

*What Every Member of the
Trade Community Should Know About:*

Base Metal Mountings and Fittings



AN INFORMED COMPLIANCE PUBLICATION

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U.S. CUSTOMS and BORDER PROTECTION

NOTICE:

This publication is intended to provide guidance and information to the trade community. It reflects the position on or interpretation of the applicable laws or regulations by U.S. Customs and Border Protection (CBP) as of the date of publication, which is shown on the front cover. It does not in any way replace or supersede those laws or regulations. Only the latest official version of the laws or regulations is authoritative.

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PREFACE

On December 8, 1993, Title VI of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), also known as the Customs Modernization or “Mod” Act, became effective. These provisions amended many sections of the Tariff Act of 1930 and related laws.

Two new concepts that emerge from the Mod Act are “informed compliance” and “shared responsibility,” which are premised on the idea that in order to maximize voluntary compliance with laws and regulations of U.S. Customs and Border Protection, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the Mod Act imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s rights and responsibilities under customs regulations and related laws. In addition, both the trade and U.S. Customs and Border Protection share responsibility for carrying out these requirements. For example, under Section 484 of the Tariff Act, as amended (19 U.S.C. 1484), the importer of record is responsible for using reasonable care to enter, classify and determine the value of imported merchandise and to provide any other information necessary to enable U.S. Customs and Border Protection to properly assess duties, collect accurate statistics, and determine whether other applicable legal requirements, if any, have been met. CBP is then responsible for fixing the final classification and value of the merchandise. An importer of record’s failure to exercise reasonable care could delay release of the merchandise and, in some cases, could result in the imposition of penalties.

Regulations and Rulings (RR) of the Office of International Trade has been given a major role in meeting the informed compliance responsibilities of U.S. Customs and Border Protection. In order to provide information to the public, CBP has issued a series of informed compliance publications on new or revised requirements, regulations or procedures, and a variety of classification and valuation issues.

This publication, prepared by the National Commodity Specialist Division of Regulations and Rulings is entitled “Base Metal Mountings and Fittings.” It provides guidance regarding the classification of these items. We sincerely hope that this material, together with seminars and increased access to rulings of U.S. Customs and Border Protection, will help the trade community to improve voluntary compliance with customs laws and to understand the relevant administrative processes.

The material in this publication is provided for general information purposes only. Because many complicated factors can be involved in customs issues, an importer may wish to obtain a ruling under Regulations of U.S. Customs and Border Protection, 19 C.F.R. Part 177, or to obtain advice from an expert who specializes in customs matters, for example, a licensed customs broker, attorney or consultant.

Comments and suggestions are welcomed and should be addressed to U.S. Customs and Border Protection, Office of International Trade, Executive Director, Regulations and Rulings, 799 9th Street N.W. 7th floor, Washington, D.C. 20229-1177.

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INTRODUCTION

This Informed Compliance Publication seeks to clarify the tariff classification of base metal mountings, fittings and similar articles. Base metal mountings and fittings are classified in Section XV, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), Chapter 83, Heading 8302, which reads as follows:

BASE METAL MOUNTINGS, FITTINGS AND SIMILAR ARTICLES SUITABLE FOR FURNITURE, DOORS, STAIRCASES, WINDOWS, BLINDS, COACHWORK, SADDLERY, TRUNKS, CHESTS, CASKETS OR THE LIKE; BASE METAL HAT RACKS, HAT-PEGS, BRACKETS AND SIMILAR FIXTURES; CASTORS WITH MOUNTINGS OF BASE METAL; AUTOMATIC DOOR CLOSERS OF BASE METAL; AND BASE METAL PARTS THEREOF

Heading 8302 covers a variety of base metal articles. The majority of goods classified in 8302 are commonly known in the trade as hardware. Explanatory Notes (EN) 83.02 states that:

“This heading covers general purpose classes of base metal accessory fittings and mountings, such as are used largely on furniture, doors, windows, coachwork, etc. Goods within such general classes remain in this heading even if they are designed for particular uses (e.g., door handles or hinges for automobiles). The heading does not, however, extend to goods forming an essential part of the structure of the article, such as window frames or swivel devices for revolving chairs.”

Please note that this publication relies heavily on prior U.S. Customs and Border Protection (CBP) rulings to illustrate classification procedures and decisions. All rulings quoted in this paper have been extracted, condensed, or summarized. We do not recommend relying on the extract without reading the entire ruling. Additionally, the rulings cited are intended to illustrate CBP’s position on various classification issues, as they represent only a portion of the rulings published in relation to articles of this heading.

FUNDAMENTALS OF CLASSIFICATION REGARDING MOUNTINGS AND FITTINGS

GENERAL RULES OF INTERPRETATION (GRI)

“Classification under the HTSUSA is made in accordance with the General Rules of Interpretation (GRI).” The systematic detail of the HTSUSA is such that virtually all goods are classified by application of GRI 1, that is, according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. “In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied.” (HQ 963610)

EXPLANATORY NOTES (EN)

“The Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System, which represent the official interpretation of the tariff at the international level, facilitate classification under the HTSUSA by offering guidance in understanding the scope of the headings and GRI.” (HQ 963610) In interpreting the headings and subheadings, CBP looks to the EN for direction. Although not legally binding, they provide a commentary on the scope of each heading of the HTSUS. It is CBP’s practice to follow, whenever possible, the terms of the EN when interpreting the HTSUS. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 12, 1989).

EXCLUSIONS TO SECTION XV

Section XV, Note 1 lists articles that are not covered in this section (chapters 72 through 83). They are as follows:

- (a) Prepared paints, inks or other products with a basis of metallic flakes or powder (headings 3207 to 3210, 3212, 3213 or 3215);
- (b) Ferrocerium or other pyrophoric alloys (heading 3606);
- (c) Headgear or parts thereof of heading 6506 or 6507;
- (d) Umbrella frames or other articles of heading 6603;
- (e) Goods of chapter 71 (for example, precious metal alloys, base metal clad with precious metal, imitation jewelry);
- (f) Articles of section XVI (machinery, mechanical appliances and electrical goods);
- (g) Assembled railway or tramway track (heading 8608) or other articles of section XVII (vehicles, ships and boats, aircraft);
- (h) Instruments or apparatus of section XVIII, including clock or watch springs;
- (ij) Lead shot prepared for ammunition (heading 9306) or other articles of section XIX (arms and ammunition);
- (k) Articles of chapter 94 (for example, furniture, mattress supports, lamps and lighting fittings, illuminated signs, prefabricated buildings);
- (l) Articles of chapter 95 (for example, toys, games, sports equipment);
- (m) Hand sieves, buttons, pens, pencil-holders, pen nibs or other articles of chapter 96 (miscellaneous manufactured articles; or
- (n) Articles of chapter 97 (for example, works of art).

