

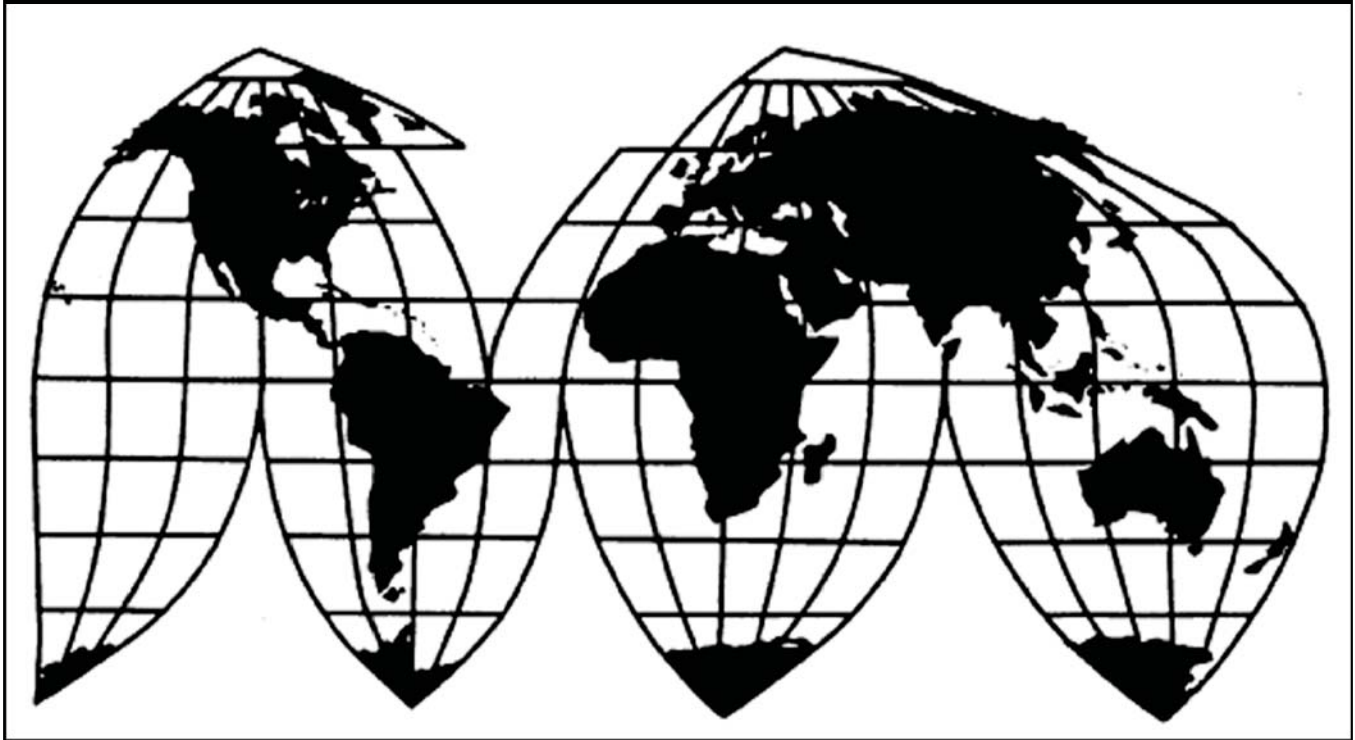
Hand Trucks and Certain Parts Thereof from China

Investigation No. 731-TA-1059 (Review)

Publication 4138

April 2010

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Note.--Information that would reveal confidential operations of individual concerns may not be published and therefore has been identified by the use of *. Final identification of confidential information is in the public version of the staff report.**

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-1059 (Review)

HAND TRUCKS AND CERTAIN PARTS THEREOF FROM CHINA

DETERMINATION

On the basis of the record¹ developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), that revocation of the antidumping duty order on hand trucks and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

BACKGROUND

The Commission instituted this review on November 2, 2009 (74 F.R. 56661) and determined on February 5, 2010 that it would conduct an expedited review (75 F.R. 8745, February 25, 2010).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

VIEWS OF THE COMMISSION

Based on the record in this five-year review, we determine, under section 751(c) of the Tariff Act of 1930, as amended (“the Act”), that revocation of the antidumping duty order on hand trucks and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

I. BACKGROUND

On November 13, 2003, Gleason Industrial Products, Inc. (“Gleason”) filed an antidumping duty petition regarding imports of hand trucks and hand truck parts from China. The petition was later amended to include a Gleason affiliate, Precision Products, Inc. (“Precision”) (collectively “Gleason Group”).¹ In November 2004, the Commission unanimously determined that an industry in the United States was threatened with material injury by reason of imports of hand trucks and hand truck parts sold at less than fair value (“LTFV”) from China.² The Department of Commerce (“Commerce”) issued an antidumping duty order with respect to these imports on December 2, 2004.³

The Commission instituted this review on November 2, 2009.⁴ The Commission received a joint substantive response to the notice of institution from domestic producers Gleason and Precision and separate responses from domestic producers Harper Trucks, Inc. (“Harper”), Magline, Inc. (“Magline”), and Wesco Industrial Products (“Wesco”) (“domestic producers”).⁵ The responding domestic producers accounted for *** percent of domestic production of hand trucks and hand truck parts in 2008.⁶ The Commission did not receive responses from any Chinese manufacturer or exporter or any U.S. importer of the subject merchandise.

On February 5, 2010, the Commission found the domestic interested party response to the notice of institution adequate and the respondent interested party response inadequate.⁷ The Commission did not find any circumstances that would warrant conducting a full review. It determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930, as amended.⁸

On March 17, 2010, Gleason Group filed final comments pursuant to 19 C.F.R. § 207.62(d).⁹ No respondent interested party has provided any information or arguments to the Commission in this review. Accordingly, for our determination in this review, we rely as appropriate on facts available on the record, which consist of information collected in this five-year review, including information submitted by

¹ During the original investigation, Gleason manufactured and sold hand trucks. Precision also manufactured hand trucks, but sold all of its hand trucks through Gleason. 2004 Confidential Staff Report at I-1 n.3.

² Hand Trucks and Certain Parts Thereof, Inv. No. 731-TA-1059 (Final), USITC Pub. 3737 (November 2004) (“Original Determination”) at 3. Unless specifically noted otherwise, all references to the Commission’s Original Determination are to USITC Pub. 3737.

³ See Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof from the People’s Republic of China, 69 Fed. Reg. 70,122 (December 2, 2004).

⁴ Notice of Institution of a Five-Year Review of Hand Trucks from the People’s Republic of China, 74 Fed. Reg. 56,661 (November 2, 2009).

⁵ Confidential Staff Report (“CR”) at I-3 n.4, Public Report (“PR”) at I-3 n.4.

⁶ CR at I-12, PR at I-11. The domestic producers did not report separately their production of hand truck parts. The value of hand truck parts is believed to be a small portion of the overall value of hand trucks and hand truck parts combined. CR at I-18 and n.41, PR at I-14 and n.41.

⁷ See Explanation of Commission Determination on Adequacy.

⁸ Id.; 19 U.S.C. § 1675(c)(3) (2000).

⁹ See Gleason Group’s Final Comments, dated March 17, 2010 (“Gleason Group’s Final Comments”).

domestic producers, purchaser responses, publicly available information, and information from the original investigation.

II. DOMESTIC LIKE PRODUCT

In making its determination under section 751(c) of the Act, the Commission defines “the domestic like product” and the “industry.”¹⁰ The Act defines “domestic like product” as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle.”¹¹ The Commission’s practice in five-year reviews is to look to the like product definition from the original determination and any completed reviews and consider whether the record indicates any reason to revisit the prior findings.¹²

In its expedited review determination, Commerce defined the subject merchandise as follows:

The merchandise subject to this antidumping duty 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.

¹⁰ 19 U.S.C. § 1677(4)(A).

¹¹ 19 U.S.C. § 1677(10); see, e.g., Cleo, Inc. v. United States, 501 F.3d 1291, 1299 (Fed. Cir. 2007); NEC Corp. v. Department of Commerce, 36 F. Supp. 2d 380, 383 (Ct. Int’l Trade 1998); Nippon Steel Corp. v. United States, 19 CIT 450, 455 (1995); Timken Co. v. United States, 913 F. Supp. 580, 584 (Ct. Int’l Trade 1996); Torrington Co. v. United States, 747 F. Supp. 744, 748-49 (Ct. Int’l Trade 1990), aff’d, 938 F.2d 1278 (Fed. Cir. 1991); see also S. Rep. No. 249, 96th Cong., 1st Sess. 90-91 (1979).

¹² See, e.g., Internal Combustion Industrial Forklift Trucks From Japan, Inv. No. 731-TA-377 (Second Review), USITC Pub. 3831 at 8-9 (December 2005); Crawfish Tail Meat From China, Inv. No. 731-TA-752 (Review), USITC Pub. 3614 at 4 (July 2003); Steel Concrete Reinforcing Bar From Turkey, Inv. No. 731-TA-745 (Review), USITC Pub. 3577 at 4 (February 2003).

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 typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States ("HTSUS"), although they may also be imported under heading 8716.80.50.90. 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 8716.90.50.60 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department [of Commerce]'s written description of the scope is dispositive.¹³

Hand trucks are used to transport materials generally not exceeding 1,000 pounds over short distances. Hand trucks are a multipurpose product as they can be used indoors and outdoors as well under a variety of working conditions and over different types of surfaces.¹⁴ The majority of hand trucks sold are designed for general use, but certain hand trucks are designed specifically for transporting certain items such as appliances, cylinders, barrels, bags, trees, or plants.¹⁵ Hand trucks sold in the United States are typically manufactured from steel components.¹⁶ In addition to the finished form, hand trucks are sold unassembled in kits which contain all or some of the parts necessary to assemble a finished hand truck (*i.e.*, the frame, the handling area, and the projecting edges or toe plate).¹⁷ Hand truck parts are used almost exclusively for the production of finished hand trucks.¹⁸ U.S.-produced hand truck parts that are sold in the United States are commonly aluminum.¹⁹

In the original investigation, the Commission defined a single domestic like product consisting of hand trucks and parts thereof commensurate with the scope of the investigation.²⁰ In this review, the domestic producers agree with the Commission's definition of the domestic like product in the original investigation.²¹ There is no new information obtained during this review that would suggest any reason to revisit the Commission's domestic like product definition in the original investigation. Therefore, we continue to define the domestic like product as hand trucks and hand truck parts corresponding to the scope definition.

¹³ 75 Fed. Reg. 11,121 (March 10, 2010). 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. *Id.*

¹⁴ CR at I-13, PR at I-11.

¹⁵ CR at I-13, PR at I-11; 2004 Confidential Staff Report at I-9.

¹⁶ CR at I-13, PR at I-11.

¹⁷ 2004 Confidential Staff Report at I-7.

¹⁸ CR at I-13, PR at I-12.

¹⁹ CR at I-13, PR at I-12.

²⁰ Original Determination at 6.

²¹ *See* responses of Gleason Group, Harper, Magline, and Wesco to the Commission's Notice of Institution.

III. DOMESTIC INDUSTRY

Section 771(4)(A) of the Act defines the relevant industry as the domestic “producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product.”²² In defining the domestic industry, the Commission’s general practice has been to include in the industry producers of all domestic production of the like product, whether toll-produced, captively consumed, or sold in the domestic merchant market.

In the original investigation, the Commission defined the domestic industry as consisting of all domestic producers of hand trucks and hand truck parts.²³ In this review, the domestic producers agree with the Commission’s definition of domestic industry in the original investigation,²⁴ and there is no new evidence presented in this review to warrant a different conclusion. Accordingly, we define the domestic industry as all domestic producers of hand trucks and hand truck parts.²⁵

IV. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF MATERIAL INJURY IF THE ANTIDUMPING DUTY ORDER IS REVOKED

A. Legal Standards

In a five-year review conducted under section 751(c) of the Act, Commerce will revoke an antidumping duty order unless (1) it makes a determination that dumping or subsidization is likely to continue or recur and (2) the Commission makes a determination that revocation of the antidumping duty order “would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.”²⁶ The Uruguay Round Agreements Act (“URAA”), Statement of Administrative Action (“SAA”), states that “under the likelihood standard, the Commission will engage in a counterfactual analysis; it must decide the likely impact in the reasonably foreseeable future of an important change in the status quo – the revocation or termination of a proceeding and the elimination of its restraining effects on volumes and prices of imports.”²⁷ Thus, the likelihood standard is prospective in nature.²⁸ The U.S. Court of International Trade has found that “likely,” as used in the five-year review

²² 19 U.S.C. § 1677(4)(A). The definitions in 19 U.S.C. § 1677 are applicable to the entire subtitle containing the antidumping and countervailing duty laws, including 19 U.S.C. §§ 1675 and 1675a. See 19 U.S.C. § 1677.

²³ Original Determination at 7.

²⁴ See responses of Gleason Group, Harper, Magline, and Wesco to the Commission’s Notice of Institution.

²⁵ The related parties provision, 19 U.S.C. § 1677(4)(B), allows the Commission to exclude certain domestic producers from the domestic industry that import subject merchandise or have a corporate affiliation with importers or exporters of the subject merchandise if the Commission finds that appropriate circumstances exist. In this review, both Valley Craft, a U.S. producer, and Safco Products, a U.S. importer of hand trucks from China, are wholly owned by Liberty Diversified. CR at I-21, PR at I-17. Valley Craft is a related party because it shares a parent corporation with an importer of subject merchandise. However, Valley Craft did not respond to the Commission’s Notice of Institution. Consequently, the record contains no data from Valley Craft, and thus the issue of whether appropriate circumstances exist to exclude it from the domestic industry is moot.

²⁶ 19 U.S.C. § 1675a(a).

²⁷ The SAA, H.R. Rep. No. 103-316, vol. I, at 883-84 (1994). The SAA states that “[t]he likelihood of injury standard applies regardless of the nature of the Commission’s original determination (material injury, threat of material injury, or material retardation of an industry). Likewise, the standard applies to suspended investigations that were never completed.” SAA at 883.

