its reliance to margins determined or applied during the five-year sunset that were not determined in a manner found to be WTO-inconsistent" and that it "may also rely on past dumping margins that were not affected by the WTO-inconsistent methodology, such as dumping margins recalculated pursuant to Section 129 proceedings, dumping margins determined based on the use of total adverse facts available, and dumping margins where no offsets were denied because all comparison results were positive."²²

Below we address the petitioners' comments.

FR 56985 (October 5, 2007) (*Stainless Steel Bar*), and accompanying Issue and Decision Memorandum (IDM) at Comment 1.

¹⁷ See *Ferrovanadium from the People's Republic of China and the Republic of South Africa: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders*, 79 FR 14216 (March 13, 2014), and accompanying Issues and Decision Memorandum at "Legal Framework."

¹⁸ See SAA at 890; see also *Persulfates from the People's Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

¹⁹ See SAA at 890-891.

²⁰ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Anti-dumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

²¹ *Id.*

²² *Id.*

VI. Discussion of the Issues

1. Likelihood of Continuation or Recurrence of Dumping

Petitioners' Argument

- Commerce should conclude that revocation of this order would be likely to lead to a continuation or recurrence of dumping because respondents have continued to dump notwithstanding the *Order*.²³
- The Chinese hand truck manufacturers have continued to dump through nine administrative reviews and cannot maintain a presence in the U.S. market without continuing to dump.²⁴
- The fact that New-Tec received a *de minimis* margin in administrative reviews since the first sunset review does not detract from the fact that dumping has continued above *de minimis* levels since the publication of the first sunset review.²⁵
- The dramatic decline in the volume of hand trucks imported from China establishes that manufacturers in China “need { } to dump to sell at pre-Order volumes.”²⁶
- The margins for the China manufacturers have been notably high, ranging from 41.49 percent²⁷ to 383.60 percent.²⁸

Commerce's Position: As explained in the “Legal Framework” section above, when determining whether revocation of the *Order* would be likely to lead to continuation or recurrence of dumping, sections 752(c)(1)(A) and (B) of the Act instruct Commerce to consider: (1) the weighted-average dumping margins determined in the investigation and subsequent reviews; and (2) the volume of imports of the subject merchandise for the period before and after the issuance of the *Order*. According to the SAA, existence of dumping margins after the *Order* “is highly probative of the likelihood of continuation or recurrence of dumping. If companies continue to dump with the discipline of an *Order* in place, it is reasonable to assume that dumping would continue if the discipline were removed. If imports cease after the order is issued, it is reasonable to assume that the exporters could not sell in the United States without dumping and that, to reenter the U.S. market, they would have to resume dumping.”²⁹ According to the SAA and the House Report, “declining import volumes accompanied by the continued existence of dumping margins after the issuance of an order may provide a strong

²³ See Petitioners' Substantive Response at 8.

²⁴ *Id.*

²⁵ *Id.* at 10.

²⁶ *Id.* at 13 (citing the SAA at 890).

²⁷ See *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review* 77 FR 41744 (July 16, 2012) (2009-2010 AR Final); see also *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement* 80 FR 34369 (June 16, 2015) (Amended 2009-2010 AR Final). In the Amended 2009-2010 AR Final, Commerce entered into a settlement agreement where it amended the final margin to 20.89 percent.

²⁸ See *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Administrative Review and Final Results of New Shipper Review*, 72 FR 27281 (May 15, 2007).

²⁹ See SAA at 890.

indication that, absent an order, dumping would be likely to continue, because the evidence would indicate that the exporter needs to dump to sell at pre-*Order* volumes.”³⁰

Pursuant to section 752(c)(1)(A) of the Act, Commerce first considered the weighted-average dumping margins determined in the investigation and subsequent reviews. In the *Amended Final Determination*, Commerce calculated weighted-average dumping margins ranging from 33.68 percent to 46.48 percent for the three mandatory respondents (Qingdao Huatian Hand Truck Co., Ltd, Qingdao Taifa Group Co., Ltd., and True Potential Co., Ltd.) and assigned a separate rate of 32.76 percent to Qingdao Future Tool Inc. and Shandong Machinery Import & Export Group.³¹

Further, Commerce found that the China-wide entity failed to cooperate to the best of its ability and, as adverse facts available, assigned it a rate of 383.60.³² We note that the zeroing methodology was used in the investigation and offsets were denied for all of the mandatory respondents because not all comparison results were positive for these companies. As a result, the separate rate of 32.76 percent to Qingdao Future Tool Inc. and Shandong Machinery Import & Export Group is also affected by zeroing. However, the China-wide entity rate did not include zeroing because it was based on the dumping margin from the petition. Thus, we find that the China-wide entity rate is consistent with the *Final Modification for Reviews*.³³