DEFINITION OF A BASE METAL

Heading 8302 applies to goods of base metal only. Section XV, Note 3 defines “base metals” under the HTSUSA. It reads:

Throughout the schedule, the expression “base metals” means: iron and steel, copper, nickel, aluminum, lead, zinc, tin, tungsten (wolfram), molybdenum, tantalum, magnesium, cobalt, bismuth, cadmium, titanium, zirconium, antimony,

manganese, beryllium, chromium, germanium, vanadium, gallium, hafnium, indium, niobium (columbium), rhenium and thallium.

This definition applies throughout the entire HTSUSA; it supercedes any other scientific or commercial definition. This definition also includes semi-metals, such as antimony, and excludes other elements sometimes considered metals, such as arsenic.

In contrast, Section XIV, Chapter 71, Note 4 indicates that the expression “precious metals” include only silver, gold and platinum. For tariff purposes, the expression “platinum” includes any of the following: platinum, iridium, osmium, palladium, rhodium and ruthenium. Section XIV, Chapter 71, Note 5 states that an alloy containing precious metal is classified as an alloy of that precious metal if the precious metal constitutes 2% or more of the weight of the alloy. Therefore, if an article is composed of 98% base metal and 2% precious metal, it will be classified in chapter 71 under a classification for the appropriate precious metal. Mountings and fittings, however, are rarely comprised of precious metals.

Mountings and fittings in heading 8302 are further divided into subheadings for articles “of iron or steel, of aluminum or of zinc,” and subheadings for articles of “other” base metals. Iron, steel, aluminum and zinc are commonly used in mountings and fittings. In general, iron and steel and most of their alloys attract a magnet. However, stainless steel, a common alloy of steel, does not always attract a magnet. Pure nickel, although not commonly used in mountings and fittings due to its high cost, will attract a magnet.

Brass and bronze, alloys of copper, are commonly used in mountings and fittings and fall under the subheadings for “other” metals. Pewter is a common alloy of tin; it also is classified under the subheading for “other” metals.

Some base metal mountings and fittings, especially those suitable for saddlery, may be coated or plated with precious metal. Mountings and fittings coated or plated with precious metal are classified in heading 8302. EN to Chapter 71 defines “plating” as a process, such as electrolysis, vapor deposition, spraying or immersion in a solution of salts of precious metals, etc. Essentially, gold plating and silver-plating are fine coatings of precious metal. Conversely, cladding is a mechanical bonding of a precious metal to a base metal. Articles clad with precious metal are excluded from classification in heading 8302 by application of Section XV, Note 1(e).

CLASSIFICATION OF ALLOYS

Section XV, Note 5 gives guidance on the classification of base metal alloys (other than ferroalloys and master alloys as defined in chapters 72 and 74). It states that:

- (a) An alloy of base metals is to be classified as an alloy of the metal which predominates by weight over each of the other metals.
- (b) An alloy composed of base metals of this section and of elements not falling within this section is to be treated as an alloy of base metals of

this section if the total weight of such metals equals or exceeds the total weight of the other elements present.

- (c) In this section the term “alloys” includes sintered mixtures of metal powders, heterogeneous intimate mixtures obtained by melting (other than cermets) and intermetallic compounds.

Section XV, Note 6 states that, “Unless the context otherwise requires, any reference in the tariff schedule to a base metal includes a reference to alloys which, by virtue of note 5 above, are to be classified as alloys of that metal.” For example, a door lever of stainless steel is classified as if it were made of steel and a brass knob for a drawer is classified as if it were made of copper.

Section XV, Note 7 provides guidance on the classification of composite articles, by stating that, “Except where the headings otherwise require, articles of base metal (including articles of mixed materials treated as articles of base metal under the GRI) containing two or more base metals are to be treated as articles of the base metal predominating by weight over each of the other metals.” Section XV, Note 7(a) asserts that iron and steel are considered to be one and the same metal for classification purposes.

PARTS OF GENERAL USE

In order to classify merchandise in heading 8302, one must understand the term, “parts of general use,” as defined in the HTSUSA. Section XV, Note 2 defines the expression “parts of general use.” It states:

Throughout the tariff schedule, the expression “parts of general use” means:

- (A) Articles of heading 7307, 7312, 7315, 7317 or 7318 and similar articles of other base metals:
- (B) Springs and leaves for springs, of base metal, other than clock or watch springs (heading 9114); and
- (C) Articles of heading 8301, 8302, 8308 or 8310 and frames and mirrors, of base metal, of heading 8306.

In chapters 73 to 76 and 78 to 82 (but not in heading 7315) references to parts of goods do not include references to parts of general use as defined above.

Subject to the preceding paragraph and to note 1 to chapter 83, the articles of chapter 82 or 83 are excluded from chapters 72 to 76 and 78 to 81.

General EN (C) to Section XV states that, "In general, identifiable parts of articles are classified as such parts in their appropriate headings in the Nomenclature. However, parts of general use (as defined in Note 2 to this Section) presented separately are **not**

considered as parts of articles, but are classified in the headings of this Section appropriate to them."

Additionally, Sections XVI and XVII and numerous chapters in the HTSUSA include notes explicitly excluding parts of general use from classification within their provisions. See Section XVI, Note 1(g); Section XVII, Note 2(b); Chapter 90, Note 1(f); Chapter 91, Note 1(c); Chapter 92, Note 1(a); Chapter 93, Note 1(b); Chapter 94, Note 1(d); Chapter 95, Note 1(k); and Chapter 96, Note 1(d). Section XVI, Note 1(k) also excludes articles of chapter 82 or 83 from classification within this section.

Accordingly, as per Section XV, Note 2 (c), articles of heading 8302 are parts of general use. As such, a good that falls within heading 8302 will be classified in this heading, regardless of whether it may also be covered by another heading in the tariff. Some examples are: a door handle for a car, although a part of a vehicle, is classified under 8302 as a mounting or fitting suitable for motor vehicles, not in chapter 87. Base metal drawer knobs and handles are not classified in chapter 94 as parts of furniture; instead they are classified under 8302 as mountings and fittings suitable for furniture.

WHAT ARE MOUNTINGS AND FITTINGS

The terms "mounting" and "fitting" are not defined in either the HTSUSA or the EN. When tariff terms are not defined in the tariff or the EN they will be construed in accordance with their common and commercial meaning. See *Nippon Kogasku (USA), Inc. v. United States*, 69 CCPA 89, 673 F.2d 380 (1982). The common and commercial meaning of tariff terms, such as "mounting" and "fitting," may be determined by consulting reliable resources, such as dictionaries, lexicons, scientific authorities, encyclopedias, etc. See *C.J. Tower & Sons v. United States*, 69 CCPA 128, 673 F.2d 1268 (1982)

In HQ 958784, dated May 17, 1996, CBP addressed the meaning of the term, "mounting."