²⁸ Although the SAA states that “a separate determination regarding current material injury is not necessary,” it indicates that “the Commission may consider relevant factors such as current and likely continued depressed shipment levels and current and likely continued [sic] prices for the domestic like product in the U.S. market in

(continued...)

provisions of the Act, means “probable,” and the Commission applies that standard in five-year reviews.²⁹
30 31

The statute states that “the Commission shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time.”³² According to the SAA, a “‘reasonably foreseeable time’ will vary from case-to-case, but normally will exceed the ‘imminent’ timeframe applicable in a threat of injury analysis in original investigations.”³³

Although the standard in a five-year review is not the same as the standard applied in an original antidumping duty investigation, it contains some of the same fundamental elements. The statute provides that the Commission is to “consider the likely volume, price effect, and impact of imports of the subject merchandise on the industry if the orders are revoked or the suspended investigation is terminated.”³⁴ It directs the Commission to take into account its prior injury determination, whether any improvement in the state of the industry is related to the order or the suspension agreement under review, whether the industry is vulnerable to material injury if the orders are revoked or the suspension agreement is terminated, and any findings by Commerce regarding duty absorption pursuant to 19 U.S.C. § 1675(a)(4).³⁵

No respondent interested party participated in this review. The record, therefore, contains no information with respect to capacity and production of hand trucks and hand truck parts in China during

²⁸(...continued)

making its determination of the likelihood of continuation or recurrence of material injury if the order is revoked.” SAA at 884.

²⁹ See NMB Singapore Ltd. v. United States, 288 F. Supp. 2d 1306, 1352 (Ct. Int’l Trade 2003) (“‘likely’ means probable within the context of 19 U.S.C. § 1675(c) and 19 U.S.C. § 1675a(a)”), aff’d without opinion, 140 Fed. Appx. 268 (Fed. Cir. 2005); Nippon Steel Corp. v. United States, Slip Op. 02-153 at 7-8 (Ct. Int’l Trade Dec. 24, 2002) (same); Usinor Industeel, S.A. v. United States, Slip Op. 02-152 at 4 n.3 & 5-6 n.6 (Ct. Int’l Trade Dec. 20, 2002) (“more likely than not” standard is “consistent with the court’s opinion”; “the court has not interpreted ‘likely’ to imply any particular degree of ‘certainty’”); Indorama Chemicals (Thailand) Ltd. v. United States, Slip Op. 02-105 at 20 (Ct. Int’l Trade Sept. 4, 2002) (“standard is based on a likelihood of continuation or recurrence of injury, not a certainty”); Usinor v. United States, Slip Op. 02-70 at 43-44 (Ct. Int’l Trade July 19, 2002) (“‘likely’ is tantamount to ‘probable,’ not merely ‘possible’”).

³⁰ For a complete statement of Commissioner Okun’s interpretation of the likely standard, see Additional Views of Vice Chairman Deanna Tanner Okun Concerning the “Likely” Standard in Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Argentina, Brazil, Germany, and Italy, Invs. Nos. 701-TA-362 (Review) and 731-TA-707 to 710 (Review)(Remand), USITC Pub. 3754 (Feb. 2005).

³¹ Commissioner Lane notes that, consistent with her views in Pressure Sensitive Plastic Tape From Italy, Inv. No. AA1921-167 (Second Review), USITC Pub. 3698 (June 2004), she does not concur with the U.S. Court of International Trade’s interpretation of “likely,” but she will apply the Court’s standard in these reviews and all subsequent reviews until either Congress clarifies the meaning or the U.S. Court of Appeals for the Federal Circuit addresses this issue.

³² 19 U.S.C. § 1675a(a)(5).

³³ SAA at 887. Among the factors that the Commission should consider in this regard are “the fungibility or differentiation within the product in question, the level of substitutability between the imported and domestic products, the channels of distribution used, the methods of contracting (such as spot sales or long-term contracts), and lead times for delivery of goods, as well as other factors that may only manifest themselves in the longer term, such as planned investment and the shifting of production facilities.” *Id.*

³⁴ 19 U.S.C. § 1675a(a)(1).

³⁵ 19 U.S.C. § 1675a(a)(1). Commerce made no duty absorption findings with respect to the order under review. CR at I-5, PR at I-3. The statute further provides that the presence or absence of any factor that the Commission is required to consider shall not necessarily give decisive guidance with respect to the Commission’s determination. 19 U.S.C. § 1675a(a)(5). Although the Commission must consider all factors, no one factor is necessarily dispositive. SAA at 886.

the period of review. Accordingly, for our determination, we rely as appropriate on facts available on the record.^{36 37}

B. Conditions of Competition and Business Cycle

In evaluating the likely impact of the subject imports on the domestic industry, the statute directs the Commission to consider all relevant economic factors “within the context of the business cycle and conditions of competition that are distinctive to the affected industry.”³⁸ We find the following conditions of competition relevant to our determination.

1. Demand

Demand for hand trucks is determined by the needs of final consumers and business customers for stacking and moving loads.³⁹ In the original investigation, the Commission found that demand for finished hand trucks, as measured by apparent U.S. consumption in quantity terms, increased by 31.9 percent from 2001 to 2003 (from 2.2 million units to 2.9 million units). It noted that apparent U.S. consumption in quantity terms was 1.0 percent higher in the first three quarters of 2004 (interim 2004) at 1.5 million units than in the same period in 2003 (interim 2003).⁴⁰ The Commission further found that apparent U.S. consumption of finished hand trucks and parts, as measured by value, increased by *** percent from 2001 to 2003 and was *** percent higher in interim 2004 than in interim 2003.⁴¹

With respect to hand truck parts, the Commission noted that demand for hand truck parts is derived from the demand for finished hand trucks and that demand for parts “accounted for a comparatively small amount of the demand.”⁴² The Commission found that, in 2003, apparent U.S. consumption of hand truck parts, as measured by value, was ***, while consumption of finished hand trucks was ***.⁴³

³⁶ 19 U.S.C. § 1677e(a) authorizes the Commission to “use the facts otherwise available” in reaching a determination when (1) necessary information is not available on the record or (2) an interested party or other person withholds information requested by the agency, fails to provide such information in the time, form, or manner requested, significantly impedes a proceeding, or provides information that cannot be verified pursuant to section 782(i) of the Act. 19 U.S.C. § 1677e(a). The verification requirements in section 782(i) are applicable only to Commerce. 19 U.S.C. § 1677m(i). See *Titanium Metals Corp. v. United States*, 155 F. Supp. 2d 750, 765 (Ct. Int’l Trade 2001) (“[T]he ITC correctly responds that Congress has not required the Commission to conduct verification procedures for the evidence before it, or provided a minimum standard by which to measure the thoroughness of a Commission investigation.”).

³⁷ Commissioner Okun notes that the statute authorizes the Commission to take adverse inferences in five-year reviews, but such authorization does not relieve the Commission of its obligation to consider the record evidence as a whole in making its determination. See 19 U.S.C. § 1677e. She generally gives credence to the facts supplied by the participating parties and certified by them as true, but bases her decision on the evidence as a whole, and does not automatically accept participating parties’ suggested interpretations of the record evidence. Regardless of the level of participation, the Commission is obligated to consider all evidence relating to each of the statutory factors and may not draw adverse inferences that render such analysis superfluous. “In general, the Commission makes determinations by weighing all of the available evidence regarding a multiplicity of factors relating to the domestic industry as a whole and by drawing reasonable inferences from the evidence it finds most persuasive.” SAA at 869.

³⁸ 19 U.S.C. § 1675a(a)(4).

³⁹ CR at I-27, PR at I-21.

⁴⁰ Original Determination at 10; CR/PR at Table I-8.

⁴¹ Original Determination (Confidential Version) at 13.

⁴² Original Determination at 10.

⁴³ Original Determination (Confidential Version) at 13.

Demand for hand trucks has declined since the original investigation. In 2008, apparent U.S. consumption of finished hand trucks in terms of quantity was lower, at *** units, than at any time during the original investigation.⁴⁴ According to ***, a *** purchaser, demand for hand trucks has decreased as consumers have stopped buying discretionary items due to current economic conditions.⁴⁵

2. Channels of Distribution/U.S. Market Sectors

Hand trucks are sold to residential, industrial, and office/small business customers through various channels of distribution, specifically home improvement stores, club warehouses, hardware stores, catalog houses/industrial distributors, office supply stores and other firms.⁴⁶ In the original investigation, the Commission found that the majority of domestic producers' U.S. shipments were sold to home improvement stores (**% percent) and club warehouses (**% percent), with the remainder primarily going to catalog houses/industrial distributors (**% percent).⁴⁷ The Commission further found that the majority of importers' U.S. shipments were also sold to home improvement stores, club warehouses, and catalog houses/distributors.⁴⁸ It noted, however, that club warehouses were the leading channel of distribution for importers' shipments.⁴⁹ Although domestic producers' U.S. shipments of finished hand trucks were relatively stable, importers' U.S. shipments of the Chinese product doubled from 2001 to 2003 and continued to grow in interim 2004, with significant gains in all channels of distribution.⁵⁰

According to the information collected in this review, the number of online (Internet) suppliers has grown since the original investigation. *** indicated that ***.⁵¹ *** also reported that certain large U.S. industrial distributors have ***.⁵²

⁴⁴ CR/PR at Table I-8. In the original investigation, the Commission relied on “(1) quantity-based volume and consumption data for finished hand trucks, which comprise the majority of subject imports . . . and (2) value-based volume data and consumption data for all subject imports (finished hand trucks and hand truck parts) for demand and volume trends.” The Commission relied on these data due to the difficulty of aggregating data for finished hand trucks with various combinations of hand truck parts. It further found that trends for these data sets were similar. Original Determination at 23.

In this review, we rely on quantity-based volume and consumption data for finished hand trucks in our analysis of volume and consumption trends since the original investigation. As noted above, the domestic producers did not report separately their production of hand truck parts. Additionally, import data in the staff report are only for finished hand trucks because of “the constraints of official import statistics, which provide for hand truck parts in a diverse statistical reporting number.” CR at I-18, PR at I-14. Under these circumstances, we consider finished hand trucks to be a reliable proxy for determining trends for finished hand trucks and hand truck parts combined. Hand truck parts are believed to be a small portion of the overall demand for hand trucks and hand truck parts. Original Determination at 23; CR at I-18 and n.41, PR at I-14 and n.41. Additionally, the majority of subject imports during the original investigation were finished hand trucks. Original Determination at 23. Finally, we note that the data collected in this review with respect to domestic production operations are less complete than in the original investigation. Because the responding domestic producers are believed to have accounted for most of domestic production during the original investigation (CR at I-19 n.43, PR at I-15 n.43), however, the data are generally comparable.

⁴⁵ CR at I-26, PR at I-21.

⁴⁶ Original Determination at 10.

⁴⁷ Original Determination (Confidential Version) at 13-14.

⁴⁸ Original Determination at 10.

⁴⁹ Original Determination at 10.

⁵⁰ Original Determination at 10-11.

⁵¹ *** Response at 4.

⁵² *** Response at 4.

In the original investigation, the Commission found that demand for finished hand trucks was fueled by the home improvement sector of the U.S. market, which encompasses home improvement stores and club warehouses. Home improvement stores (e.g., Home Depot and Lowe's) and club warehouses (e.g., Costco) are generally national chains (referred to as "big-box" retailers) which purchase hand trucks in large volumes from a single or limited number of suppliers.⁵³ In the original investigation, the Commission found that because they purchased in large volumes, the big-box retailers were able to negotiate low purchase prices for hand trucks along with volume discounts.⁵⁴ Furthermore, the Commission found that a loss of even one home improvement store account would result in the loss of a significant percentage of a hand truck producer's annual sales.⁵⁵ Consequently, the Commission found that price competition was intense within the home improvement sector. It noted that most of the competition between the domestic like product and subject imports occurred in this sector.⁵⁶

The Commission found that the catalog house/industrial distributor sector of the U.S. market was a distant second to the home improvement sector in terms of demand for hand trucks. It noted that industrial distributors bought more specialized and expensive hand trucks, typically in smaller volumes than were purchased in the home improvement sector. Finally, the Commission found that office supply customers, the smallest sector of the market, bought hand trucks through national office supply stores or through certain mail-order dealers.⁵⁷

According to information submitted by domestic producers in this review, home improvement stores continue to be an important channel of distribution for hand trucks. *** identified Home Depot and Lowe's as leading purchasers of hand trucks.⁵⁸

3. Supply

In the original investigation, the Commission noted that the domestic industry was dominated by three large producers – Gleason, Angelus, and Harper Trucks – that accounted for *** percent of reported production in 2003.⁵⁹ Of these three, Gleason was the largest domestic producer of hand trucks, accounting for *** percent of domestic production in 2003.⁶⁰ The remainder of the industry was comprised of several small domestic producers of hand trucks and two producers of hand truck parts.⁶¹ In 2008, Gleason Group and Harper, which purchased Angelus in 2008, accounted for *** percent of reported finished hand truck production in the United States.⁶²

In the original investigation, the Commission found that increasing production capacity for hand trucks was relatively easy and could sometimes be achieved by simply adding personnel to the production line. The Commission noted that several domestic and Chinese producers produced other products on the same equipment used to produce hand trucks.⁶³

⁵³ Original Determination at 11.

⁵⁴ Original Determination at 11.

⁵⁵ Original Determination (Confidential Version) at 16. As the Commission noted in the original investigation, *** was the largest single purchaser of hand trucks in 2003, purchasing or directly importing *** units (equivalent to *** percent of apparent U.S. consumption for the year). Original Determination (Confidential Version) at 16.

⁵⁶ Original Determination at 11.

⁵⁷ Original Determination at 11-12.

⁵⁸ CR at I-16, PR at I-13.

⁵⁹ Original Determination (Confidential Version) at 17.

⁶⁰ Original Determination (Confidential Version) at 17.

⁶¹ Original Determination at 12.

⁶² CR/PR at Table I-4.

⁶³ Original Determination at 12.