In addition, pursuant to section 752(c)(1)(B) of the Act, Commerce also considers the volume of imports of subject merchandise in determining whether revocation of the *Order* would likely lead to the continuation or recurrence of dumping. As noted above, when analyzing import volumes for second and subsequent sunset reviews, Commerce’s practice is to compare import volumes during the year preceding initiation of the underlying investigation to import volumes since the last continuation notice. The last continuation notice for this sunset review was issued in August 2015.³⁴ Therefore, for this sunset review we examined import volumes for 2003, as compared to import volumes during the current sunset review period (*i.e.*, 2015-2019).³⁵

We note the import data referenced in Petitioners’ Substantive Response, which reflects the quantity of imports of hand trucks from China for the period from 2003 through 2019 are based on import data collected by the U.S. Census Bureau and available through the ITC website (ITC Dataweb).³⁶ These data are acceptable for our analysis, as they were obtained from the ITC Dataweb, a source Commerce has relied on in the past.³⁷ We further note that import volumes after the imposition of the *Order* were significantly below the volume of imports in 2003, the year before the *Order* was published.³⁸

³⁰ *Id.* at 889; *see also* House Report at 63; and Senate Report at 52.

³¹ *See Amended Final Determination* at 65411.

³² *Id.*

³³ *See Final Modification for Reviews*.

³⁴ *See Second Continuation of the Antidumping Duty Order*.

³⁵ *See* Petitioner’s Substantive Response at 13.

³⁶ *Id.*

³⁷ *See, e.g., Circular Welded Carbon-Quality Steel Line Pipe from the People’s Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 79 FR 19052 (April 7, 2014), and accompanying IDM at 5.

³⁸ *See* Petitioner’s Substantive Response at 13.

Prior to the issuance of the *Order* in 2004, import volumes of hand trucks from China classified under Harmonized Tariff Schedule (HTS) 8716.80.5010, the HTS number used by the Commission in the investigation, were at 1,346,000 units in 2003. Since the issuance of the *AD Order*, import volumes of hand trucks from China have decreased and remain significantly below pre-investigation levels.³⁹ Specifically, the average annual import volume over the span of the *Order* has been 678,000 units, roughly half of the volume of imports in the pre-order year of 2003.⁴⁰ For the most recent five-year period, for imports classified under HTS 8716.80.5010, the average annual import volume for hand trucks from China was 273,400 units.⁴¹ The hand truck imports from China were 288,000 units in 2015; 445,000 units in 2016; 178,000 units in 2017; 236,000 units in 2018, and 220,000 units in 2019, accounting for a decrease of 23.6 percent from 2015 to 2019.⁴² Thus, record evidence shows that the imports of hand trucks are significantly lower in the last five years when compared to import volumes prior to the *Order*.

Hence, the combination of above *de minimis* margins and consistently low import volumes reasonably indicates that dumping is likely to continue or recur as the exporters likely need to dump to sell at pre-*Order* volumes. Therefore, pursuant to section 752(c)(1) of the Act, Commerce determines that revocation of the *Order* is likely to lead to continuation or recurrence of dumping because the record indicates that dumping has continued at levels above *de minimis* during period of investigation and in subsequent reviews, along with decreasing import volumes.

2. Magnitude of the Margin of Dumping Likely to Prevail

Petitioners' Argument

- Commerce should report to the ITC the individual company dumping margins that were determined in the original investigation and new shipper reviews, as well as the China-wide rate from the original investigation, as the magnitude of the margins of dumping likely to prevail if the findings were revoked.⁴³
- Furthermore, New-Tec Integration (Xiamen) Co., Ltd. was not a party to the original investigation but was found to have a dumping margin of 41.49 percent in the Sixth Administrative Review, which is a rate that should also be reported to the ITC.⁴⁴
- Commerce should not provide to the ITC the corresponding individual company rates for Shandong Machinery Import & Export Group Corp., Qingdao Future Tool Inc., and Qingdao Taifa Group Co., Ltd., from the original investigation because Commerce found these companies to be a part of the China-wide entity in subsequent administrative reviews.⁴⁵ Instead, Commerce should report to the ITC the China-wide rate of 383.60 percent with respect to Shandong Machinery Import & Export Group Corp., Qingdao

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ See Petitioner's Substantive Response at 14.

⁴⁴ *Id.* (citing the 2009-2010 AR Final).

⁴⁵ See *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Administrative Review and Final Results of New Shipper Review*, 72 FR at 27289 (May 15, 2007) (regarding Qingdao Future Tool and Shandong Machinery); see also *Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of 2005-2006 Administrative Review*, 73 FR at 43686-87 (July 28, 2008) (regarding Qingdao Taifa).