The term "mounting" ("mount") is broadly defined as a frame or support, such as, "an undercarriage or part on which a device (as a motor or an artillery piece) rests in service," or "an attachment for an accessory." *Webster's Ninth New Collegiate Dictionary*, pg. 775-776 (1990). Thus, a mounting is generally a component that serves to join two other parts together.

In HQ 966458, dated June 19, 2003, CBP noted the following:

The term "mounting" is described as "something serving as a backing, support, setting etc." See *Webster's New World Dictionary of the American Language*, 2nd, Edition p.931 (1974). In addition, *The American Heritage Dictionary*, (4thed; 2000) defines "mounting" as "...something that serves as a support setting or backing:

mounting for a gem....”

Webster’s New World Dictionary, Third College Edition, provides the following information on the term “fitting”: “ a small part used to join, adjust, or adapt other parts, as in a system of pipes.” In HQ 966001, dated October 14, 2003, CBP addressed the definition of a “fitting”:

Webster’s Third New International Dictionary (unabridged; 1961) defines “fitting” as follows:

- 1 a. something used in fitting up : accessory, adjunct, attachment . . .
- b. a small often standardized part (as a coupling, valve, gauge) entering into the construction of a boiler, steam, water or gas supply installation or other apparatus . . .

In addition, the term “accessory,” (as used in EN 8302) narrows the interpretation of the terms, “mounting” and “fitting.” “Accessory” is defined as “having a secondary, supplementary, or subordinate function.” *American Heritage Dictionary*, 2nd College Edition, (1982). Therefore, articles covered by heading 8302 must not form an essential part of the structure of an article. Examples of articles that do not fall in heading 8302 are window and door frames and swivel devices for revolving chairs.

SUITABLE FOR FURNITURE, DOORS, STAIRCASES, WINDOWS, BLINDS, COACHWORK, SADDLERY, TRUNKS, CHESTS, CASKETS OR THE LIKE

Mountings and fittings that fall within heading 8302 must be suitable for specific objects, which are enumerated in the language of the heading. The heading reads, “...suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, chests, caskets or the like...” Only mountings and fittings suitable for use on these items (or items similar in kind to these exemplars) are to be classified in this heading.

The phrase “ejusdem generis” means that, “the imported merchandise possess the essential characteristics or purposes that unite the articles enumerated eo nomine in order to be classified under the general terms.” *Nissho-Iwai American Corp. v. United States*, 10 CIT 154, 156 (1986). CBP employs the doctrine of “ejusdem generis” when determining whether an item, upon which a fitting or mounting is attached, falls within the scope of heading 8302. In other words, in order for a mounting or fitting to be covered in heading 8302, it must be suitable for use on an article that is deemed sufficiently similar to the exemplars listed therein.

Some examples of mountings and fittings not classified in heading 8302 are: a bracket designed to support machine parts; a mounting designed for use on computer components; a hinge designed to connect electronic equipment. These articles are not classified in this heading because they are suitable for use on machines, computers and electronics, which are not similar to any of the exemplars listed in the heading. An article that has several applications will be classified within heading 8302 if it is the

same class or kind of article that falls within the exemplars of this heading. An example is a fitting that is suitable for use on both a shopping cart and a refrigerator. A shopping cart is similar to the exemplars of heading 8302; a refrigerator is not. However, since the fitting is suitable for use on shopping carts, regardless of its intended use, it falls within the parameters and is classified in this heading.

In HQ 953376, dated May 14, 1993, CBP distinguished between fittings for gates and fittings for fences. It explained the reasons why gate fittings are covered in heading 8302, while fence fittings are not. CBP determined that a gate is similar in kind to a door. Since doors are listed as one of the exemplars in heading 8302, gates are also classified within this heading. Fences, however, are not described in heading 8302 and are not similar in kind to any of the articles listed in EN 8302. CBP noted that not all fittings are classified in this heading; indeed only certain types of fittings are intended to be included in heading 8302. Since the fence fittings are not described in this heading and since they are not described elsewhere in the HTSUS they are classified as other articles of iron or steel in heading 7326, HTSUS.

In NY K82907, dated February 17, 2004, CBP addressed the classification of hinges used in electric stoves. These hinges were specifically designed for use in electrothermic domestic appliances. CBP explained that the hinges are not classified in heading 8302 because ovens are not considered within the exemplars of this heading, nor are they similar to or like any of the exemplars.

In NY K80517, dated November 14, 2003, CBP classified steel drawer slides for use on the broiler drawers of electric ovens. Despite the fact that these slides were imported for use in ovens, CBP determined that they were also suitable for use on furniture, and as such, fit within the terms of heading 8302. The slides were classified in subheading 8302.42.3015, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, of iron or steel, of aluminum or of zinc.

In HQ 966024, dated February 10, 2003, CBP addressed the classification of garage door rollers. This ruling describes the difference between bearings for machines versus garage door rollers, which include bearings. CBP explained that ball or roller bearings are articles that position, hold and guide moving machine parts, while simultaneously reducing friction between the moving parts. Generally, bearings are classified in heading 8482. Although the garage door rollers function similarly to the ball or roller bearings of heading 8482, there is one main difference. While ball and roller bearings function to position, hold and guide moving machine parts, the garage door rollers function to position, hold and guide moving sections of a garage door, not machine parts. Since doors, including garage doors, are listed as one of the exemplars of heading 8302, the rollers are appropriately classified as mountings or fittings within this heading.

In NY F87642, dated June 16, 2000, CBP considered a steel bracket that functioned to secure a "membrane switch" (a flexible printed circuit with push button switches) against an IPS button. The bracket braces the membrane switch against the IPS button and

cabinet, ensuring that electrical contact is made. The applicable subheading for this bracket was determined to be 8473.30.5000, HTSUS which provides for parts and accessories of machines.

CBP addressed the classification of various steel brackets and supports used in notebook computers in NY F87722, dated June 21, 2000. The first item was a steel bracket used to secure a keyboard in place for a notebook computer. The second bracket was designed to secure a keyboard in place after its insertion into a notebook computer. The third item was a frame designed to hold an internal magnetic hard disk drive. The fourth bracket was designed to permanently secure a LCD panel in place during assembly. The fifth bracket was used to secure a CD-ROM drive to a notebook cabinet. CBP determined that these brackets were appropriately classified in subheading 8473.30.5000, HTSUS as parts and accessories of machines. CBP based its decision on the following explanation: "All five items were designed exclusively for use with Toshiba's notebook computers. These brackets are not 'parts of general use' as defined in Section XV note 2, in that they are not ...suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, chests, caskets or the like...."