The Commission further found that the hand truck industry was characterized by a high level of variable costs relative to capital investment.⁶⁴ As a result of the high level of variable costs, producers would likely cut production and attempt to retain existing profits rather than produce at a loss.⁶⁵

Finally, the Commission found that nonsubject imports had only a small share of the U.S. market for finished hand trucks in terms of quantity (ranging from 2.3 percent to 6.2 percent of apparent U.S. consumption) during the period examined.⁶⁶ It also noted that, in terms of quantity, nonsubject imports' market share for finished hand trucks and hand truck parts combined was stable throughout the period.⁶⁷ Nonsubject imports also had a small share of the U.S. market for finished hand trucks and hand truck parts combined in terms of value (ranging from *** percent to *** percent).⁶⁸

Since the imposition of the antidumping duty order, the domestic industry's share of the U.S. market for finished hand trucks, in terms of quantity, increased markedly, from 50.9 percent in 2003 to *** percent in 2008.⁶⁹ Subject imports' U.S. market share for finished hand trucks, in terms of quantity, declined from 46.8 percent in 2003 to *** percent in 2008.⁷⁰ Although nonsubject imports' share of the U.S. market for finished hand trucks, in terms of quantity, more than doubled since 2003, it remained relatively small at *** percent.⁷¹

4. Interchangeability

In the original investigation, the Commission found that there was a moderate to high level of interchangeability between the domestic like product and subject imports.⁷² The majority of producers, importers, and purchasers reported that the domestic product and subject imports could always or frequently be used interchangeably.⁷³ Based on Chinese suppliers' sales to Home Depot and Lowe's during the period examined in the original investigation and confirmed lost sales and revenue allegations, the Commission found that the level of interchangeability between the domestic product and subject imports translated "into direct competition for sales of general-use hand trucks at national home improvement stores, club warehouses, and other major retailers."⁷⁴

In this review, *** indicated that the general purpose two-wheel hand truck, which is produced by nearly every domestic producer, makes up an estimated 95 percent of the market.⁷⁵ It further indicated that ***.⁷⁶ ***, however, stated that there is "an on-going focus on innovation of features and use of new materials such as aluminum in the production of hand trucks" from China.⁷⁷ On balance, we find the limited record of this expedited review indicates that the subject imports and the domestic like product continue to be moderately to highly interchangeable.

⁶⁴ Original Determination at 12.

⁶⁵ Original Determination at 12.

⁶⁶ Original Determination at 13; Original Determination (Confidential Version) at 19; CR/PR at Table I-8.

⁶⁷ Original Determination at 13.

⁶⁸ Original Determination at 13.

⁶⁹ CR/PR at Table I-8.

⁷⁰ CR/PR at Table I-8.

⁷¹ CR/PR at Table I-8.

⁷² Original Determination at 13.

⁷³ Original Determination at 13.

⁷⁴ Original Determination at 13.

⁷⁵ *** Response at 2.

⁷⁶ *** Response at 4.

⁷⁷ CR at I-15, PR at 12.

5. Pricing

In the original investigation, the Commission found that price is an important consideration in purchasing hand trucks.⁷⁸ Purchasers ranked price, quality, and availability as the most important factors in purchasing decisions.⁷⁹ They ranked imports from China and the domestic like product comparable in quality and availability, but ranked the Chinese product as being lower in price.⁸⁰ A majority of both producers and importers reported that non-price differences between hand trucks were never or only sometimes significant in hand truck sales.⁸¹

The limited information in this expedited review indicates that the importance of price in purchasing decisions has not diminished since the time of the original investigation. Purchasers reported that the reason subject imports decreased since the original investigation was because antidumping duties have made it no longer cost effective to purchase hand trucks from China.⁸²

C. Likely Volume of Subject Imports

In evaluating the likely volume of imports of subject merchandise if the antidumping duty order were revoked, the Commission is directed to consider whether the likely volume of imports would be significant either in absolute terms or relative to production or consumption in the United States.⁸³ In doing so, the Commission must consider “all relevant economic factors,” including four enumerated factors: (1) any likely increase in production capacity or existing unused production capacity in the exporting country; (2) existing inventories of the subject merchandise, or likely increases in inventories; (3) the existence of barriers to the importation of the subject merchandise into countries other than the United States; and (4) the potential for product shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products.⁸⁴

In the original investigation, the Commission found that the volume of subject imports and the increase in that volume were significant, both in absolute terms and relative to production and consumption.⁸⁵ With respect to finished hand trucks, the Commission found that the volume of subject imports as measured by quantity increased by 107.1 percent from 2001 to 2003 and was 0.4 percent higher in interim 2004 than in interim 2003.⁸⁶ It noted that the market penetration of subject imports of finished hand trucks increased from 29.8 percent in 2001 to 46.8 percent in 2003, for an overall increase of 17.0 percentage points.⁸⁷ The Commission found that subject import market share was stable, although it was somewhat lower in interim 2004 (45.5 percent) than in interim 2003 (45.8 percent).⁸⁸

With respect to hand trucks and hand truck parts combined, the Commission found that subject import volume as measured by value increased by *** percent from to 2001 to 2003 and was *** percent

⁷⁸ Original Determination at 14.

⁷⁹ Original Determination at 14.

⁸⁰ Original Determination at 14.

⁸¹ Original Determination at 14.

⁸² See responses of *** and ***.

⁸³ 19 U.S.C. § 1675a(a)(2).

⁸⁴ 19 U.S.C. § 1675a(a)(2)(A)-(D).

⁸⁵ Original Determination at 27.

⁸⁶ Original Determination at 15.

⁸⁷ Original Determination at 16.

⁸⁸ Original Determination at 16.

higher in interim 2004 than in interim 2003.⁸⁹ The Commission further noted that subject import market penetration *** from 2001 and 2003, increasing from *** percent in 2001 to *** percent in 2003, and was *** percentage points higher in interim 2004 than in interim 2003.⁹⁰ Noting that subject import volume and market shares for finished hand trucks and hand truck parts as measured by quantity and value had either stabilized or increased at a smaller rate during the latter part of the period of investigation, the Commission attributed these changes to the pendency of the investigation.⁹¹

The Commission also found that subject imports' gain in market share, as measured both by quantity and value, came at the expense of the domestic industry. It observed that nonsubject imports' market share as measured by quantity remained stable during the period examined. The Commission also observed that nonsubject imports' market share as measured by value decreased from 2001 to 2003 and was lower in interim 2004 than in interim 2003.⁹²

As noted above, in the original investigation, the Commission determined that the domestic industry was threatened with material injury by reason of subject imports. In its threat analysis, the Commission found that, based on the significant rate of increase in subject import volume and market penetration over the period examined, subject imports would likely increase substantially in the imminent future if an order were not imposed.⁹³ The Commission further found that, if no order were imposed, large purchasers, which accounted for a significant portion of domestic consumption, would switch from purchasing domestic product to purchasing subject imports.⁹⁴ It noted that a sizable number of purchasers, including ***, indicated that they had canceled or *** to purchase subject imports due to the ongoing investigation.⁹⁵

The Commission also found that Chinese producers had the means to increase their exports to the U.S. market substantially in the imminent future. The Commission observed that Chinese producers had increased their exports to the United States significantly over the period examined.⁹⁶ In addition, Chinese producers had excess production capacity in interim 2004 and projected excess capacity for full year 2004.⁹⁷ The Commission also found that Chinese production levels could be ramped up quickly in order to increase their exports to the United States in the absence of an order. In support, the Commission noted that the responding Chinese producers' rapid increases in production over the period examined corresponded to increases in their exports to the United States.⁹⁸ The Commission also found that product shifting was a potential source of additional Chinese capacity that could be used to increase exports to the United States.⁹⁹ Finally, the Commission noted that Chinese producers were export-oriented and that their exports to third countries could be diverted to the U.S. market.¹⁰⁰

As the Commission found in the original investigation, the volume of subject imports decreased in 2003 and interim 2004 because of the pendency of the investigation.¹⁰¹ Following imposition of the antidumping duty order, the volume of subject imports continued to decline. Based on official import

⁸⁹ Original Determination (Confidential Version) at 25.

⁹⁰ Original Determination (Confidential Version) at 25.

⁹¹ Original Determination at 15-16, 26 n.185.

⁹² Original Determination at 16.

⁹³ Original Determination at 26.

⁹⁴ Original Determination at 17-18.

⁹⁵ Original Determination (Confidential Version) at 27- 30.

⁹⁶ Original Determination at 19.

⁹⁷ Original Determination at 19.

⁹⁸ Original Determination at 19.

⁹⁹ Original Determination at 20.

¹⁰⁰ Original Determination at 19.

¹⁰¹ Original Determination at 15-16, 26 n.185.

statistics, the volume of subject imports declined from 1 million units in 2004 to 252,245 units in 2008.¹⁰² As a share of apparent U.S. consumption on a quantity basis, subject imports also declined from 46.8 percent in 2003 to *** percent in 2008.¹⁰³ According to purchasers' responses in this review, subject imports have decreased since the original investigation because the antidumping duties have made purchases of subject imports "cost ineffective."¹⁰⁴

As noted above, in the original investigation, the Commission found that subject imports likely would increase substantially in the imminent future if no order were imposed. The Commission based this finding primarily on the Chinese producers' substantial unused capacity, export orientation, and their ability to increase capacity and production quickly. There is no evidence on the record of this review indicating that these conditions have changed since the original investigation. Additionally, the large size of the U.S. market provides Chinese producers with an incentive to increase significantly their exports to the United States. Given their historical pattern of purchases and that there is nothing in the record to indicate a deviation from this pattern, large volume purchasers, such as Lowe's and Home Depot, would likely resume plans to purchase low-priced subject imports in lieu of domestic like product if the order were revoked.

Based on the increase in the volume and market share of subject imports during the original investigation, the substantial Chinese production capacity and unused capacity at the end of the original investigation, the ability of Chinese producers to increase capacity and production quickly, the export orientation of the Chinese industry, and the attractiveness of the U.S. market, we find that Chinese producers have the ability and the incentive to increase their exports to the United States significantly if the order were revoked. Therefore, we find that the likely volume of subject imports, both in absolute terms and relative to production and consumption in the United States, would likely be significant within the reasonably foreseeable future if the order were revoked.

D. Likely Price Effects of Subject Imports

In evaluating the likely price effects of subject imports if the antidumping duty order were revoked, the Commission is directed to consider whether there is likely to be significant underselling by the subject imports as compared to the domestic like product and whether the subject imports are likely to enter the United States at prices that otherwise would have a significant depressing or suppressing effect on the price of the domestic like product.¹⁰⁵

In the original investigation, the Commission found that subject imports significantly undersold the domestic like product. Subject imports undersold the domestic like product in 114 of 122 quarterly price comparisons by margins as high as 80 percent.¹⁰⁶ The Commission, however, did not find that subject imports had a significant depressing effect on domestic prices, as there were no clear pricing trends and domestic prices remained relatively stable throughout the period examined. Although there

¹⁰² Although the volume of subject imports was relatively steady from 2004 to 2006, it fell sharply thereafter. The volume of subject imports declined from 1.0 million units in 2004 to 908,507 units in 2005. It increased slightly to 943,756 units in 2006, but then declined to 550,363 units in 2007 and to 252,245 units in 2008. CR/PR at Table I-6. On this limited record, it is not clear what factors caused the substantial decline in the latter part of the period of review. We note, however, that as a result of a 2008 administrative review, the antidumping duty margin for Taifa, the *** reporting foreign producer and exporter of hand trucks in the original investigation, increased from 26.49 percent to the country-wide rate (383.60 percent). CR/PR at Table I-1, CR at I-23, PR at I-18.

¹⁰³ CR/PR at Table I-8.

¹⁰⁴ See responses of *** and ***.

¹⁰⁵ 19 U.S.C. § 1675a(a)(3). The SAA states that "[c]onsistent with its practice in investigations, in considering the likely price effects of imports in the event of revocation and termination, the Commission may rely on circumstantial, as well as direct, evidence of the adverse effects of unfairly traded imports on domestic prices." SAA at 886.

¹⁰⁶ Original Determination at 22-23, 27.

was some evidence of price suppression toward the end of the period, the Commission did not find significant price effects.¹⁰⁷

In its threat analysis, the Commission found that subject imports were likely to have significant price-suppressing effects on domestic prices absent antidumping relief. The Commission found that the domestic like product and the subject imports were moderately to highly substitutable and that price was an important factor in purchasing decisions. It noted that price competition was intense in the important home improvement sector of the U.S. market and that a number of large volume purchasers such as Home Depot were switching to lower-priced subject imports.¹⁰⁸ The Commission noted that, given the likely loss of sales volume, the industry would have to spread its fixed costs over fewer sales. As a result, the domestic industry would not be able to raise prices sufficiently on the remaining sales to compensate for the reduced volume. Thus, the Commission found that given the widespread underselling at high margins, the evidence of price suppression at the end of the period, and the anticipated reduction in domestic producers' sales volume, absent an antidumping order, the likely significant volume of subject imports would likely have significant price-suppressing effects on domestic prices in the imminent future.¹⁰⁹

There is no new product-specific pricing information on the record of this expedited review. As explained above, Chinese producers likely would increase their exports to the United States significantly in the reasonably foreseeable future if the antidumping duty order were revoked. The record in this review indicates that price continues to be an important factor in purchasing decisions.¹¹⁰ Consequently, we find that subject imports would be likely to undersell the domestic like product in order to gain market share as they successfully did during the period examined in the original investigation. As noted above, purchasers reported that subject imports have decreased since the original investigation because it is no longer cost effective to purchase hand trucks from China due to the antidumping duties. There is nothing on the record contradicting these purchaser statements. We also find, as the Commission did in the original investigation, that large volume purchasers likely would resume their plans to purchase subject imports rather than the domestic product if the order were revoked. As a result, the domestic industry likely would lose critical sales volume and likely would be unable to spread its fixed costs over the remaining sales. Therefore, we conclude that, if the order were revoked, subject imports from China likely would increase significantly at prices that likely would undersell the domestic like product, and that those imports likely would have a depressing or suppressing effect on prices for the domestic like product.

¹⁰⁷ Original Determination at 22-23.

¹⁰⁸ Original Determination at 21.

¹⁰⁹ Original Determination at 23.

¹¹⁰ See responses of *** and ***.

