

household; storage lockers, other than exchange lockers), while locker parts and components are classifiable under HTS subheading 9403.90.8041 (parts of other furniture of metal). See Exhibit GEN-4. Prior to July 1, 2019, metal lockers were classified under HTSUS statistical subheading 9403.20.0080 (metal furniture other than household; other). Id. These statistical subheadings cover all in-scope metal lockers and parts. As noted above, however, the USTR recently granted an exclusion request for metal lockers that incorrectly identified HTS subheading 9403.20.0050 as the appropriate tariff category for metal lockers, instead of 9403.20.0078 (or 9403.20.0080 prior to July 1, 2019).⁸ As a result, it is likely that imports of metal lockers are being misclassified under HTS subheading 9403.20.0050 and may be misclassified under other tariff numbers as well.

Prior to July 2019, imports were reported as values, not quantities. As a result, it is necessary to estimate the volume and value of subject imports for the period of investigation. While import volumes are available in the official import statistics for the period after July 2019, Petitioners believe the reported volumes are significantly understated due to likely tariff misclassifications. As a result, Petitioners have derived an estimate for the import volumes for the entire period of investigation. See Exhibit GEN-5.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this petition is dispositive.

G. Requested Scope of Investigation

The following language describes the scope of the imported merchandise that Petitioners intend to cover in this investigation:

⁸ See USTR's Feb. 5, 2020 Section 301 Exclusion Notice, 85 Fed. Reg. at 6684-6685.

The scope of this investigation covers certain metal lockers, with or without doors, and parts thereof (“certain metal lockers”). The subject certain metal lockers are metal storage devices less than 27 inches wide and less than 27 inches deep, whether floor standing, installed onto a base or wall-mounted. In a multiple locker assembly (whether a welded locker unit, otherwise assembled locker unit or knocked down unit or kit), the width measurement shall be based on the width of an individual locker not the overall unit dimensions. The subject certain metal lockers typically include the bodies (back, side, shelf, top and bottom panels), door frames with or without doors which can be integrated into the sides or made separately, and doors. The subject metal lockers typically are made of flat-rolled metal, metal mesh and/or expanded metal, which includes but is not limited to alloy or non-alloy steel (whether or not galvanized or otherwise metallurgically coated for corrosion resistance), stainless steel, or aluminum, but the doors may also include transparent polycarbonate, Plexiglas or similar transparent material or any combination thereof. The doors are configured with or for a handle or other device that permit the use of a mechanical or electronic lock or locking mechanism, including, but not limited to: a combination lock, a padlock, a key lock, lever or knob lock, and a wireless lock. The doors or body panels may also include vents (including wire mesh or expanded metal mesh vents) or perforations. The bodies, body components and doors are typically powder coated, otherwise painted or epoxy coated or may be unpainted. The subject merchandise includes metal lockers imported either as welded or otherwise assembled units (ready for installation or use) or as knocked down units or kits (requiring assembly prior to installation or use).

The subject lockers may be shipped as individual or multiple locker units preassembled, welded, or combined into banks or tiers for ease of installation or as sets of component parts, bulk packed (i.e., all backs in one package, crate, rack, carton or container and sides in another package, crate, rack, carton or container) or any combination thereof. The knocked down lockers are shipped unassembled requiring a supplier, contractor or end-user to assemble the individual lockers and locker banks prior to installation.

The scope also includes all parts and components of lockers made from flat-rolled metal or expanded metal (e.g., doors, frames, shelves, tops, bottoms, backs, side panels, etc.) as well as accessories that are attached to the lockers when installed (e.g., slope tops, bases, expansion filler panels, dividers, recess trim, decorative end panels and end caps) that may be imported together with other locker components or on their own. It also includes all hardware for assembly and installation of the lockers and locker banks that are imported with or shipped, invoiced or sold with the imported locker or locker system. The subject metal lockers are typically used for storage in schools, fitness centers, apartment buildings, offices, condominiums, single family homes, athletic facilities, public private, and government buildings, warehouses, factories, transportation hubs,

healthcare facilities, amusement parks, military installations, retail businesses, and other commercial and industrial establishments.

Excluded from the scope are wire mesh lockers. Wire mesh lockers are those with each of the following characteristics:

- (1) at least three sides, including the door, made from wire mesh;
- (2) the width and depth each exceed 25 inches; and
- (3) the height exceeds 90 inches.

Also excluded are lockers with bodies made entirely of plastic, wood or any non-metallic material.

Also excluded are exchange lockers with multiple individual locking doors mounted on one master locking door to access multiple units. Excluded exchange lockers have multiple individual storage spaces, typically arranged in tiers, with access doors for each of the multiple individual storage space mounted on a single frame that can be swung open to allow access to all of the individual storage spaces at once. For example, uniform or garment exchange lockers are designed for the distinct function of securely and hygienically exchanging clean and soiled uniforms. Thus, excluded exchange lockers are a multi-access point locker whereas covered lockers are a single access point locker for personal storage.

Also excluded are metal lockers that are imported with an installed electronic, internet-enabled locking device that permits communication or connection between the locker's locking device and other internet connected devices.

Also excluded are hardware and accessories for assembly and installation of the lockers, locker banks and storage systems that are separately imported in bulk and are not incorporated into a locker, locker system or knocked down kit at the time of importation. Such excluded hardware and accessories include but are not limited to bulk imported rivets, nuts, bolts, hinges, door handles, locks, door/frame latching components, and coat hooks. Accessories of sheet metal, including but not limited to end panels, bases, dividers and sloping tops, are not excluded accessories.

The subject certain metal lockers are classified under Harmonized Tariff System of the United States ("HTSUS") subheading 9403.20.0078. Parts of subject certain metal lockers are classified under HTS subheading 9403.90.8041. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of the investigation is dispositive.