THE SUBHEADINGS

This heading covers the following subheadings:

- (A) 8302.10 Hinges, and parts thereof
- (B) 8302.20 Castors, and parts thereof
- (C) 8302.30 Other mountings, fittings and similar articles suitable for motor vehicles; and parts thereof
Other mountings, fittings and similar articles, and parts thereof
- (D) 8302.41 Suitable for buildings
- (E) 8302.42 Other, suitable for furniture
- (F) 8302.49 Other
- (G) 8302.50 Hat-racks, hat-pegs, brackets and similar fixtures, and parts thereof
- (H) 8302.60 Automatic door closures, and parts thereof

8302.10 HINGES

8302.10	Hinges, and part thereof:
	Of iron or steel, of aluminum or of zinc:
8302.10.3000	Designed for motor vehicles
8302.10.60	Other
8302.10.6030	Suitable for interior and exterior doors (except garage, overhead or sliding doors)
8302.10.6060	Suitable for furniture and cabinets
8302.10.6090	Other
8302.10.90	Other
8302.10.9030	Suitable for interior and exterior doors (except garage, overhead or sliding doors)

8302.10.9060 Suitable for furniture and cabinets
8302.10.9090 Other

The word “hinge” is not defined in the HTSUSA or EN’s. *Merriam-Webster’s Online Collegiate Dictionary* defines a hinge as follows:

“...1a: “a jointed or flexible device on which a door, lid, or other swinging part turns...”

Subheading 8302.10 covers all types of base metal hinges. Some examples are butt hinges, lift-off hinges, angle hinges, strap hinges and garnets, spring hinges, pivot hinges, pin hinges, T-hinges, etc.

In NY E80929, dated April 22, 1999, CBP addressed the classification of an aluminum alloy half hinge. This hinge creates a pivot point upon which the fuel filler door of a motor vehicle opens and closes. CPB determined that the applicable subheading for this hinge was 8302.10.3000, which provides for hinges of iron or steel, of aluminum or of zinc, designed for motor vehicles.

CBP addressed the classification of a spring hinge in HQ 967065, dated May 21, 2004. The distinction between a spring hinge and a door closer was clarified. Manual door closers are classified in 8302.41 as mountings, fittings and similar articles suitable for buildings. Automatic door closures are classified in 8302.60 as automatic door closers, and parts thereof. They consist of door closers that close by use of spring, hydraulic or pneumatic apparatus. In its analysis CBP referred to the trade definitions of the terms “door closer” and “automatic door closer,” and determined that these terms are used interchangeably in the industry. The trade refers to both door closers and automatic door closers as devices or mechanisms that mount over and behind the door with an arm, which can be concealed or exposed. Spring hinges, on the other hand, are door hinges with internal adjustable springs that automatically close the door. A spring hinge is not referred to as a door closer in the trade, but as a hinge with a mechanism to provide closing power or adjustable closing speed. CBP determined that door closers and automatic door closers are not hinges, nor do they operate as hinges. Because the product at issue is commonly and commercially known as a spring hinge, and not a door closer, classification under subheadings 8302.41.30 and 8302.60.30 are precluded. The spring hinge was classified in subheading 8302.10.6030, HTSUSA, as “hinges, and parts thereof: of iron or steel, of aluminum or of zinc: other...Suitable for interior and exterior doors (except garage, overhead or sliding doors).”

In NY R00108, dated February 17, 2004, CBP classified scissor hinges, which were used in the manufacture of cabinetry. They were made of zinc-plated steel, and were designed to be used with plastic sink front trays. These hinges were classified in subheading 8302.10.6060, HTSUSA, as hinges suitable for furniture and cabinets.

In NY874530, dated June 9, 1992, CBP classified brass hinges, imported in strips, for use in assembling small wooden boxes. Wooden boxes are similar in kind to chests,

one of the exemplars listed in heading 8302. The hinges were, therefore, classified at 8302.10.9090 as mountings and fittings of base metal, hinges, other, other.

8302.20 CASTORS

8302.20.0000 Castors, and parts thereof

The term, “castor” is not defined in the HTSUSA or EN. In HQ 964994, dated February 7, 2002, CBP addressed the definition of a castor by referring to the following dictionary definitions:

“Castor” (or “caster”) is defined in pertinent part as follows in the stated references:

Merriam-Webster OnLine (www.m-w.com): “. . . 3: any of a set of wheels or rotating balls mounted in a swivel frame and used for the support and movement of furniture, trucks, and portable equipment . . . “

The Random House Dictionary of the English Language (unabridged ed.; 1973): “. . . 2. A small wheel on a swivel, set under a piece of furniture, a machine, etc., to facilitate moving it . . . ”

Castors of heading 8302 must have mountings of base metal. The wheels, however, can be made of any material, except precious metal. Castors commonly have wheels of rubber or plastic; this does not preclude them from classification within this subheading. The presence of spokes has no effect on the classification.

There are specific size requirements for castors in heading 8302. Chapter 83, Note 2 reads as follows:

For the purposes of heading 8302, the word “castors” means those having a diameter (including, where appropriate, tires) not exceeding 75 mm, or those having a diameter (including, where appropriate, tires) exceeding 75 mm, provided that the width of the wheel or tire fitted thereto is less than 30 mm.

In other words, castors of chapter 83 are relatively small; converted to inches, they measure 2.9 inches or less in diameter or less than 1.1 inch in width. Castors having pneumatic tires must be measured with the tire inflated to normal pressure.

In HQ 964994, dated February 7, 2002, CBP addressed the classification of a shopping cart castor with a steel mounting and a wheel that measured 25 mm in width. The castor incorporated an electronic circuit board, receiver, battery and an actuator device, which closed a steel shell around the wheel to prevent removal of the cart from the store site. CBP determined that, regardless of the electronic components, the castor assembly unit met the terms of heading 8302, HTSUS, in that it remained essentially a castor. CBP cited the following regarding *eo nomine* provisions:

Eo nomine tariff provisions are addressed in *Customs Law & Administration* by Ruth F. Sturm (3rd ed.; 1995):

An *eo nomine* designation is one which describes a commodity by a specific name, usually one well known in commerce. *United States v. Paul M.W. Bruckmann*, 65 CCPA 90, C.A.D. 1211, 582 F. 2d 622 (1978)...

An *eo nomine* designation, without limitation or a shown contrary legislative intent, judicial decision, or administrative practice, and without proof of commercial designation, will include all forms of the article . . .

Articles so named are included within the *eo nomine* designation even though they have been subjected to a variety of processing steps, so long as their identity as the named article has not been destroyed and they have not been converted into something else...