E. Likely Impact of Subject Imports¹¹¹

In evaluating the likely impact of imports of subject merchandise if the antidumping duty order were revoked, the Commission is directed to consider all relevant economic factors that are likely to have a bearing on the state of the industry in the United States, including, but not limited to the following: (1) likely declines in output, sales, market share, profits, productivity, return on investments, and utilization of capacity; (2) likely negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment; and (3) likely negative effects on the existing development and production efforts of the industry, including efforts to develop a derivative or more advanced version of the domestic like product.¹¹² All relevant economic factors are to be considered within the context of the business cycle and the conditions of competition that are distinctive to the industry.¹¹³ As instructed by the statute, we have considered the extent to which any improvement in the state of the domestic industry is related to the order at issue and whether the industry is vulnerable to material injury if the order were revoked.

In the original investigation, despite finding that subject imports increased significantly and undersold the domestic like product significantly, the Commission determined that the negative effects of the subject imports on the domestic industry had not yet risen to the level of material injury.¹¹⁴ In its threat analysis, the Commission found that, in the absence of antidumping relief, the volume of subject imports and the price pressure exerted by these imports would increase, particularly given the domestic industry's likely loss of certain major accounts (such as Home Depot and Lowe's) if no order were imposed. Declines in the industry's financial performance at the end of the period of investigation indicated that it was vulnerable to the effects of subject imports and that the industry's condition would further deteriorate in the near future if the escalating volume and price pressure of subject imports continued. The Commission found that this would result in further reductions in prices or the suppression of price increases that, in turn, would lead to declines in domestic industry revenues and profitability. Thus, the Commission concluded that, absent the issuance of an antidumping duty order, further subject imports were imminent and material injury by reason of subject imports would occur.¹¹⁵

¹¹¹ The SAA states that in assessing whether the domestic industry is vulnerable to injury if the order is revoked, the Commission "considers, in addition to imports, other factors that may be contributing to overall injury. While these factors, in some cases, may account for the injury to the domestic industry, they may also demonstrate that an industry is facing difficulties from a variety of sources and is vulnerable to dumped or subsidized imports." SAA at 885; see also 19 U.S.C. § 1675a(a)(4). Section 752(a)(6) of the Tariff Act states that "the Commission may consider the magnitude of the margin of dumping or the magnitude of the net countervailable subsidy" in making its determination in a five-year review. 19 U.S.C. § 1675a(a)(6). The statute defines the "magnitude of the margin of dumping" to be used by the Commission in five-year reviews as "the dumping margin or margins determined by the administering authority under section 1675a(c)(3) of this title." 19 U.S.C. § 1677(35)(C)(iv). See also SAA at 887.

In its expedited sunset review of the antidumping finding on hand trucks and hand truck parts from China, Commerce found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following margins: 32.76 percent for Future Tool, 46.48 percent for Huatian, 32.76 percent for Shandong, 26.49 percent for Taifa, 33.68 percent for True Potential, and 383.60 percent for the PRC-wide rate. CR at I-5, PR at I-5.

¹¹² 19 U.S.C. § 1675a(a)(4).

¹¹³ 19 U.S.C. § 1675a(a)(4).

¹¹⁴ Original Determination at 28. The Commission found that, although the volume and market penetration of subject imports rose during the period examined and there was widespread underselling by subject imports, the industry's performance indicators were relatively stable and operating income was relatively healthy. It noted, however, that the domestic industry's profitability declined in 2003. Original Determination at 28.

¹¹⁵ Original Determination at 24-26.

Because this is an expedited review, there is limited information on the record concerning the performance of the domestic industry since the original injury determination.¹¹⁶ This information pertains only to certain economic factors and is available only for 2008.¹¹⁷ The data show that the domestic industry's production of finished hand trucks was *** percent lower in 2008 than in 2003 and, consistent with the decrease in demand, its U.S. shipments were lower in 2008 than in 2003.¹¹⁸ The industry's average unit value of U.S. sales and net sales were higher in 2008 than in 2003.¹¹⁹ Although both the operating income and operating margins declined, the industry was profitable.¹²⁰ Thus, the limited and mixed evidence in this expedited review does not permit us to determine whether the domestic industry is vulnerable to the continuation or recurrence of material injury if the order were revoked.¹²¹

Based on the information available in this review, including information in the record of the original investigation, we find that revocation of the order would likely lead to a significant increase in the volume of subject imports. In addition, subject imports would significantly undersell the domestic product, resulting in significant depression and/or suppression of U.S. prices for the domestic like product. We find that the intensified subject import competition that would likely occur after revocation of the order would likely have a significant adverse impact on the domestic industry. Specifically, the domestic industry would likely lose market share to low-priced subject imports and would likely obtain lower prices due to competition from subject imports, which would adversely impact its production, shipments, sales, and revenue. These reductions would likely have a direct adverse impact on the industry's profitability and employment levels, as well as its ability to raise capital and make and maintain necessary capital investments.

We have considered the likely effects of nonsubject imports in the U.S. market. As noted above, subject imports' gain in market share during the original investigation came largely at the expense of the domestic industry. Although the volume and market share of subject imports declined substantially during the period examined in this review, nonsubject imports' volume and market share remained relatively small, while the domestic industry's market share increased substantially.¹²² We find, therefore, that the volume and market share of nonsubject imports will likely remain low in the reasonably foreseeable future. Accordingly, we find that subject imports of hand trucks and hand truck parts from China are likely to have a significant adverse impact on the domestic industry in the event of revocation of the antidumping duty finding, notwithstanding the presence of nonsubject imports in the U.S. market.

We find that, if the order were revoked, the likely significant adverse impact would not be attributable to lower demand levels. As noted above, despite the fact that demand has fallen since the end of the original investigation, the domestic industry has fared relatively well.

¹¹⁶ We note that domestic producers provided all the information requested in response to the Commission's Notice of Institution.

¹¹⁷ See CR/PR at Table I-5.

¹¹⁸ The domestic industry's production was 1.5 million units in 2003 *** in 2008. CR/PR at Table I-5. The industry's shipments, by quantity, were 1.5 million units in 2003 and *** units in 2008. CR/PR at Table I-5.

¹¹⁹ The average unit value of the domestic industry's shipments was \$36.41 in 2003 and \$*** in 2008. CR/PR at Table I-5. The industry's net sales were \$53.4 million in 2003 and \$*** in 2008. CR/PR at Table I-5.

¹²⁰ The industry's operating income declined from \$3.5 million in 2003 to \$*** in 2008. The operating income margin was 6.6 percent in 2003 and *** percent in 2008.

¹²¹ There is no information in the record of this expedited review pertaining to many of the other indicators, such as productivity, return on investments, cash flow, wages, ability to raise capital, investment capacity, and employment levels, that we customarily consider in assessing whether the domestic industry is in a weakened condition.

¹²² The volume of nonsubject imports of finished hand trucks increased from 66,251 units in 2003 to 233,408 units in 2008. CR/PR at Table I-6. Nonsubject imports' share of apparent U.S. consumption of finished hand trucks in terms of quantity increased from 5.1 percent to *** percent. CR/PR at Table I-8.

Accordingly, we conclude that, if the antidumping duty order on hand trucks and parts thereof from China were revoked, subject imports from China would be likely to have a significant adverse impact on the domestic industry within a reasonably foreseeable time.

CONCLUSION

For the above reasons, we determine that revocation of the antidumping duty order on hand trucks and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

INFORMATION OBTAINED IN THE REVIEW

INTRODUCTION

On November 2, 2009, in accordance with section 751(c) of the Tariff Act of 1930, as amended (“the Act”),¹ the U.S. International Trade Commission (“Commission” or “USITC”) gave notice that it had instituted a review to determine whether revocation of the antidumping duty order on hand trucks and certain parts thereof (“hand trucks”) from China would be likely to lead to a continuation or recurrence of material injury within a reasonably foreseeable time.^{2 3} On February 5, 2010, the Commission determined that the domestic interested party group response to its notice of institution was adequate⁴ and that the respondent interested party group response was inadequate.⁵ In the absence of respondent interested party responses and any other circumstances that would warrant the conduct of a full review, the Commission determined to conduct an expedited review of the antidumping duty order pursuant to section 751(c)(3) of the Act (19 U.S.C. § 1675(c)(3)).⁶ The Commission voted on this review on March 31, 2010, and notified Commerce of its determination on April 15, 2010. The following tabulation presents selected information relating to the schedule of this five-year review.⁷

¹ 19 U.S.C. 1675(c).

² 74 FR 56661, November 2, 2009. All interested parties were requested to respond to this notice by submitting the information requested by the Commission. The Commission’s notice of institution is presented in app. A.

³ In accordance with section 751(c) of the Act, the U.S. Department of Commerce (“Commerce”) published a notice of initiation of a five-year review of the subject antidumping duty order concurrently with the Commission’s notice of institution. 74 FR 56593, November 2, 2009.

⁴ The Commission received four submissions from domestic producers Gleason Industrial Products, Inc. (“Gleason”) and its jointly-owned and operated affiliate Precision Products, Inc. (“Precision”), Harper Trucks, Inc. (“Harper”), Magline, Inc. (“Magline”), and Wesco Industrial Products (“Wesco”) (collectively referred to herein as “domestic interested parties”) in response to its notice of institution for the subject review. Gleason and Precision (collectively, “Gleason Group”) are represented by the law firm of Crowell & Moring LLP, while the remaining domestic interested parties are not represented by outside legal counsel. The domestic interested parties accounted for approximately *** percent of total U.S. production of hand trucks in 2008. The coverage estimate was calculated as the quantity of total reported production (***) hand trucks) divided by the average of the estimates for total U.S. production provided by the participating domestic producers in their responses to the Commission’s notice of institution in this review (***) hand trucks).

⁵ The Commission did not receive a response from any respondent interested parties to its notice of institution.

⁶ 75 FR 8745, February 25, 2010. The Commission’s notice of an expedited review appears in app. A. The Commission’s statement on adequacy is presented in app. B.

⁷ Cited *Federal Register* notices beginning with the Commission’s institution of a five-year sunset review are presented in app. A.

Effective date	Action	Federal Register citation
November 2, 2009	Commission's institution of five-year review	74 FR 56661 November 2, 2009
November 2, 2009	Commerce's initiation of five-year review	74 FR 56593 November 2, 2009
February 5, 2010	Commission's determination to conduct an expedited five-year review	75 FR 8745 February 25, 2010
March 10, 2010	Commerce's final determination in its expedited five-year review	75 FR 11120 March 10, 2010
March 31, 2010	Commission's vote	Not applicable
April 15, 2010	Commission's determination transmitted to Commerce	Not applicable

The Original Investigation

On November 13, 2003, a petition was filed with Commerce and the Commission alleging that an industry in the United States was materially injured and threatened with further material injury by reason of less-than-fair-value ("LTFV") imports of hand trucks from China.⁸ On October 14, 2004, Commerce made an affirmative final LTFV determination⁹ and, on November 22, 2004, the Commission completed its original investigation, determining that an industry in the United States was threatened with material injury by reason of LTFV imports of hand trucks from China.¹⁰ After receipt of the Commission's final affirmative determination, Commerce issued an antidumping duty order on imports of hand trucks from China.¹¹

Commerce's Original Determination and Subsequent Review Determinations

Commerce's original determination was published on October 14, 2004, and the antidumping duty order concerning hand trucks from China was issued on December 2, 2004. Commerce is currently conducting an administrative review of the subject merchandise from China for the 2007-08 period and has published its preliminary results; however, the final results of Commerce's administrative review are not expected to be released until later in 2010.¹² In addition, Commerce has completed three administrative reviews¹³ and two new shipper reviews of the antidumping duty order on hand trucks from

⁸ The petition was filed by Gleason Industrial Products, Inc., Los Angeles, CA. On December 1, 2003, Gleason filed an amendment to the petition to include a second member of the Gleason Group, Precision Products, Inc., Lincoln, IL, as a co-petitioner. *Hand Trucks and Certain Parts Thereof From China: Investigation No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. I-1.

⁹ 69 FR 60980, October 14, 2004.

¹⁰ 69 FR 69957, December 1, 2004.

¹¹ 69 FR 70122, December 2, 2004.

¹² 75 FR 1339, January 11, 2010.

¹³ Administrative review for the period December 1, 2006, through November 30, 2007 was rescinded. *Notice of Rescission of Antidumping Duty Administrative Review: Hand Trucks and Certain Parts Thereof from the People's Republic of China*, 73 FR 36300 (July 28, 2008).

China as shown in table I-1. Although there have been twenty scope rulings concerning the antidumping duty order,¹⁴ there have been no changed circumstances determinations and no duty absorption findings.

Commerce's Final Result of Expedited Five-Year Review

Commerce published the final result of its review based on the facts available on March 10, 2010. Commerce concluded that revocation of the antidumping duty order on hand trucks from China would likely lead to continuation or recurrence of dumping at margins determined in its original amended final determination.¹⁵ Information on Commerce's final determination, antidumping duty order, administrative review determinations, new shipper review determinations, and final results of its expedited five-year review is presented in table I-1.

Distribution of Continued Dumping and Subsidy Offset Act Funds to Affected Domestic Producers

Qualified U.S. producers of hand trucks are eligible to receive disbursements from U.S. Customs and Border Protection ("Customs") under the Continued Dumping and Subsidy Offset Act of 2000 ("CDSOA"), also known as the Byrd Amendment.¹⁶ Certifications were filed with Customs by three claimants with respect to hand trucks from China during 2006-09. Gleason and Precision filed separate claims to receive disbursements under CDSOA in 2006. From 2007-09, Wesco, along with Gleason and Precision, filed claims. No other CDSOA claims/disbursements were made with respect to the subject merchandise from China prior to 2006.¹⁷ Table I-2 presents CDSOA claims and disbursements for Federal fiscal years 2006-09.

¹⁴ See the section of this report entitled "Scope" for information concerning Commerce's scope rulings.

¹⁵ 75 FR 11120, March 10, 2010.

¹⁶ 19 CFR 159.64(g).

