

The Petitioners recognize that the HTSUS provides for the organic-certified product in HTSUS subheading 1208.10.0010. However, a review of the relevant USDA FAS's Global Agricultural Trade System (GATS) data demonstrates that imports of OSBM enter U.S. ports of entry (POEs) utilizing HTSUS heading 2304, which is typically used for conventional soybean meal.⁹⁷ A straight-forward analysis of these GATS entries demonstrates that the higher-premium priced goods are OSBM, rather than the imports of conventional soybean meal, which are significantly lower priced.⁹⁸ While the Petitioners provide the HTSUS subheadings in compliance with 19 C.F.R. § 351.202(b)(5), they are only informational. The Petitioners request that the below-provided written description of the product control the scope of this investigation.

6. Proposed Scope of the Investigation

The scope of investigation is as follows:

The merchandise subject to the petition is certain certified organic soybean meal. Certified organic soybean meal can consist of ground soybean cake, ground soybean chips, and/or ground soybean flakes, with or without oil residues. Soybean cake is the product after the extraction of part of the oil from soybeans. Soybean chips and soybean flakes are produced by cracking, heating, and flaking soybeans and reducing the oil content of the conditioned product. "Certified organic soybean meal" is certified by the U.S. Department of Agriculture (USDA) National Organic Program (NOP) or equivalently certified to NOP standards.

The products covered by this petition are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 1208.10.0010 and 2304.00.0000. Certified organic soybean meal may also enter under HTSUS 2309.90.1005, 2309.90.1015, 2309.90.1010, 2309.90.1030, 2309.90.1032, 2309.90.1035, 2309.90.1045, 2309.90.1050, 2308.00.9890.

⁹⁷See 2020 GATS Data. (Exhibit I-22); Agromeris Final Report at 10 (Exhibit I-3); Golbitz Decl. at para. 17 (Exhibit I-29); Sheppard Decl. at para. 20 (Exhibit I-4); Cook Decl. at para. 20 (Exhibit I-5).

⁹⁸See *id.*

The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive. The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

F. **The Name of the Home Market Country (19 C.F.R. § 351.202(b)(6))**

The subject merchandise is manufactured or produced in and exported to the United States from the country of India. The Petitioners do not have any evidence indicating that the subject merchandise is produced in a country other than that from which it is exported.

G. **Proposed Pricing Products (19 C.F.R. §207.11(b)(2)(iv))**

The Petitioners respectfully request that the Commission seek pricing data on the following proposed product definitions:

PRODUCT 1: certified organic soybean meal having at least a protein content of 44%, feed grade.

H. **Importers of OSBM from India (19 C.F.R. §207.11(b)(2)(iii); 19 C.F.R. §351.202(b)(9))**

The table attached hereto as Exhibit I-23 provides the names, addresses, telephone numbers, fax numbers, and websites of those importers of subject merchandise known to the Petitioners.⁹⁹ There may be, however, additional importers of Indian organic OSBM unknown to the Petitioners, such as commodity brokers, domestic feed mills, and other entities of final use. For that reason, the Petitioners respectfully request that the Department and the Commission further investigate this information from U.S. Customs and Border Protection (“CBP”) or other available resources to ensure completeness of this information.

⁹⁹See Importers of Organic Indian Soybean Meal (Exhibit I-23).