In *FAG Bearings, Ltd. v. United States*, 9 CIT 227 (1985), the court stated:

The basic requirement of classification under a given *eo nomine* item is that the new article possess an essential resemblance to the one named in the statute. *Standard Surplus*, 69 CCPA at 38, 667 F.2d at 1014. If the difference in the two articles is in the nature of an improvement, and the essential character of the article is preserved or only incidentally altered, an unlimited *eo nomine* designation will include both articles. *Robert Borsch Corp v. United States*, 63 Cust. Ct. 96, 104, C.D. 3881 (1969); see also *A.J. Arango, Inc. v. United States*, 1 CIT 271, 274-75, 517 F. Supp. 698, 702 (1981), *aff'd*, 69 CCPA 85, 671 F.2d 484 (1982).

The castor assembly unit in HQ 964994 was an improvement of a typical castor in that it had the added function of receiving a signal, which deployed the braking mechanism. CBP ultimately determined that since the castor assembly unit retained the identity and essential character of a castor within the meaning of heading 8302, it was correctly classified at 8302.20.0000, HTSUSA.

In NY L81739, dated January 18, 2005, CBP classified castors for carts. The castors had rubber wheels and a steel mounting. The wheels exceeded the size requirements of Chapter 83, Note 2 and, therefore, the castors were precluded from classification within heading 8302. CBP determined that the applicable classification for this merchandise was 8716.90.3000, HTSUSA, which provides for trailers and semi-trailers; other vehicles not mechanically propelled; and parts thereof: Parts: Castors, other than those of heading 8302.

In NY 859395, dated January 28, 1991, CBP classified castors with plastic wheels and a metal mounting. The wheels exceeded 75 mm in diameter and 30 mm in width;

therefore, the castors did not meet the size requirements of Chapter 83, Note 2. Consequently, they were precluded from classification in heading 8302. CBP determined that these castors were classified in Chapter 39, as articles of plastic.

In HQ 089310, dated September 6, 1991, CBP addressed the classification of metal ball covers, which are spherical steel articles that enclose a bearing and part of the fork which, along with a wheel and axle, form a castor used on hospital beds and other hospital furniture. CBP determined that the metal ball covers were parts of castors, and therefore, classified them in subheading 8302.20.0000, HTSUSA, castors and parts thereof.

8302.30 MOUNTINGS AND FITTINGS SUITABLE FOR MOTOR VEHICLES

- 8302.30 Other mountings, fittings and similar articles suitable for motor vehicles; and parts thereof:
- 8302.30.30 Of iron or steel, of aluminum or of zinc
- 8302.30.3010 Pneumatic cylinders for lifting, lowering, dampening or counter-balancing
- 8302.30.3060 Other
- 8302.30.6000 Other

This subheading includes mountings and fittings suitable for cars, trucks, busses, etc., not being parts or accessories of Section XVII. Section XVII, Note 2 states that, “the expressions ‘parts’ and ‘parts and accessories’ do not apply to the following articles, whether or not they are identifiable as for the goods of this section: (b) Parts of general use, as defined in note 2 to section XV, of base metal (section XV) or similar goods of plastics (chapter 39).”

Per EN 8302 (C), examples of items classified within this category are:

“made up ornamental beading strips; foot rests; grip bars, rails and handles; fittings for blinds (rods, brackets, fastening fittings, spring mechanisms, etc.); interior luggage racks; window opening mechanisms; specialized ashtrays; tailboard fastening fittings.”

In HQ 958784, dated May 17, 1996, CBP addressed the classification of iron or steel motor vehicle mounting brackets. These included a hose assembly bracket, a pressure tank bracket, a bracket assembly for a transmission, a jack mounting bracket and an instrument side-mounting bracket. CBP determined that each base metal mounting bracket under consideration served to join or hold other components together, for example, the transmission bracket assembly was designed to hold the transmission in place and the hose assembly bracket was designed to support the hose assembly. Thus, CBP determined that these brackets are covered by heading 8302, specifically in 8302.30.3060, HTSUSA, and cannot be classified as parts for motor vehicles under heading 8708, HTSUSA, noting Section XVII, Note 2(b).

In HQ 951097, dated April 17, 1992, CBP considered the classification of various mountings used to facilitate the attachment of cargo restraint assemblies to motor vehicles. These mountings were classified under subheading 8302.30.3060, HTSUSA, which provides for other mountings, fittings and similar articles suitable for motor vehicles, of iron or steel, other. Because the mountings were classified as parts of general use, they could not be classified as motor vehicle parts or accessories under heading 8708, HTSUS.

In NY R00486, dated July 1, 2004, CBP addressed the classification of “shock absorbers” used in the passenger cab of a semi-trailer truck. The purpose of these “shock absorbers” was to absorb the energy of sudden impulses and to dampen vibrations in the cab structure. The importer believed the correct classification to be subheading 8708.99.80, HTSUS, as parts and accessories of motor vehicles. CBP, however, disagreed with the importer’s contention and determined that these “shock absorbers” were not suspension shock absorbers, but were more correctly described as pneumatic cylinders for dampening. The correct classification was determined to be 8302.30.3010, HTSUSA, as base metal mountings, fittings and similar articles... suitable for motor vehicles... of iron or steel, of aluminum or zinc, pneumatic cylinders for lifting, lowering, dampening or counter-balancing.

In HQ 962974, dated March 10, 2000, CBP considered the classification of a license plate bracket, which attaches a license plate to the bumper of a vehicle. In this ruling, CBP considered whether a license plate bracket is correctly classified as an accessory to a motor vehicle in heading 8708 or as a part of general use in chapter 83. In this ruling CBP reviewed the applicable section notes, GRI 1, parts of general use, and the meaning of the term “ejusdem generis” to arrive at a decision.

The following specifics were examined: GRI 1 states that “provided such headings or notes do not otherwise require, ‘classification shall be determined according to the terms of the headings and any relative section or chapter notes.’” Sections XV and XVII notes preclude classification of parts of general use in heading 8708. Specifically, Section XVII, Note 2(b) asserts that if an article is classifiable as a part of general use, classification as a part or accessory in heading 8708 is precluded. Parts of general use include articles of heading 8302 per Note 2, Section XV. Base metal mountings, fittings and similar articles suitable for coachwork are covered in heading 8302. Therefore, a bracket, which is a base metal mounting or fitting must be classified in heading 8302, regardless of whether it is suitable for use with a motor vehicle.

Conversely, EN (B) to heading 8708 specifically states that “number-plate brackets” are included in heading 8708 as parts and accessories of a motor vehicle. CBP explained that, although these brackets are specifically listed in the EN, the EN are not legally binding. They act only as guidance in interpreting tariff provisions and do not supersede the section and chapter notes, nor the terms of the headings.

Parts of general use, per Note 2 (c) to Section XV, includes articles of headings 8301, 8302, 8308 or 8310. The common traits shared by these articles are their base metal

composition and their functions (except for articles of heading 8310), which are to attach, secure, fit, support, connect, bind, or stabilize two articles together. CBP determined that the license plate brackets in HQ 962974 are ejusdem generis with the articles of these headings. In other words, the license plate brackets that secure the license plates to the bumper of a vehicle are sufficiently similar to the items covered by headings 8301, 8302 and 8308 to be considered parts of general use. Based on the foregoing, CBP ruled that the license plate brackets were classifiable in heading 8302.