¹⁷ Customs' *CDSOA Annual Reports 2004-2009*, http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Table I-1

Hand trucks: Commerce’s final determination, antidumping duty order, administrative and new shipper reviews, and final results of expedited five-year review

Action	Effective date	Federal Register citation	Period of investigation/ review	Antidumping duty margins		
				Firm-specific		Country-wide ¹
				Percent ad valorem		
Final determination	10/14/2004	69 FR 60980	04/01/2003-09/30/2003	Future Tool Huatian Shandong Taifa True Potential Xinghua	30.56% 45.04% 30.56% 27.00% 24.90% 386.75%	386.75%
Amended final determination ²	11/12/2004	69 FR 65410	04/01/2003-09/30/2003	Future Tool Huatian Shandong Taifa True Potential	32.76% 46.48% 32.76% 26.49% 33.68%	383.60%
Antidumping duty order	12/02/2004	69 FR 70122	--	Future Tool Huatian Shandong Taifa True Potential	32.76% 46.48% 32.76% 26.49% 33.68%	383.60%
Administrative review	05/15/2007	72 FR 27287	12/01/2004-11/30/2005	Jiaxing True Potential	383.60% 17.59%	383.60%
New shipper review	05/15/2007	72 FR 27287	12/01/2004-11/30/2005	Since Hardware	0.00%	--
Administrative review	07/28/2008	73 FR 43684	12/01/2005-11/30/2006	Taifa	383.60%	383.60%
Administrative review	01/28/2008	73 FR 4829	12/01/2006-11/30/2007	(³)		(³)
New shipper review	08/15/2008	73 FR 47888	12/01/2006-05/31/2007	New-Tec	0.00%	--
Preliminary results of administrative review	01/11/2010	75 FR 1339	12/01/2007-10/31/2007	Since Hardware	17.57%	--
Final results of expedited five-year review	03/10/2010	75 FR 11120		Future Tool Huatian Shandong Taifa True Potential	32.76% 46.48% 32.76% 26.49% 33.68%	383.60%

¹ The country-wide rate applies to all companies that otherwise have not received a “firm-specific” rate.
² Commerce revised the final weighted-average dumping margins following the allegation and correction of ministerial errors. 69 FR 65410, November 12, 2004.
³ This review was rescinded because the petitioners (Gleason and Precision) withdrew their requests for review. 73 FR 36300, June 26, 2008.

Source: Cited *Federal Register* notices.

Table I-2

Hand trucks: CDSOA claims and disbursements, Federal fiscal years 2006-09^{1 2}

Year	Claimant	Share of yearly allocation	Certification amount ³	Amount disbursed
		Percent ⁴	Dollars	
2006	Gleason	45.50	12,697,538.00	983.13
	Precision	54.50	15,212,000.00	1,177.81
	Total	100.00	27,909,538.00	2,160.94
2007	Gleason	37.39	22,479,558.30	1,085,781.69
	Precision	42.31	25,433,455.17	1,228,457.41
	Wesco	20.30	12,204,585.00	589,491.79
	Total	100.00	60,117,598.47	2,903,730.89
2008	Gleason	37.27	29,903,572.61	1,231,895.83
	Precision	38.80	31,133,521.76	1,282,564.34
	Wesco	23.92	19,195,503.21	790,770.41
	Total	100.00	80,232,597.58	3,305,230.58
2009	Gleason	37.27	28,671,766.78	531,148.65
	Precision	38.80	29,850,957.42	552,993.33
	Wesco	23.92	18,404,732.80	340,950.35
	Total	100.00	76,927,457.00	1,425,092.33

¹ The Federal fiscal year is October 1-September 30.
² No CDSOA claims and disbursements were made with respect to hand trucks from China prior to 2006.
³ Qualifying expenditures incurred by domestic producers since the issuance of an order.
⁴ Total presented as reported in Annual Report may not add to figures shown.

Source: Customs' CDSOA Annual Reports 2004-09,
http://www.cbp.gov/xp/cgov/trade/priority_trade/add_cvd/cont_dump/.

Related Commission Investigations and Reviews

The Commission has conducted no other related investigations or reviews concerning hand trucks. However, in 1972 the Commission made a unanimous negative determination with respect to hand pallet trucks from France.¹⁸

¹⁸ *Hand Pallet Trucks from France*, Inv. No. AA1921-95, TC Publication 498, July 1972.

THE PRODUCT

Scope

In its original antidumping duty order, Commerce defined the subject merchandise as follows:

. . .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 petition. 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 petition. 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 petition. 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 petition. 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 typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States (“HTSUS”), although they may also be imported under heading 8716.80.50.90. 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 8716.90.50.60 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department’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.¹⁹

Commerce has received twenty separate requests for scope rulings since the original antidumping duty order date. The requestors, outcomes, and completion dates of Commerce’s scope rulings are listed in table I-3.

¹⁹ *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.

Table I-3
Hand trucks: Commerce's scope rulings

Requestor	Scope ruling	Date of completion	Federal Register citation
Central Purchasing, LLC	Exclusion request denied. Accessory carts are within the scope of the antidumping duty order.	June 3, 2005	70 FR 55110 (September 20, 2005)
Faultless Starch/Bon Ami Co.	Exclusion request denied. RuXXac and RuXXac Long hand trucks are within the scope of the antidumping duty order.	June 3, 2005	70 FR 55110 (September 20, 2005)
Central Purchasing, LLC	Exclusion request granted. An accessory cart that is specifically designed to fit and carry a "Breaker Hammer," and is imported separately from the Breaker Hammer, is not included within the scope of the antidumping duty order.	February 1, 2006	71 FR 26050 (May 3, 2006)
Central Purchasing, LLC	Exclusion request granted. Its two "welding carts" are not included within the scope of the antidumping duty order.	February 15, 2006	71 FR 26050 (May 3, 2006)
Vertex International, Inc.	Exclusion request granted. Certain components of its Garden Cart, if imported separately, are not included within the scope of the order.	March 8, 2006	71 FR 26050 (May 3, 2006)
Gleason Industrial Products, Inc.; Precision Products, Inc.	Exclusion request denied. The "Black and Decker Workmate 525" and "Black and Decker Workmate 500" are included within the scope of the antidumping duty order.	June 15, 2006	71 FR 42807 (July 28, 2006)
Ameristep Corporation, Inc.	Exclusion request granted. Its "non-typical" deer cart (product no. 7800) and its "grizzly" deer cart (product no. 9800) are not within the scope of the antidumping duty order.	May 18, 2007	72 FR 43245 (August 3, 2007)
Bond Street Ltd.	Exclusion request denied. The Stebcos portable slide-flat cart (style no. 390009CHR) is included within the scope of the antidumping duty order.	May 30, 2007	72 FR 43245 (August 3, 2007)
WelCom Products, Inc.	Exclusion request granted. Its MCX Magna Cart is not within the scope of the antidumping duty order.	May 12, 2008	73 FR 49418 (August 21, 2008)
Fiskars Brands, Inc.	Exclusion request granted. Its Allbarrow cart is not within the scope of the antidumping duty order.	August 13, 2008	73 FR 72771 (December 1, 2008)
Central Purchasing, LLC	Exclusion request granted. Its welding cart (model number 65939), is not within the scope of the antidumping duty order.	October 1, 2008	74 FR 14521 (March 31, 2009)
Reisenthel Accessories	Exclusion request granted. Carrycruiser shopping cart is not within the scope of the antidumping duty order.	October 15, 2008	74 FR 14521 (March 31, 2009)
Ardisam, Inc.	Exclusion request granted. Yukon Tracks Sportsman's Cart (model number AV125) is not within the scope of the antidumping duty order.	October 16, 2008	74 FR 14521 (March 31, 2009)
Conair Corporation	Exclusion request denied. LadderKart, a hand truck with an integral folding step-ladder, is within the scope of the antidumping duty order.	October 20, 2008	74 FR 14521 (March 31, 2009)
American Lawn Mower Company	Exclusion request granted. Collect-It Garden Waste Remover is not within the scope of the antidumping duty order.	November 10, 2008	74 FR 14521 (March 31, 2009)

Table continued on the following page.

Table I-3--Continued
Hand trucks: Commerce's scope rulings

Requestor	Scope ruling	Date of completion	Federal Register citation
Eastman Outdoors, Inc.	Exclusion request granted. Versa deer cart (model 9930) is not within the scope of the antidumping duty order.	December 31, 2008	74 FR 14521 (March 31, 2009)
Corporate Express Inc.	Exclusion request denied. Luggage cart model number CEB31210 is within the scope of the antidumping duty order.	February 11, 2009	74 FR 43680 (August 27, 2009)
	Exclusion request granted. Luggage cart model number CEB31490 is outside the scope of the antidumping duty order.		
Safco Products Co.	Exclusion request granted. The StowAway Cart (Model 4062) and Stow And Go Cart (Model 4049) are outside the scope of the antidumping duty order.	June 10, 2009	74 FR 49859 (September 29, 2009)
E & B Giftware, LLC	Exclusion request denied. The Samsonite Micro Mover Fold Away Carry-On Luggage Cart and the American Tourister Swing Wheel Luggage Cart are within the scope of the antidumping duty order.	May 29, 2009	74 FR 49859 (September 29, 2009)
	Exclusion request granted. The Samsonite Compact Luggage Cart is outside the scope of the antidumping duty order.		
Central Purchasing, LLC	Exclusion request granted. Model 93851 is within the scope of the antidumping duty order.	(1)	75 FR 4769 (January 29, 2010)
	Exclusion request denied. Model 43615 is outside the scope of the antidumping duty order.		
<p>¹ In an unpublished ruling, Commerce found both models to be outside the scope of the antidumping duty order in February 2006. However, Gleason disagreed with this finding and filed its summons with the U.S. Court of International Trade. The Court's final judgment (presented in this table) was not in harmony with Commerce's original ruling. Commerce is required to publish a notice of a court decision that is not "in harmony" with its determination. Section 516A(c)(1) of the Act (19 U.S.C. § 1675(c)(3)). 75 FR 4769, January 29, 2010.</p> <p>Source: Cited <i>Federal Register</i> notices.</p>			

U.S. Tariff Treatment

The subject merchandise is classified in the Harmonized Tariff Schedule of the United States (HTSUS) in subheading 8716.80.50 and imported under statistical reporting numbers 8716.80.5010 ("industrial hand trucks") and 8716.80.5090 ("other" vehicles, not mechanically propelled, not elsewhere enumerated") of the Harmonized Tariff Schedule of the United States ("HTS"). Hand truck parts are primarily imported under statistical reporting number 8716.90.5060. The normal trade relations tariff rate (applicable to imports from China) imposed for this product in 2010 is 3.2 percent *ad valorem*.

Domestic Like Product and Domestic Industry

The domestic like product is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the subject merchandise. In its original determination, the Commission found a single domestic like product comprised of finished hand trucks and certain hand truck parts corresponding to Commerce's scope of investigation and a single domestic

industry consisting of all U.S. producers of the domestic like product.²⁰ The domestic producers participating in the adequacy phase of this review indicated in their responses to the Commission's notice of institution that they agree with the Commission's definitions of the domestic like product and domestic industry as set out in the Commission's notice of institution and its final determination in the original investigation.²¹

The domestic industry is the collection of U.S. producers, as a whole, of the domestic like product, or those producers whose collective output of the domestic like product constitutes a major proportion of the total domestic production of the product. The interested domestic parties participating in this review accounted for *** percent of total U.S. domestic production.²² During the original investigation, there were believed to be 21 companies producing finished hand trucks and/or hand truck parts in the United States. U.S. industry data presented in the Commission's staff report in the original final investigation were based on the questionnaire responses of 10 firms that accounted for approximately 90 percent of U.S. production during January 2001-June 2004. The three largest producers at that time were the petitioning firm Gleason, followed by Angelus Manufacturing ("Angelus") and Harper. The domestic interested parties in this current five-year review also identified 21 domestic producers of hand trucks in their responses. The only related party they identified in their responses was domestic producer Valley Craft, which is related through a common parent (Liberty Diversified Industries) to Safco Products, a U.S. importer of hand trucks from China.²³

Physical Characteristics and Uses²⁴

Hand trucks typically consist of (1) a frame; (2) a handling area; (3) two or more wheels; and (4) a projecting edge or edges perpendicular, or at an angle, to the frame. The frame is made primarily from steel, aluminum, or nylon, while the handling area and projecting edges are usually but not always made from the same material as the frame. Hand trucks sold in the United States typically are manufactured from steel components.

Hand trucks are used for tasks related to material handling when there is a need to move objects generally not exceeding 1,000 pounds over short distances. Hand trucks are multipurpose in that they can be used indoors or outdoors, can roll over a variety of surfaces, and carry every type of load. Although certain hand trucks are designed for specific tasks, the majority of hand trucks sold are designed for general use. Newer designs and technology allow certain hand trucks to be folded or collapsed.²⁵

²⁰ *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. I-4.

²¹ See responses of Gleason Group, Harper, Magline, and Wesco to the Commission's notice of institution in this review.

²² The coverage figure presented is the estimated share of total U.S. production of hand trucks in 2008 for which the responding firms account. The estimate was calculated as the quantity of total reported production (*** hand trucks) divided by the average of the estimates for total U.S. production provided by the participating domestic producers in their responses to the Commission's notice of institution in this review (*** hand trucks).

²³ See responses of Gleason Group, Harper, Magline, and Wesco to the Commission's notice of institution in this review.

²⁴ Much of the industry information presented in this section is from the report issued in the final investigation, *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004.

²⁵ Examples include the Magna Cart (WelCom Products, made in China) and the Folding Hand Truck (Milwaukee Hand Trucks, a Gleason Group company, made in Taiwan).

Hand truck parts are used almost exclusively for the production of finished hand trucks.²⁶ U.S.-produced hand truck parts that are sold in the United States are commonly aluminum.

Manufacturing Process²⁷

The frame, handling area, and projecting edges are typically manufactured during a continuous production process. For a basic two-wheel steel hand truck, the manufacturing process is as follows: (1) steel sheet is cut to form the projecting edge or base plate; (2) steel tubing is then cut and formed into the exterior portion of the frame; (3) crossbars that formed the interior portion of the frame are stamped and pressed; and (4) the axle and axle brace are manufactured from round bar. The component parts are then welded together to create an article that looks like a hand truck minus wheels. The final product is then cleaned and painted, and ready for the addition of wheels. Different styles of hand trucks generally are manufactured using the same production processes.

