

**E. Scope of the Investigation and a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5))**

**1. Scope of Investigation**

The physical characteristics of the covered products, which define the scope, are as follows:

The merchandise covered by these investigations consists of certain mobile access equipment, which consists primarily of boom lifts, scissor lifts, and material telehandlers, and subassemblies thereof. Mobile access equipment combines a mobile (self-propelled or towed) chassis, with a direct, mechanically connected device for lifting persons, tools and/or materials, capable of reaching a working height of ten feet or more, and a coupler that provides an attachment point for the lifting device, in addition to other components. The scope of these investigations covers mobile access equipment and subassemblies thereof whether finished or unfinished, whether assembled or unassembled, and whether the equipment contains any additional features that provide for functions beyond the primary lifting function.

Subject merchandise includes, but is not limited to, the following subassemblies:

- scissor arm assemblies, or scissor arm sections, for connection to chassis and platform assemblies, including pin assemblies that connect sections into scissor arm assemblies and actuators powering arm assemblies to extend and retract, and which may or may not include blocks that allow sliding of end sections in relation to frame and platform, hydraulic hoses, and/or electrical cables;
- boom assemblies, or boom sections, for connection to the boom turntable or chassis assemblies and to platform assemblies or the lifting device, including telescoping sections where the smallest section (tube) can be nested in the next larger section (tube) and can slide out for extension and/or articulated sections joined by pins, and which may or may not include pins, hydraulic cylinders, hydraulic hoses and/or electrical cables;

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subassemblies thereof, on “List 1.” *Notice of Action and Request for Public Comment Concerning Proposed Determination of Action Pursuant to Section 301: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 83 Fed. Reg. 28,710 (U.S. Trade Rep. June 20, 2018).

Some in-scope products received exclusions from the Section 301 tariffs during various periods, but Petitioner understands that all such exclusions have now expired. For example, “operator riding self-propelled aerial work platforms of a kind described in statistical note 1 to chapter 84, powered by an electric motor, with a load capacity not exceeding 1,400 kg (described in statistical reporting number 8427.10.8020)” were excluded from Section 301 tariffs from October 2, 2019 through December 31, 2020. *Notice of Product Exclusions and Amendments: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 84 Fed. Reg. 52,567 (U.S. Trade Rep. Oct. 2, 2019); *Notice of Product Exclusion Extensions: China’s Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation*, 85 Fed. Reg. 62,782 (U.S. Trade Rep. Oct. 5, 2020).

- chassis assemblies, for connection to scissor arm assemblies or boom assemblies and/or boom turntable assemblies, including chassis frame or frame sections, and which may or may not include axles, wheel end components, steering cylinders, engine assembly, transmission, drive shafts, tires and wheels, crawler tracks and wheels, fuel tank, hydraulic oil tank, and/or battery assemblies; and/or
- boom turntable assemblies, for connection to chassis assemblies and boom assemblies, including turntable frame, and which may or may not include engine assembly, slewing rings, fuel tank, hydraulic oil tank, battery assemblies, counterweight, and/or hood (enclosure).

Importation of any of these subassemblies, whether assembled or unassembled, constitutes unfinished mobile access equipment for purposes of this investigation.

Processing of finished and unfinished mobile access equipment and subassemblies such as trimming, cutting, grinding, notching, punching, slitting, drilling, welding, joining, bolting, bending, beveling, riveting, minor fabrication, galvanizing, painting, coating, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished mobile access equipment does not remove the product from the scope.

The scope excludes forklifts, mobile self-propelled cranes and motor vehicles that incorporate a scissor arm assembly or boom assembly. Forklifts are material handling vehicles with a working attachment, usually a fork, lifted along a vertical guide rail with the operator seated or standing on the chassis behind the vertical mast. Self-propelled cranes are intended to solely handle loads suspended on ropes, cables and/or chains and have winches mounted on or near the base of the boom with ropes, cables and/or chains managed along the boom structure. The scope also excludes motor vehicles (defined as a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line pursuant to 49 U.S.C. § 30102(a)(7)) that incorporate a scissor arm assembly or boom assembly.

Certain mobile access equipment subject to these investigations is typically classifiable under subheadings 8427.10.8020, 8427.10.8030, 8427.10.8070, 8427.10.8095, 8427.20.8020, and 8427.20.8090 of the Harmonized Tariff Schedule of the United States (HTSUS). Parts of certain mobile access equipment are typically classifiable under subheading 8431.20.0000 of the HTSUS. While the HTSUS subheadings are provided for convenience and customs purposes only, the written description of the merchandise under investigation is dispositive.