In NY L81468, dated January 5, 2005, CBP classified metal clips that were specifically designed for use as guides to properly mount windshields, backlights and quarter windows in automobiles. The applicable subheading for the automotive metal clips was determined to be 8302.30.3060, HTSUSA, as other mounting, fittings and similar articles suitable for motor vehicles, of iron or steel, of aluminum or of zinc, other.

In NY H82736, dated June 26, 2001, CBP classified two samples of motor vehicle bumper impact tubes, which were part of bumper systems. Both samples were constructed of steel and consisted of an inner and outer tube section with attaching points. Each was attached to a bumper component on one end and the vehicle's body on the opposite end. The function of the tubes was to absorb the force of an impact in the event of a collision. The difference between the two samples was in the way they functioned. In the first sample, upon impact, force was dampened by the inner tube being forced over a protruding ridge. In the second sample, the outer tube was gas-filled and upon impact, a seal would break and force air out at a rate metered by the size of the hole. CBP classified the first sample at 8708.10.6050, HTSUSA, which provides for parts and accessories of the motor vehicles of headings 8701 to 8705: bumpers and parts thereof: parts of bumpers...other. The second sample was classified at 8302.30.3010, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, doors, staircases, windows, blinds, coachwork...other mountings, fittings and similar articles suitable for motor vehicles; and parts thereof, of iron or steel, of aluminum or of zinc, pneumatic cylinders for lifting, lowering, dampening or counter-balancing.

8302.41 MOUNTINGS AND FITTINGS SUITABLE FOR BUILDINGS

	Other mountings, fittings and similar articles, and parts thereof:
8302.41	Suitable for buildings:
8302.41.3000	Door closers (except automatic door closures), and parts thereof
	Other:
8302.41.60	Of iron or steel, of aluminum or of zinc
	Suitable for interior and exterior doors (except garage, overhead or sliding doors):
8302.41.6015	Doorstops, chain door fasteners, door pulls, kick plates, door knockers and escutcheons

8302.41.6045	Other
8302.41.6050	For curtains, draperies and window shades
8302.41.6080	Other
8302.41.90	Other
	Suitable for interior and exterior doors (except garage, overhead or sliding doors):
8302.41.9015	Doorstops, chain door fasteners, door pulls, kick plates, door knockers and escutcheons
8302.41.9045	Other
8302.41.9050	For curtains, draperies and window shades
8302.41.9080	Other

EN 8302 (D) lists goods that fall in this category are as follows:

This group includes:

- (1) Door guards fitted with chains, bars, etc; espagnolette or casement bolts and fittings; casement fasteners and stays; fanlight or skylight openers, stays and fittings; cabin hooks and eyes; hooks and fittings for double windows; hooks, fasteners, stops, brackets and roller ends for shutters or blinds; letter-box plates; door knockers, spy holes, etc. (other than tossed fitted with optical elements).
- (2) Catches (including ball spring catches), bolts, fasteners, latches, etc., (other than key-operated bolts of heading 83.01), for doors.
- (3) Fittings for sliding doors or windows of shops, garages, sheds, hangars, etc., (e.g., grooves and tracks, runners and rollers).
- (4) Keyhole plates and fingerplates for doors of buildings.
- (5) Curtain, blind or portiere fittings (e.g. rods, tubes rosettes, brackets, bands, tassel hooks, clips, sliding or runner rings, stops); cleat hooks, guides and knot holders for blind cords, etc.; staircase fittings, such as protectors for staircase treads; stair carpet clips, stair rods, banister knobs.
- (6) Corner braces, reinforcing plates, angles, etc., for doors, windows or shutters.
- (7) Hasps and staples for doors; handles and knobs for doors, including those for locks or latches.
- (8) Door stops and door closers (other than those of (H) below).

In HQ 967149, dated November 2, 2004, CBP addressed the classification of top tracks and hanging standards used in closet systems. Generally, standards are mountings that are affixed to a wall; brackets attach to the standards and support shelves, which are placed on them. In this instance, however, a top track is mounted to a wall and a standard is hung from the top track, using a unique lip and groove system. The top

track functions as most standards do, by attaching to the wall; the standard also serves as a standard by serving as an attachment for the brackets. CBP determined that the top tracks and standards are base metal articles, which serve to support the shelving system, thus they both fit within the definition for mountings.

In arriving at this conclusion, CBP looked to heading 8302 EN, which state that heading 8302 “covers general purpose classes of accessory fittings and mountings such as are used largely on furniture, doors, windows, coachwork, etc.” CBP also explained how the term “accessory” narrows the interpretation of the terms “mountings” and “fittings.” The term “accessory” used as an adjective, is defined as “[h]aving a secondary, supplementary, or subordinate function.” American Heritage Dictionary, 2nd College Edition, (1982). CBP determined that the top track and hanging standards form a structural part of the shelving system, therefore, they cannot be accessory mountings to that system. They are, however, accessories to the wall since they are not essential parts of the structure of the wall. Instead, they enable the wall to be used for mounting the shelving system.

Next, CBP considered the terms of heading 8302, which state that mountings must be suitable for “furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, chests, caskets or the like.” Since they are mounted to a wall, the top tracks and hanging standards are not mounted onto the shelving system. Therefore, the top tracks and hanging standards are suitable for a wall, not furniture. Under the doctrine of “ejusdem generis,” CBP has asserted that a wall is like the articles listed in the heading, such as doors, staircases or windows. A wall is part of a structure for which mountings, fittings and similar articles can be suitable. Some rulings in which a wall has been found to be “like” the exemplars listed in heading 8302 are: NY K82244, dated January 26, 2004 (bathroom safety supports); NY I88229, dated December 11, 2002 (bathroom safety supports); NY I88230, dated December 11, 2002 (shower safety supports); and NY E89661, dated December 1, 1999 (wall standards).

CBP ultimately determined in HQ 967149 that the top tracks and hanging standards were described in heading 8302, as mountings suitable for buildings, and therefore in accordance with GRI 1, were classified in subheading 8302.41.6080, HTSUSA.

In HQ 954376, dated August 18, 1993, CBP classified keyless door locks designed for privacy, not for security. In this ruling CBP discussed the differences between a lock of heading 8301 and a latch-set suitable for buildings in heading 8302. CBP referred to the EN of headings 8301 and 8302 for guidance. EN 8301 indicates that heading covers key operated or combination controlled fastening devices, but does not cover simple latches, bolts, fasteners or clasps that function without a key or combination. EN 8302 indicates that mountings and fittings and similar articles suitable for buildings include bolts, fasteners, latches, handles and doorknobs, which are not key operated. The locks at issue in this ruling were designed to keep a door closed, but not locked. They were not key or combination operated and were commonly and commercially known as latches or latch sets. Since they were not key operated, they are excluded

from classification under subheading 8301.40.60, HTSUS, and are therefore, correctly classified under subheading 8302.41.60, HTSUS.