The wheels or casters used on the hand truck generally are manufactured by a separate production process. They can be manufactured in the same plant as the hand truck assembly, but it is just as likely that they are manufactured in a separate plant dedicated to the production of wheels and casters. For a basic two-wheel steel hand truck, the wheels are manufactured using the following components: tires, bearings, steel tubing, and wheel hubs. The finished wheels are then assembled on the axle of the hand truck. The finished hand truck is then hand tagged and packed for delivery.

Interchangeability and Customer and Producer Perceptions²⁸

In the original investigation, the Commission found that there was a moderate to high level of interchangeability between the domestic product and subject imports. The Commission further found that the interchangeability between subject imports and the domestic product translated into direct competition for sales of general-use hand trucks at national home improvement stores, club warehouses, and other major retailers.²⁹ U.S. producer *** suggested in its response to the notice of institution that U.S.-produced hand trucks are duplicated outside the United States. However, purchaser *** notes that it has observed an “on-going focus on the innovation of features and use of new materials such as aluminum in the production of hand trucks” from China. Purchaser *** stated in its survey response that it has not observed any competition between the domestic product and subject imports since the institution of the anti-dumping duty order.³⁰

²⁶ In the original investigation, only one out of the 10 responding U.S. producers reported using the hand truck components for anything other than the finished product. *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, pp. I-4-I-5.

²⁷ Unless indicated otherwise, the discussion in this section is based on information contained in *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. I-5.

²⁸ Ibid.

²⁹ *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. 13.

³⁰ Response to the notice of institution by *** and purchaser survey responses of ***.

Channels of Distribution³¹

Hand trucks are sold to residential, industrial and office/small business customers through a variety of channels of distribution: home improvement stores, club warehouses, hardware stores, catalog houses/industrial distributors, office supply stores and other firms. Domestic producers' U.S. shipments of finished hand trucks were primarily sold through home improvement stores, which accounted for *** percent of domestic shipments, and club warehouses, which accounted for *** of domestic shipments, during the annual periods examined. Catalog houses/distributors were the next largest category, accounting for *** percent of domestic shipments in the annual periods surveyed.³² Importers' U.S. shipments of finished hand trucks were also primarily sold to home improvement stores, club warehouses, and catalog houses/distributors. However, for importer shipments, club warehouses rather than home improvement stores were the leading channel of distribution.

The Commission found in the original investigation that demand for finished hand trucks is fueled predominantly by the home improvement sector of the U.S. market, which encompasses home improvement stores and club warehouses, both of which are large scale retailers, (sometimes referred to as "big-box" retailers). Further, most of the competition between domestic hand trucks and subject imports takes place in the home improvement sector of the U.S. hand truck market. The industrial sector of the U.S. hand truck market is a distant second to the home improvement sector in terms of demand for hand trucks. Industrial customers buy more specialized and expensive hand trucks, typically in smaller volumes, than are purchased in the home improvement sector.

Information collected in this first review suggests that home improvement stores continue to be an important channel of distribution for hand trucks, particularly those produced in the United States. *** identified the Home Depot and Lowe's as leading purchasers of hand trucks.³³ *** also stressed the importance of large industrial distributors and the growing role of online (internet) suppliers since 2004.³⁴

Pricing

During the original investigation the Commission collected pricing data for sales to home improvement stores, hardware stores, catalog houses/industrial supply distributors, retail, and other end use consumers of four products. Based on the data, underselling by subject imports of the domestic product was widespread. Of the 122 possible quarterly price comparisons from January 2001 to June 2004, subject imports undersold domestic products in 114 quarters or in 93 percent of the possible comparisons. Underselling margins ranged as high as 80 percent.³⁵

³¹ Unless indicated otherwise, the discussion in this section is based on information contained in *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, pp. 10-12.

³² Confidential Views of the Commission, pp. 13-14.

³³ Responses to the notice of institution by ***. The latter producer indicated that Home Depot and Lowe's were believed to source hand trucks from the United States and Taiwan. Response to the notice of institution by ***. See also Company Overview for Best Wheel Products Company, Ltd., of Taiwan (<http://www.wheelltd.com/index02.htm>, (cache, as of December 12, 2009); product description of the Folding Hand Truck by Milwaukee Hand Trucks (a Gleason Group company), produced in Taiwan; and product description for the Magna Cart by WelCom Products, produced in China (but, as noted in Table I-3, the MCX Magna Cart is excluded from the antidumping duty order).

³⁴ Response to the notice of institution by ***.

³⁵ *Hand Trucks and Certain Parts Thereof From China, Inv. No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. 21.

In the original investigation, purchasers identified the three major factors considered by their firm in deciding from whom to purchase hand trucks. In order of importance, price, quality, and availability were considered the most important; twenty of the 22 responding purchasers ranked price among the top three factors, 15 ranked quality among the top three, and eight ranked availability among the top three. The Commission observed that purchasers indicated that Chinese and domestic products were comparable in quality and availability, while the Chinese product was lower in price.³⁶

THE INDUSTRY IN THE UNITED STATES

U.S. Producers

U.S. industry data collected in the original investigation were based on the questionnaire responses of ten domestic producers that accounted for approximately 90 percent of U.S. production of hand trucks and parts during January 2001-June 2004. The largest U.S. producers that participated in the original investigation and their shares of reported domestic production for fully assembled hand trucks during 2003 were as follows: Angelus (***) percent), Gleason Group (***) percent), Harper (***) percent), Magline (***) percent), and Wesco (***) percent). In addition, B&P and Magline reported shares of production for hand truck parts, *** percent and *** percent respectively.³⁷

The domestic interested parties reported in their response that there are currently 21 domestic producers of hand trucks and parts.³⁸ Four of the 10 participants from the original investigation responded to the Commission's notice of institution of this review. In addition, although Angelus did not provide a separate response, the company was purchased by responding producer Harper in 2008.³⁹ This event was also noted by purchaser ***, which reported in its survey a recent consolidation of the domestic industry through acquisition.⁴⁰ Table I-4 lists the ten original participating firms, each firm's location(s), and shares of reported production in 2003 and 2008.

Staff notes that the data presented for the remainder of this report focuses on finished hand trucks. This reflects the data provided in response to the notice of institution and the constraints of official import statistics, which provide for hand truck parts in a diverse statistical reporting number. The value of hand truck parts, however, is not believed to be large relative to the value of finished hand trucks.⁴¹

³⁶ Ibid., pp. 13-14.

³⁷ *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136), p. III-2.

³⁸ See responses of Gleason Group, Harper, Magline, and Wesco to the Commission's notice of institution in this review.

³⁹ See "Phil Ruffin to expand Harper Trucks once again with a major account" in *The Wichita Eagle Blog*, January 27, 2010. See also Gleason Group's response to the Commission's notice of institution, exh. A.

⁴⁰ Purchaser survey response of ***.

⁴¹ Compare tables C-2 and C-3 in *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136) (parts are less than *** percent of the combined hand truck consumption).

Table I-4

Hand trucks and parts: U.S. producers, locations, and company shares of 2003 and 2008 total domestic production

Firm	Location	Share of 2003 reported production (percent)		Estimated share of 2008 reported production (percent)	
		Finished	Parts ¹	Finished	Parts ¹
American Power Pull	Ohio	(²)	---	(³)	(³)
Angelus ⁴	California	***	---	(³)	---
Anthony	California	***	---	(³)	---
B&P	Michigan	***	***	(³)	(³)
Fairbanks	Georgia	***	---	(³)	---
Gleason Group	Illinois, Indiana	***	---	***	---
Harper	Kansas	***	---	***	---
Magline	Michigan	***	***	***	(³)
Valley Craft	Minnesota	(²)	---	(³)	---
Wesco	Pennsylvania	***	---	***	---
Total		100.0	100.0	100.0	(³)

¹ Includes frames, handling areas, projecting edges (toe plates), and unassembled kits.
² ***.
³ Not available.
⁴ Angelus was acquired by Harper in 2008.

Source: *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final), October 28, 2004 (INV-BB-136), table III-1; Responses of domestic interested parties.*

U.S. Producers' Trade, Employment, and Financial Data

Table I-5 presents data reported by U.S. producers of hand trucks and parts in the Commission's original investigation and in response to its five-year review institution notice. Data presented for the period examined in the final phase of the original investigation were provided by 10 producers (American Power, Angelus, Anthony, B&P, Fairbanks, Gleason Group (including Precision Products), Harper, Magline, Valley Craft, and Wesco) that were believed to represent approximately 90 percent of the U.S. production of hand trucks and parts during January 2001-June 2004. Data presented for 2008 were provided by four producers (Gleason, Harper, Magline, and Wesco) that are believed to represent *** percent of hand truck production during 2008.^{42 43}

⁴² As noted previously, in 2008 Harper bought Angelus, which accounted for *** percent of U.S. production in 2003.

⁴³ The Gleason Group (including Precision Products), Harper (including Angelus, which was acquired in 2008), Magline, and Wesco accounted for the great majority of reported domestic production during the period examined in the original investigation.

Table I-5

Finished hand trucks: U.S. producers' trade, employment, and financial data, 2001-03, January-June 2003, January-June 2004, and 2008¹

(Quantity=*units*; unit values and unit labor costs=*\$/unit*)

Item	2001	2002	2003	January-June		2008
				2003	2004	
Capacity ^{1 2}	2,403,689	2,401,915	2,413,768	1,208,406	1,320,557	***
Production	1,463,692	1,495,514	1,495,311	816,444	736,204	***
Capacity utilization (<i>percent</i>)	60.9	62.3	61.9	67.6	55.7	***
U.S. shipments:						
Quantity	1,468,849	1,425,093	1,467,009	763,374	720,296	***
Value (\$1,000)	53,989	53,146	53,407	27,737	26,345	***
Unit value	\$36.76	\$37.29	\$36.41	\$36.33	\$36.58	***
Exports:						
Quantity	***	***	***	***	***	(³)
Value (\$1,000)	***	***	***	***	***	(³)
Unit value	\$***	\$***	\$***	\$***	\$***	(³)
Total shipments:						
Quantity	***	***	***	***	***	(³)
Value (\$1,000)	***	***	***	***	***	(³)
Unit value	\$***	\$***	\$***	\$***	\$***	(³)
End-of-period inventories	***	***	***	***	***	(³)
Production and related workers (<i>number</i>)	358	370	371	347	327	(³)
Hours worked (<i>1,000 hours</i>)	695	726	724	374	377	(³)
Wages paid (\$1,000)	7,134	7,345	7,721	3,797	3,884	(³)
Hourly wages	\$10.26	\$10.12	\$10.66	\$10.15	\$10.32	(³)
Productivity (<i>units/hour</i>)	2.0	2.0	2.0	2.1	1.9	(³)
Unit labor costs (<i>per unit</i>)	\$5.04	\$5.07	\$5.32	\$4.77	\$5.46	(³)
Net sales (\$1,000)	53,658	52,831	53,400	27,818	25,907	***
Operating income or (loss) (\$1,000)	6,471	5,765	3,534	2,525	2,002	***
Operating income (loss)/sales (<i>percent</i>)	12.1	10.9	6.6	9.1	7.7	***

¹ Data presented for 2001-2003, January-June 2003, and January-June 2004 were provided by ten producers (American Power, Angelus, Anthony, B&P, Fairbanks, Gleason, Harper, Magline, Valley Craft, and Wesco) in the final phase of the original investigation. These ten firms were believed to have represented approximately 90 percent of the U.S. production of finished hand trucks and parts during the period of investigation. Data presented for 2008 were provided by Gleason, Harper, Magline, and Wesco. Together with Angelus (acquired by Harper in 2008), these firms are believed to have represented a great majority of reported domestic production during 2003.

² In the original investigation, *** did not report capacity, therefore staff conservatively estimated their capacity at their highest level of production.

³ Not available.

Source: Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final), October 28, 2004 (INV-BB-136), tables III-3, III-4, III-6, III-7 and VI-1; Responses of domestic interested parties.

During the period examined in the original investigation, the domestic industry's capacity for producing finished hand trucks decreased by 0.1 percent from 2001 to 2002, then increased by 0.5 percent from 2002 to 2003, and was 9.3 percent higher in January-June 2004 than in January-June 2003. Total U.S. production of hand trucks increased by 2.2 percent from 2001 to 2002, remained stable in 2003, but was 9.8 percent lower in January-June 2004 than in January-June 2003. U.S. shipment volume decreased by 3.0 percent from 2001 to 2002, increased by 2.9 percent in 2003, and was 5.6 percent lower in January-June 2004 than in January-June 2003. Unit values of U.S. shipments increased by 1.5 percent from 2001 to 2002, decreased by 2.4 percent in 2003, and were 0.7 percent higher in January-June 2004 than in January-June 2003.⁴⁴ Average hours worked increased from 2001 to 2002 and remained relatively stable in 2003. Hourly wages fluctuated in relatively small increments, decreasing slightly from 2001 to 2002 and increasing in 2003. The operating income margin decreased from 2001 to 2003, while total net sales remained relatively stable during the same period. The total gross profit and operating income decreased throughout the investigation period.⁴⁵

During the period examined in this five-year review, production capacity, production volume, U.S. shipment quantity, value, and unit value, net sales, and operating income for calendar/fiscal year 2008 are the only industry indicators available.⁴⁶ U.S. production in 2008 was higher than production during the original investigation, by *** percent compared to 2001 and by *** percent compared to 2003. However, the operating income to net sales ratio decreased from 6.6 percent in 2003 to *** percent in 2008.

*** indicated in their response to the Commission's notice of institution in this review that "most U.S. hand trucks manufacturers are operating on very slim margins, if not at a loss, due to the current recession." *** further states that it is ***.⁴⁷ The domestic interested parties also indicated that the antidumping duty order has resulted in increased imports from Taiwan. The observation that U.S. imports of hand trucks from Taiwan have increased is consistent with U.S. import statistics.