Commerce's Position:

Section 752(c)(3) of the Act provides that Commerce shall provide to the ITC the magnitude of the margin likely to prevail if the *Order* were revoked. Normally, Commerce will select a margin from the final determination in the investigation because that is the only calculated rate that reflects the behavior of exporters without the discipline of an order or suspension agreement in place.⁴⁷ Under certain circumstances, however, Commerce may select a more recent rate to report to the ITC. For companies not investigated individually, or for companies that did not begin shipping until after the Order was issued, Commerce will normally provide a rate based on the "All-Others" rate from the investigation.⁴⁸ However, for China, which Commerce considers to be a non-market economy under section 771(18)(A) of the Act, Commerce does not have an "All-Others" rate. Thus, in non-market economy cases, instead of an "All-Others" rate, Commerce uses an established country-wide rate, which it applies to all imports from exporters that have not established their eligibility for a separate rate.⁴⁹ Finally, as explained above, in accordance with the *Final Modification for Reviews*, Commerce will not rely on weighted-average dumping margins that were calculated using the zeroing methodology.⁵⁰ Instead, we may rely on other rates that may be available, or we may recalculate weighted-average dumping margins using our current offsetting methodology in extraordinary circumstances.⁵¹

As indicated in the "Legal Framework" section, Commerce's current practice is not to rely on weighted-average dumping margins calculated using the zeroing methodology, consistent with the *Final Modification for Reviews*. For this reason, we disagree with the petitioners that it would be appropriate to use the rates determined in the LTFV investigation for Qingdao Huatian Hand Truck Co., Ltd. and True Potential Co. as the basis of our analysis because those rates were calculated without offsets. Given that fact, those calculations are not consistent with the *Final Modification for Reviews*, where Commerce announced that it will not rely on weighted-average dumping margins that were calculated based on the zeroing methodology.⁵² Furthermore, we disagree with the petitioners that we should use the rate calculated for New-Tec in the sixth administrative review. As indicated above, we normally rely on a margin determined in the LTFV investigation, *i.e.*, the country-wide rate of 383.60 percent,⁵³ and we are doing so in this expedited sunset review.

⁴⁶ See Petitioner's Substantive Response at 15.

⁴⁷ See SAA at 890; *see also, e.g., Persulfates from the People's Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order*, 73 FR 11868 (March 5, 2008), and accompanying Issues and Decision Memorandum at Comment 2.

⁴⁸ See *Certain Hot-Rolled Carbon Steel Flat Products from Argentina, the People's Republic of China, India, Indonesia, Kazakhstan, Romania, South Africa, Taiwan, Thailand, and Ukraine; Final Results of Expedited Sunset Reviews of the Antidumping Duty Orders*, 71 FR 70506 (December 5, 2006), and accompanying IDM at Comment 2.

⁴⁹ See *Bristol Metals L.P. v. United States*, 703 F. Supp. 2d 1370, 1378 (CIT 2010) (citation omitted); *see also Amanda Foods (Vietnam) Ltd. v. United States*, 647 F. Supp. 2d 1368, 1379 (CIT 2009) (citation omitted).

⁵⁰ See *Final Modification for Reviews*, 77 FR 8103.

⁵¹ *Id.*

⁵² See *Final Modification for Reviews*.

⁵³ See SAA at 890.

Because dumping continued following the issuance of the *Order* and given the absence of argument and evidence to the contrary, Commerce finds that the margins calculated in the original investigation are probative of the behavior of producers and exporters of subject merchandise from China if this *Order* were revoked. The China-wide rate in the *Amended Final Determination* was based on a dumping margin from the petition and, therefore, did not include zeroing. Commerce determines that the rate assigned to the China-wide entity is an available rate that we may report to the ITC consistent with the *Final Modification for Reviews*.

VII. Final Results of Review

We determine that revocation of the *Order* on hand trucks from China would likely lead to continuation or recurrence of dumping and that the magnitude of the dumping margins likely to prevail would be weighted-average margins up to 383.60 percent.⁵⁴

VIII. Recommendation

Based on our analysis of the petitioners' substantive response and the record evidence, we recommend adopting the above positions. If these recommendations are accepted, we will publish the final results of this expedited sunset review in the *Federal Register* and notify the ITC of our determination.⁵⁵

Agree

Disagree

10/29/2020

X



Signed by: JEFFREY KESSLER

Jeffrey I. Kessler
Assistant Secretary
for Enforcement and Compliance

⁵⁴ See *AD Order*, 69 FR 70123.

⁵⁵ See *Amended Final Determination*, 69 FR 65410.