In NY E82078, dated May 17, 1999, CBP classified an expandable, steel drapery/curtain rod that was imported with mounting hardware and finials. The applicable subheading was determined to be 8302.41.6050, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for buildings, other, of iron or steel, of aluminum or of zinc, for curtains, draperies and window shades.

In NY L83242, dated March 15, 2005, CBP classified two gutter hangers; one made of stainless steel and the other made of copper. They function to hold gutters to the roofline of buildings. The stainless steel hangers were classified in subheading 8302.41.6080, HTSUSA, which provides for base metal mountings, fittings and similar articles...other mountings, fittings, and similar articles, and parts thereof, suitable for buildings, other, of iron or steel, of aluminum or of zinc, other. The copper gutter hangers were classified in subheading 8302.41.9080, HTSUSA, which provides for base metal mountings, fittings and similar articles...other mountings, fittings, and similar articles, and parts thereof, suitable for buildings, other, other, other.

In NY L88708, dated November 8, 2005, CBP classified a brass door lever for use on a passive (non-locking) door, a brass door pull, which does not turn or lock, but is mounted on a door and used to pull it open, and a zinc door escutcheon, which is a decorative plate that fits over the lock and lever openings on a door. The brass lever was classified in subheading 8302.41.9045, HTSUSA, which provides other mountings, fittings and similar articles, and parts thereof, suitable for buildings, other, other, suitable for interior and exterior doors (except garage, overhead or sliding doors), other. The brass door pull was classified in subheading 8302.41.9015, HTSUSA, which provides for other mountings, fittings and similar articles, and parts thereof, suitable for buildings, other, other, suitable for interior and exterior doors (except garage, overhead or sliding doors), doorstops, chain door fasteners, door pulls, kick plates, door knockers and escutcheons. The zinc escutcheon was classified at 8302.41.6015, HTSUSA, which provides for other mountings, fittings and similar articles, and parts thereof, suitable for buildings, other, of iron or steel, of aluminum or of zinc, suitable for interior and exterior doors (except garage, overhead or sliding doors), doorstops, chain door fasteners, door pulls, kick plates, door knockers and escutcheons.

8302.42 MOUNTINGS AND FITTINGS SUITABLE FOR FURNITURE

8302.42	Other, suitable for furniture
8302.42.30	Of iron or steel, of aluminum or of zinc
8302.42.3010	Pneumatic cylinders for lifting, lowering, dampening or counterbalancing
8302.42.3015	Drawer slides
8302.42.3065	Other
8302.42.6000	Other

EN 8302 (E) lists goods included in this category as follows:

This group includes:

- (1) Protective studs (with one or more points) for legs of furniture, etc.; metal decorative fittings; shelf adjusters for bookcases, etc; fittings for cupboards, bedsteads, etc.; keyhole plates
- (2) Corner braces, reinforcing plates, angles, etc.
- (3) Catches (including ball spring catches), bolts, fasteners, latches, etc. (other than key-operated bolts of heading 83.01).
- (4) Hasps and staples for chests, etc.
- (5) Handles and knobs, including those for locks or latches.

Mountings and fittings suitable for furniture are excluded from Chapter 94, which provides for furniture and parts thereof, by virtue of Note 1(d) to chapter 94. Note 1(d) states that chapter 94 does not include, "Parts of general use as defined in note 2 to section XV, of base metal (section XV), or similar goods of plastics (chapter 39), or safes of heading 8303."

In HQ 950676, dated February 3, 1992, CBP classified slides for furniture drawers, file cabinets, kitchen cabinets, T.V. cabinets, etc. The slides were used to support the cabinet drawers. In its analysis, CBP referred to HQ 065403, dated November 6, 1980, which classified drawer slides in item 647.03, Tariff Schedules of the United States (TSUS), (the predecessor provision to subheading 8302.42.30, HTSUS). CBP found that HQ 065403 was instructive and supported the conclusion that the instant slides were classified in subheading 8302.42.30, HTSUS. The instant slides and the drawer slides in HQ 065403 were both mountings that supported drawers contained in a cabinet. The slides are general use parts that, depending on the dimensions, can be installed in any type of cabinet. Since the slides are general use parts classified in subheading 8302.42.30, HTSUS, they are excluded from classification under subheading 9403.90.80, HTSUS.

In NY R00858, dated September 30, 2004, CPB addressed the classification of seat fittings for motor vehicles. The merchandise in question was a bracket for a front seat cushion of a car. The importer suggested that the bracket be classified in 8302.30.3060, HTSUSA, as a fitting for a motor vehicle or in 9401.90.1085, HTSUSA, as a part of furniture. CBP determined, however, that seats are considered furniture, even if designed for use in motor vehicles. In addition, CBP found that the bracket was not a part of the seat, but a fitting or mounting thereof. Section XV, Note 2 provides that fittings and mountings of heading 8302 are "parts of general use." CBP concluded that these seat brackets were classified at 8302.42.3065, HTSUSA, as base metal mountings, fittings and similar articles suitable for furniture.

In NY L87140, dated September 8, 2005, CBP classified leveling glides for use on bed frames. Each glide was made to fit into the base of a leg on a bed frame for the purpose of steadiness and stability. The importer classified this merchandise in 9403.90.8040, HTSUSA, as other furniture and parts thereof. CBP pointed out, however, that furniture

glides are considered parts of general use, and as such, are precluded from classification in chapter 94 by virtue of chapter 94, note 1(d). CBP determined that the applicable subheading for the glides was 8302.42.3065, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, of iron or steel, of aluminum or of zinc, other.

In NY 851867, dated May 21, 1990, CBP classified steel slides designed for drawers used in recreational vehicles. These slides are designed to prevent the drawers from opening while the vehicle is moving. CBP determined that the drawers were parts of furniture, and therefore, the stop drawer slides were mountings suitable for furniture, classified in subheading 8302.42.30, HTSUS.

In NY J87708, dated August 11, 2003, CBP classified a steel furniture-recliner mechanism. Two of these recliner mechanisms are used in the construction of each recliner chair. The mechanisms are attached to each side of the chair, enabling it to recline in various positions. The applicable subheading was determined to be 8302.42.3065, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, of iron or steel, of aluminum or of zinc.

In NY K81499, dated December 11, 2003, CBP classified stainless steel corner guards, which are affixed to the bottom corners of a mattress foundation to protect it from damage. The applicable subheading for this product was determined to be 8302.42.3065, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, of iron or steel, of aluminum or of zinc, other.