Related Party Issues

In the original investigation, the Commission identified five domestic hand truck producers as related parties by virtue of their importation of parts (***); finished hand trucks (***); or importation of subject merchandise by a related entity (***).⁴⁸ The domestic interested parties indicated in their response to the Commission's notice of institution in this review that Valley Craft is related to importer Safco Products, a division of LDI.⁴⁹ In addition, none of the responding domestic producers reported having imported the subject merchandise from China since the original investigation and no other related parties were otherwise identified.

⁴⁴ The industry's export shipments averaged only about 2.4 percent of total shipment volume. *** were the only U.S. producers to report export shipments, which were made to ***. *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136), p. III-5.

⁴⁵ *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136), table C-1.

⁴⁶ Although the operating income reported by *** appears to be reasonable, the company's COGS, gross profit, and SG&A expenses were internally inconsistent. Accordingly, these data are not presented.

⁴⁷ Response of U.S. producer ***.

⁴⁸ Confidential Views of the Commission, pp. 8-12.

⁴⁹ Staff notes that the record in the original investigation attributed imports of subject hand trucks to ***. ***.

U.S. IMPORTS AND APPARENT U.S. CONSUMPTION

U.S. Imports

During the original investigation, the Commission received importer questionnaire responses from 36 companies that were believed to have accounted for nearly three-quarters of the quantity of U.S. imports from China during the period for which data were collected in the original investigation. Thirty-five firms reported imports of finished hand trucks from China, the largest of which was ***.⁵⁰ Seven U.S. importers reported imports of hand truck parts from China, the largest of which was ***. *** was found to be the largest single purchaser of hand trucks, having purchased or imported directly *** of apparent U.S. consumption at that time. Other major known purchasers included ***.⁵¹ Purchasers *** noted in response to surveys issued in the review that it is no longer cost-effective to import hand trucks from China.⁵²

In their responses to the Commission's notice of institution in this current review, the domestic interested parties identified 17 U.S. importers of hand trucks from China. According to official import statistics, U.S. imports of finished hand trucks from China during 2008 amounted to 252,245 trucks (valued at \$7.7 million).⁵³

Annual data for hand trucks for the period 2001-08 are presented in table I-6. The quantity of U.S. imports of finished hand trucks from China increased by 107.1 percent from 2001 to 2003. The quantity of subject finished hand truck imports increased by 44.2 percent from 2001 to 2002, with continued growth of 43.6 percent from 2002 to 2003. The trend was similar for the value of U.S. imports of finished hand trucks from China, with an increase of 54.2 percent from 2001 to 2002 and a continued increase of 44.0 percent from 2002 to 2003. The quantity and value of imports from nonsubject countries fluctuated markedly from period to period, but never approached the volume of subject imports from China.

Since the period examined in the original investigation, the quantity of U.S. imports of finished hand trucks from China decreased by 75.4 percent, from 2004 to 2008, while the value of these imports decreased by 62.7 percent. From 2006 to 2007, subject imports decreased by 41.7 percent, a substantially larger decrease than when the antidumping duty order was first instituted in 2004. Subject imports only decreased by 11.4 percent from 2004 to 2005 and remained relatively stable throughout 2006. Staff notes that as a result of a 2008 administrative review, Taifa, the *** reporting foreign producer and exporter of hand trucks during the original investigation, was converted to the country-wide antidumping duty rate.⁵⁴ Taifa had previously operated under an antidumping duty rate of 26.49 percent at the time the antidumping duty order was instituted.⁵⁵

⁵⁰ *** imported hand trucks produced in China by Wanrong Industrial Co. (Wireking Group). Other major U.S. importers of finished hand trucks at that time were: ***

⁵¹ *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136), p. I-3.

⁵² Purchaser survey response of ***.

⁵³ The import data presented are for finished hand trucks classified in the official import statistics under the HTS statistical reporting number for industrial hand trucks, 8716.80.5010. Some finished hand trucks may also be imported under HTS statistical reporting number 8716.80.5090, which is a basket category. In addition, hand truck parts typically are imported under statistical reporting number 8716.90.5060. Therefore, the import data presented may be somewhat understated.

⁵⁴ *Hand Trucks and Certain Parts Thereof from the People's Republic of China; Final Results of 2005-2006 Administrative Review*, 73 FR 43684, July 28, 2008.

⁵⁵ *Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China*, 69 FR 70122, December 2, 2004.

Table I-6
Hand trucks: U.S. imports, by source, 2001-08¹

Source	2001	2002	2003	2004	2005	2006	2007	2008
Quantity (units)								
China	650,172	937,851	1,346,305	1,025,865	908,507	943,756	550,363	252,245
All others ¹	63,912	131,700	66,251	153,206	283,387	263,438	257,497	233,408
Total imports	714,084	1,069,551	1,412,556	1,179,071	1,191,894	1,207,194	807,860	485,653
Value (\$1,000)								
China	9,622	14,839	21,366	20,657	15,904	15,038	12,274	7,708
All others ¹	4,052	4,712	4,047	4,437	8,805	9,356	13,084	10,991
Total imports	13,673	19,551	25,413	25,094	24,708	24,394	25,358	18,699
Unit value (per unit)								
China	\$14.80	\$15.82	\$15.87	\$20.14	\$17.51	\$15.93	\$22.30	\$30.56
All others ¹	63.40	35.78	61.09	28.96	31.07	35.51	50.81	47.09
Average total imports	19.15	18.28	17.99	21.28	20.73	20.21	31.39	38.50
Share of quantity (percent)								
China	91.0	87.7	95.3	87.0	76.2	78.2	68.1	51.9
All others ¹	9.0	12.3	4.7	13.0	23.8	21.8	31.9	48.1
Total imports	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<p>¹ The largest "other" sources and their respective shares of the total quantity of imported finished hand trucks during 2008 include the following: Taiwan (39.0 percent), Vietnam (6.8 percent), Canada (0.5 percent), and Mexico (0.5 percent).</p> <p>Note.—Because of rounding, figures may not add to the totals shown.</p> <p>Note.—In 2009, U.S. imports of finished hand trucks from China rebounded to 793,094 units valued at \$16.7 million. Imports from nonsubject sources, primarily Taiwan and Vietnam, rose to 284,701 units valued at \$11.5 million.</p> <p>Source: <i>Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)</i>, October 28, 2004 (INV-BB-136), p. IV-1, IV-2 and table IV-1 (2000-02), official Commerce statistics, HTS statistical reporting number 8716.80.5010.</p>								

Leading Nonsubject Sources of Imports

From 2004 to 2008, the quantity of imports from nonsubject countries increased overall by 52.3 percent, and the value of imports from nonsubject countries increased by 147.7 percent. During the period for which data were collected, imports of finished hand trucks entered the United States from a variety of sources. The single largest nonsubject source of hand trucks during 2001-08 was Taiwan, which accounted for the largest share of nonsubject imports in every year after 2002, and 39.0 percent of total U.S. imports of finished hand trucks during 2008.⁵⁶ Other sources of finished hand trucks have been less consistent. Countries accounting for 20,000-50,000 units include Thailand (2001, 2002); Indonesia (2004); Malaysia (2004); and Vietnam (2008, 2009).

Ratio of Imports to U.S. Production

Information concerning the ratio of U.S. imports to U.S. production of hand trucks is presented in table I-7. Subject imports of hand trucks from China were equivalent to 44.4 percent of U.S. production in 2001, increased to 62.7 percent during 2002, and then further increased to 90.0 percent in 2003. Subject imports of hand trucks from China were equivalent to *** percent of U.S. production during 2008. The ratio of nonsubject imports to domestic production more than *** from 4.4 percent in 2003 to *** percent in 2008.

Table I-7

Hand trucks: Ratio of U.S. imports to U.S. production, by sources, 2001-03, January-June 2003, January-June 2004, and 2008¹

Item	2001	2002	2003	January-June		2008
				2003	2004	
Quantity (units)						
U.S. production	1,463,692	1,495,514	1,495,311	816,444	736,204	***
Ratio of U.S. imports to production (percent)						
China	44.4	62.7	90.0	82.7	92.1	***
Other	4.4	8.8	4.4	4.6	12.5	***
Total imports	48.8	71.5	94.5	87.4	104.7	***

¹ Production data presented for 2001-03, January-June 2003, and January-June 2004 were provided by 10 producers believed to have represented approximately 90 percent of the U.S. production of hand trucks and parts during January 2001-June 2004. Data presented for 2008 were provided by Gleason, Harper, Magline, and Wesco. Together with Angelus (acquired by Harper in 2008), these firms are believed to have represented a great majority of reported domestic production during the period examined in the original investigation.

Source: *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136), tables III-3 and IV-4 (2001-03, January-June 2003, and January-June 2004); official Commerce statistics, HTS statistical reporting number 8716.80.5010 (for 2008 U.S. import data); and *Responses of domestic interested parties* (for 2008 production data).

⁵⁶ In 2009, Taiwan accounted for 21.1 percent of U.S. imports of finished hand trucks.

Apparent U.S. Consumption and Market Shares

Apparent U.S. consumption and market shares are presented in table I-8. The quantity of apparent U.S. consumption of finished hand trucks increased by 31.9 percent from 2001 to 2003 and was 1.0 percent higher in January-June 2004 than in January-June 2003. The value of apparent U.S. consumption increased by 16.5 percent from 2001 to 2003 and was 3.2 percent higher in January-June 2004 than in January-June 2003. The quantity of apparent U.S. consumption in 2008 was lower than at any time during the original investigation, and was 34.2 percent less than apparent U.S. consumption in 2003.⁵⁷ Purchaser *** reported a decrease in consumer demand for hand trucks which it attributed to the current economic conditions.⁵⁸

The domestic producers' market share (based on quantity) fell from 67.3 percent in 2001 to 57.1 percent in 2002, decreased further to 50.9 percent in 2003, and reached 48.3 percent in the first six months of 2004. The subject imports from China gained market share from 29.8 percent in 2001 to 46.8 percent in 2003. The domestic hand trucks industry held an estimated *** percent of apparent U.S. consumption on the basis of quantity in 2008 and an estimated *** percent on the basis of value in that year. U.S. imports from China held a *** percent share of the U.S. market in 2008 on the basis of quantity and other sources held a *** percent share.

Domestic demand for hand trucks in the United States is determined by the needs of final consumers and business customers for stacking and moving loads, while the demand for hand truck parts is a derived demand that depends upon the demand for the final product (i.e. hand trucks).⁵⁹ The domestic interested parties indicated in their responses to the Commission's notice of institution that competitive conditions in the domestic hand trucks industry have changed little since the original investigation. U.S. domestic producer Gleason indicated in its response that it had noticed an increase in imports from Taiwan since December 2004,⁶⁰ which is consistent with official Commerce statistics. The volume of imports from Taiwan increased substantially from 55,047 units in 2004 to 257,231 units in 2005.

⁵⁷ However, domestic shipments are somewhat understated.

⁵⁸ Purchaser survey response of ***.

⁵⁹ *Hand Trucks and Certain Parts Thereof From China: Investigation No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. II-2

⁶⁰ *Response of Gleason*, November 25, 2009, p. 9.

Table I-8

Hand trucks: U.S. producers' U.S. shipments, U.S. shipments of imports, and apparent U.S. consumption, 2001-03, January-June 2003, January-June 2004, and 2008

Item	2001	2002	2003	Jan.-June		2008
				2003	2004	
Quantity (units)						
U.S. producers' U.S. shipments	1,468,849	1,425,093	1,467,009	763,374	720,296	***
U.S. imports from-- China	650,172	937,851	1,346,305	675,556	678,309	252,245
Other sources	63,912	131,700	66,251	37,649	92,337	233,408
Total import shipments	714,084	1,069,551	1,412,556	713,205	770,646	485,653
Apparent U.S. consumption	2,182,933	2,494,644	2,879,565	1,476,579	1,490,942	***
Value (1,000 dollars)						
U.S. producers' U.S. shipments	53,989	53,146	53,407	27,737	26,345	***
U.S. imports from-- China	9,622	14,839	21,366	10,480	13,562	7,708
Other sources	4,052	4,712	4,047	2,276	1,862	10,991
Total import shipments	13,673	19,551	25,413	12,757	15,424	18,699
Apparent U.S. consumption	67,662	72,697	78,820	40,493	41,770	***
Share of consumption based on quantity (percent)						
U.S. producers' U.S. shipments	67.3	57.1	50.9	51.7	48.3	***
U.S. imports from-- China	29.8	37.6	46.8	45.8	45.5	***
Other sources	2.9	5.3	2.3	2.5	6.2	***
Total import shipments	32.7	42.9	49.1	48.3	51.7	***
Apparent U.S. consumption	100.0	100.0	100.0	100.0	100.0	100.0
Share of consumption based on value (percent)						
U.S. producers' U.S. shipments	79.8	73.1	67.8	68.5	63.1	***
U.S. imports from-- China	14.2	20.4	27.1	25.9	32.5	***
Other sources	6.0	6.5	5.1	5.6	4.5	***
Total import shipments	20.2	26.9	32.2	31.5	36.9	***
Apparent U.S. consumption	100.0	100.0	100.0	100.0	100.0	100.0
Source: <i>Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)</i> , October 28, 2004 (INV-BB-136), table IV-2-IV-3, official Commerce statistics, HTS statistical reporting number 8716.80.5010, and responses to the notice of institution.						

ANTIDUMPING ACTIONS OUTSIDE THE UNITED STATES

Based on available information, hand trucks and parts from China have not been subject to any other import relief investigations in the United States or in any other countries.

THE SUBJECT INDUSTRY IN CHINA

In the original investigation, five Chinese producers of hand trucks provided responses to the Commission's request for information. The five Chinese producers are: (1) Qingdao Taifa Group Co. ("Taifa"), (2) Qingdao Huatian Hand Truck Co., (3) Jiaonan Tianhe Hand Truck Co., (4) Qingdao Xinghua Group, and (5) Qingdao Zhenhua Industrial Group. These producers' exports of the subject merchandise to the United States accounted for approximately *** percent of total U.S. imports of hand trucks from China during 2003.

The Commission did not receive any responses to its notice of institution in this review from Chinese producers of the subject merchandise. However, the domestic interested parties participating in this review indicated in their responses that there are currently at least 25 producers of hand trucks in China.⁶¹

Table I-9 presents trade data for the Chinese finished hand trucks industry compiled during the original investigation and U.S. imports from China in 2008. As these data show, Chinese production increased throughout the period for which data were collected in the original investigation. Only one firm, ***, indicated that it intended to curtail production.⁶² During the period examined in the original investigation, the Chinese producers operated their facilities at capacity utilization rates ranging from 79.6 to 94.8 percent during 2001-03, but only 74.4 percent in January-June 2004.

These responding producers' exports of the subject merchandise to the United States accounted for approximately *** percent of total U.S. imports of hand trucks from China during 2003. The largest reporting producer and exporter of hand trucks from China at that time was ***, which produced both steel and aluminum hand trucks and reportedly accounted for about *** of all hand truck production in China.⁶³

In their response to the Commission's notice of institution, the domestic interested parties reiterated the Commission's finding in the original investigation that the Chinese producers have sufficient capacity to substantially increase production and exports, there are no evident constraints on the ability of Chinese producers to increase their exports to the United States, and U.S. purchasers can switch to subject imports with relative ease. Therefore, they conclude, in the absence of the dumping order imports from China will surge.⁶⁴

⁶¹ See responses of Gleason Group, Harper, Magline, and Wesco to the Commission's notice of institution in this review.

⁶² *Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)*, October 28, 2004 (INV-BB-136), p. VII-2.

⁶³ *Hand Trucks and Certain Parts Thereof From China: Investigation No. 731-TA-1059 (Final)*, USITC Publication 3737, November 2004, p. VII-1.

⁶⁴ See responses of Gleason Group, Harper, Magline, and Wesco to the Commission's notice of institution in this review.

Table I-9
Finished hand trucks: Chinese production capacity, production, shipments, and inventories, 2001-03, January-June 2003, January-June 2004, and 2008

Item	2001	2002	2003	January-June		2008
				2003	2004	
Quantity (units)						
Capacity	2,050,000	2,050,000	2,000,000	1,000,000	900,000	(²)
Production	1,631,546	1,861,800	1,896,000	950,000	670,000	(²)
End of period inventories	***	***	***	***	***	(²)
Shipments:						
Internal consumption	***	***	***	***	***	(²)
Home market	***	***	***	***	***	(²)
Exports to--						
The United States	687,594	744,423	931,194	513,733	***	252,245 ³
All other markets ¹	***	1,006,469	902,000	378,000	394,563	(²)
Total exports	***	1,750,892	1,833,194	891,733	***	(²)
Total shipments	0	1750892	1833194	891733	0	(²)
Ratios and shares (percent)						
Capacity utilization	79.6	90.8	94.8	95.0	74.4	(²)
Inventories to production	***	***	***	***	***	(²)
Inventories to total shipments	***	***	***	***	***	(²)
Share of total quantity of shipments:						
Internal consumption	***	***	***	***	***	(²)
Home market	***	***	***	***	***	(²)
Exports to--						
The United States	42.0	39.5	49.2	54.7	***	(²)
All other markets ¹	***	53.5	47.6	40.2	56.2	(²)
All export markets	***	93.0	96.8	94.9	***	(²)
¹ Other principal export markets include Australia, Europe, and Japan. ² Not available. ³ Official import statistics for HTS statistical reporting number 8716.80.5010.						
Note – Because of rounding, figures may not add to the totals shown.						
Source: <i>Staff Report on Hand Trucks and Certain Parts Thereof, Investigation No. 731-TA-1059 (Final)</i> , October 28, 2004 (INV-BB-136), Table VII-2; Official Commerce statistics, HTS statistical reporting number 8716.80.5010.						

APPENDIX A
***FEDERAL REGISTER* NOTICES**

amended (“the Act”), the Department of Commerce (“the Department”) is automatically initiating a five-year review (“Sunset Review”) of the antidumping and countervailing duty orders listed below. The International Trade Commission (“the Commission”) is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective Date:* November 2, 2009.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission, at (202) 205-3193.

SUPPLEMENTARY INFORMATION:

Background

The Department’s procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department’s conduct of Sunset Reviews is set forth in the Department’s Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (“Sunset”) Reviews of Antidumping and Countervailing Duty Orders*; Policy Bulletin, 63 FR 18871 (April 16, 1998).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping and countervailing duty orders:

**DEPARTMENT OF COMMERCE
International Trade Administration
Initiation of Five-Year (“Sunset”) Review**

AGENCY: Import Administration, International Trade Administration, Department of Commerce.
SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as

DOC case No.	ITC case No.	Country	Product	Department contact
A-533-838	731-TA-1061	India	Carbazole Violet Pigment 23	Dana Mermelstein (202) 482-1391
A-570-892	731-TA-1060	PRC	Carbazole Violet Pigment 23	Dana Mermelstein (202) 482-1391
A-570-891	731-TA-1059	PRC	Hand Trucks	Dana Mermelstein (202) 482-1391
A-570-501	731-TA-244	PRC	Natural Bristle Paint Brushes & Brush Heads (3rd Review).	Jennifer Moats (202) 482-5047
C-533-839	701-TA-437	India	Carbazole Violet Pigment 23	Dana Mermelstein (202) 482-1391

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and the Department’s regulations, the Department schedule

for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department’s Internet Web site at the following address: <http://ia.ita.doc.gov/sunset/>. All

submissions in these Sunset Reviews must be filed in accordance with the Department’s regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103 (c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order (“APO”) immediately following publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The Department’s regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Tariff Act of 1930, as amended (the “Act”), and 19 CFR 351.102(b)) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department’s regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. See 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department’s regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department’s information requirements are distinct from the Commission’s information requirements. Please consult the Department’s regulations for information regarding the Department’s

conduct of Sunset Reviews.¹ Please consult the Department’s regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218 (c).

Dated: October 21, 2009.

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. E9–26346 Filed 10–30–09; 8:45 am]

BILLING CODE 3510–DS–P

¹ In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests to extend that five-day deadline based upon a showing of good cause.

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 731-TA-1059 (Review)]

Hand Trucks From China

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the antidumping duty order on hand trucks from China.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on hand trucks from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;¹ to be assured of consideration, the deadline for responses is December 2, 2009. Comments on the adequacy of responses may be filed with the Commission by January 15, 2010. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207), as most recently amended at 74 FR 2847 (January 16, 2009).

DATES: *Effective Date:* November 2, 2009.

FOR FURTHER INFORMATION CONTACT:

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW.,

¹ No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117-0016/USITC No. 10-5-205, expiration date June 30, 2011. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On December 2, 2004, the Department of Commerce issued an antidumping duty order on imports of hand trucks from China (69 FR 70122-70123). The Commission is conducting a review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determination, the Commission found a single *Domestic Like Product* comprised of finished hand trucks and certain hand truck parts corresponding to Commerce's scope of investigation.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission found a single *Domestic Industry* consisting of all U.S. producers of the *Domestic Like Product* which, as stated above, consists of all finished hand trucks and hand truck parts corresponding to Commerce's scope of investigations.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the Order Date is December 2, 2004.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the review and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation. The Commission's designated agency ethics official has advised that a five-year review is not considered the "same particular matter" as the corresponding underlying original investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 73 FR 24609 (May 5, 2008). This advice was developed in consultation with the Office of Government Ethics. Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in

the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is December 2, 2009. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is January 15, 2010. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the

information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be Provided in Response to this Notice of Institution: As used below, the term "firm" includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the

United States or other countries since the *Order Date*.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and E-mail address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2008, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) Net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during

calendar year 2008 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2008 (report quantity data in units and value data in thousands of dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in the *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) The quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the

market for the *Subject Merchandise* in the *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

Issued: October 26, 2009.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E9–26140 Filed 10–30–09; 8:45 am]

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**INTERNATIONAL TRADE
COMMISSION****[Investigation No. 731-TA-1059 (Review)]****Expedited Review Scheduling Notice;
Hand Trucks and Certain Parts Thereof
From China****AGENCY:** United States International
Trade Commission.**ACTION:** Scheduling of an expedited five-
year review concerning the antidumping
duty order on hand trucks and certain
parts thereof from China.**SUMMARY:** The Commission hereby gives
notice of the scheduling of an expedited
review pursuant to section 751(c)(3) of
the Tariff Act of 1930 (19 U.S.C.
1675(c)(3)) (the Act) to determine
whether revocation of the antidumping
duty order on hand trucks and certain
parts thereof from China would be likely
to lead to continuation or recurrence of
material injury within a reasonably
foreseeable time. The Commission has
determined to exercise its authority to
extend the review period by up to 90
days pursuant to 19 U.S.C.
1675(c)(5)(B). For further information
concerning the conduct of this review
and rules of general application, consult
the Commission's Rules of Practice and
Procedure, part 201, subparts A through
E (19 CFR part 201), and part 207,
subparts A, D, E, and F (19 CFR part
207).**DATES:** *Effective Date:* February 5, 2010.**FOR FURTHER INFORMATION CONTACT:**
Keysha Martinez (202-205-2136), Office
of Investigations, U.S. International
Trade Commission, 500 E Street, SW.,
Washington, DC 20436. Hearing-
impaired persons can obtain
information on this matter by contacting
the Commission's TDD terminal on 202-
205-1810. Persons with mobility
impairments who will need special
assistance in gaining access to the
Commission should contact the Office
of the Secretary at 202-205-2000.

General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background.—On February 5, 2010, the Commission determined that the domestic interested party group response to its notice of institution (74 FR 56661, November 2, 2009) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on March 15, 2010, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before March 18, 2010 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by March 18, 2010. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If

comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 22, 2010.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. 2010-3878 Filed 2-24-10; 8:45 am]

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¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

² The Commission has found the responses submitted by Gleason Industrial Products, Inc., Harper Trucks, Inc., Magline, Inc., and Wesco Industrial Products, Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

of the Tariff Act of 1930, as amended (the Act). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of one domestic interested party, and the lack of a response from respondent interested parties, the Department conducted an expedited (120-day) sunset review of this antidumping duty order. As a result of this sunset review, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels identified below in the "Final Results of Sunset Review" section of this notice.

EFFECTIVE DATE: March 10, 2010.

FOR FURTHER INFORMATION: David Cordell or Scott Hoefke, AD/CVD Operations, Office 7, or Dana Mermelstein, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0408, (202) 482-4947 or (202) 482-1391, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 2, 2009, the Department initiated a sunset review of the antidumping duty order on hand trucks from the PRC pursuant to section 751(c) of the Act. *See Initiation of Five-year ("Sunset") Reviews*, 74 FR 56593 (November 2, 2009). The Department received a notice of intent to participate from the domestic interested parties, Gleason Industrial Products, Inc. and Precision Products, Inc. (collectively, Gleason) within the deadline specified in 19 CFR 351.218(d)(1)(i).

Gleason claimed interested party status under section 771(9)(C) of the Act as a U.S. manufacturer and producer of the subject merchandise. On November 24, 2009, the Department received a complete substantive response from Gleason within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department has conducted an expedited sunset review of this order.

As explained in the memorandum from the Deputy Assistant Secretary for Import Administration, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from February 5, through February 12, 2010. Thus, all deadlines in this segment of the proceeding have been extended by

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-891]

Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Expedited Five-year (Sunset) Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On November 2, 2009, the Department of Commerce (the Department) initiated a sunset review of the antidumping duty order on hand trucks and certain parts thereof (hand trucks) from the People's Republic of China (PRC) pursuant to section 751(c)

seven days. The revised deadline for the final results of this review is now March 9, 2010. See Memorandum to the Record from Ronald Lorentzen, DAS for Import Administration, regarding "Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm," dated February 12, 2010.

Scope of the Order

The merchandise subject to this antidumping duty 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 typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of

the United States (HTSUS), although they may also be imported under heading 8716.80.50.90. 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 8716.90.50.60 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department'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 materials 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. The written description remains dispositive.

Analysis of Comments Received

All issues raised in this case are addressed in the Issues and Decision Memorandum from John M. Andersen, Acting Deputy Assistant Secretary for AD/CVD Operations, Import Administration, to Carole Showers, Acting Deputy Assistant Secretary for Import Administration, dated March 2, 2010 (Decision Memorandum), which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the order was revoked. Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendations in this public memorandum, which is on file in room 1117 of the main Department building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Sunset Review

The Department has determined that revocation of the antidumping duty order on hand trucks from the PRC would likely lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturers/ Exporters/Producers	Weighted-Average Margin (Percent)
Qingdao Taifa Group Co., Ltd.	26.49 percent
True Potential Co.	33.68 percent
Qingdao Huatian Hand Truck Co., Ltd.	46.48 percent
Shandong Machinery Import & Export Group Corp.	32.76 percent
Qingdao Future Tool Inc.	32.76 percent
PRC-wide rate	383.60 percent

This notice serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these results and this notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: March 2, 2010.

Carole Showers,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010-5111 Filed 3-9-10; 8:45 am]

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APPENDIX B
COMMISSION'S STATEMENT ON ADEQUACY

EXPLANATION OF COMMISSION DETERMINATION ON ADEQUACY

in

Certain Hand Trucks and Parts Thereof from China
Inv. No. 731-TA-1059 (Review)

On February 5, 2010, the Commission determined that it should proceed to an expedited review in the subject five-year review pursuant to section 751(c)(3)(B) of the Tariff Act of 1930, as amended (19 U.S.C. § 1675(c)(3)(B)).

The Commission determined that each of the four domestic producer responses, filed by Gleason Industrial Products, Inc. and its jointly-owned and operated affiliate Precision Products, Inc., Harper Trucks, Inc., Magline, Inc., and Wesco Industrial Products, were individually adequate. The Commission further determined that the domestic interested party group response was adequate because these producers account for a majority of the domestic production of certain hand trucks and parts thereof.

The Commission did not receive a response from any respondent interested party in the review and, therefore, determined that the respondent interested party group response was inadequate.

Given the absence of an adequate respondent interested party group response, and any other circumstances that might warrant proceeding to a full review, the Commission determined to conduct an expedited review. A record of the Commissioners' votes is available from the Office of the Secretary and the Commission's web site (<http://www.usitc.gov>).