In NY D80180, dated July 21, 1998, CBP classified a steel clip, which is used to hold/support a glass partition. The partition is used between booths in restaurants to allow some privacy between tables. The clip was classified in subheading 8302.42.6000, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, other.

8302.49 OTHER

	Other mountings, fittings and similar articles, and parts thereof (con.):
8302.49	Other:
	Harness and saddlery or riding-bridle hardware, and parts thereof:
8302.49.2000	Coated or plated with precious metal
8302.49.4000	Other
	Other:
8302.49.60	Of iron or steel, of aluminum or of zinc
8302.49.6035	Pneumatic cylinders for lifting, lowering, dampening or counterbalancing
	Other:
8302.49.6045	For railway vehicles

8302.49.6055		For aircraft, vessels and other vehicles (except motor vehicles) of section XVII
8302.49.6085		Other
8302.49.80	Other	For railway vehicles, aircraft, vessels and other vehicles (except motor vehicles) of section XVII:
8302.49.8040		Of copper
8302.49.8050		Other
8302.59.8090	Other	

EN 8302 (F) lists goods that fall into this category as follows:

This group includes:

- (1) Fittings and similar articles for trunks, chests, suit-cases and similar travel goods, e.g. lid guides (but not including fasteners); handles; corner protectors; lid struts and runners; closing rods for basket-trunks; fittings for expanding cases; however, ornaments for handbags fall in heading 71.17.
- (2) Corner braces, reinforcing plates, angles, etc., for chests, trunks, caskets, boxes, suit-cases, etc.
- (3) Fittings and similar articles for saddlery, such as bits, curbs, saddle-bows, stirrups; trace, harness or rein rings; horse-brasses and other fittings for harness.
- (4) Fittings and similar articles for caskets or coffins.
- (5) Fittings and similar articles for vessels (ships and boats).

Also included in this group are mountings and fittings suitable for railway vehicles, aircraft, and other vehicles of section XVII, except motor vehicles. This group does not cover buckles of heading 8308, HTSUS.

In HQ 954772, dated August 25, 1993, CBP modified and revoked several rulings involving the classification of base metal buckles used for harness and saddlery purposes. CBP noted that buckles are specifically described in subheading 8308.90.60, HTSUS, which is an *eo nomine* provision. "An *eo nomine* designation must, unless a legislative intent to the contrary is clearly indicated, be preferred to terms of general description and to enumerations which are broader in scope and less specific." U.S. v. Astra Trading Corp., 44 CCPA 8, 11, C.A.D. 627 (1956). Since buckles are not listed in EN 8302 (F)(3), this provision is more general than heading 8308. Consequently, CBP classified the buckles for harness and saddlery purposes in subheading 8308.90.60, HTSUS.

In HQ 959963, dated June 10, 1997, CBP addressed the issue of whether base metal trays for mounting into a racking system on airplanes are goods of heading 8803, heading 9014, or heading 8302:

As to the claim under heading 9014, Chapter 90, Note 1(f), HTSUS excludes from that provision parts of general use, as defined in Section XV, Note 2. Section XVII, Note 2(b), which governs entries under heading 8803, states that the expressions "parts" and "parts and accessories" do not apply to parts of general use.

Section XV, Note 2(c), HTSUS, states that throughout the tariff schedule, the expression "parts of general use" means articles of heading 8302, among others. In NY 884148, dated April 13, 1993, the Area Director of Customs, New York Seaport, held that base metal trays for holding line replaceable units, attached to the plane's interior wall by mounting into a racking system, were classifiable in subheading 8302.49.60, HTSUS. Because the base metal trays under protest are goods of heading 8302, they are excluded from headings 9014 and 8803, respectively, by the cited legal notes.

In HQ 956998, dated November 28, 1994, CBP addressed the classification of a latch used on aircraft galley drawers. An aircraft galley is a complete structural unit designed and built to the specifications of a particular airplane. The galley is permanently mounted to the floor and ceiling of the aircraft and is comprised of a bulkhead containing all items necessary to meet the specialized food service requirements for a commercial flight. The latch at issue was to be used to keep the drawers of the galley closed.

CBP noted that since the latch is provided for under heading 8302, HTSUS, it is considered to be a part of general use. As such, it is precluded from classification under heading 8803, as parts of aircraft, by virtue of Note 2(b) to Section XVII; it is also precluded from classification under heading 9403, HTSUS, as parts of furniture, by application of Note 1(d) to Chapter 94.

At issue in HQ 956998 was whether the latch was provided for as a fitting suitable for buildings, aircraft, furniture, or as an "other" fitting. CBP referred to the following principle: "a part of a part is more specifically provided for as a part of the part than as part of the whole." Under this principle, the latch was not considered to be suitable for aircraft, but was more specifically provided for as a part of the aircraft galley. Next, because the galley unit and the drawers were not classifiable as a building, classification of the latch as a fitting suitable for buildings was precluded. Finally, by reviewing the decision in HQ 957165, CBP determined that the galley units did not meet the definition of furniture, therefore classification as a fitting suitable for furniture was precluded. In the final analysis, CBP determined that the latch was provided for under subheading 8302.49.60, HTSUS, as an "other" fitting.

In HQ 088944, dated July 22, 1991, CBP addressed the classification of adjustable outboard motor brackets, which are used for mounting an outboard motor on a boat and

for positioning the motor. They are equipped with two double torsion springs that provide a combined lifting force of 74 pounds. CBP determined that the brackets were not considered lifting, handling, loading or unloading machinery in heading 8428, HTSUS, because the simple mechanical action involved in the release of the energy stored up in a spring “does not rise to the dignity of a machine.” CBP ruled that the motor bracket was a mounting or fitting classifiable within subheading 8302.49.60, HTSUS.

In NY R02036, dated June 6, 2005, CBP considered the classification of stainless steel hand rails and grab rails to be installed at the edge or at the stairs of in-ground swimming pools. They were designed as assisting devices for a person to grab and climb out of the pool water. The applicable subheading for the hand rails and grab rails was determined to be 8302.49.6085, HTSUSA, which provides for base metal mountings, fittings and similar articles suitable for furniture, doors, staircases...other mountings, fittings and similar articles, and parts thereof, other, other, of iron or steel, of aluminum or of zinc, other, other.

In NY I82448, dated May 21, 2002, CBP addressed various articles used in making saddles. Each item was available in brass or stainless steel, they included a rear cinch buckle, a breast collar ring, a breast collar d-ring, a front cinch component, and a cinch attachment piece. The applicable subheading for the rear cinch buckle, made of brass or stainless steel, is 8308.90.6000, HTSUSA, which provides for buckles and buckle clasps, and parts thereof, of base metal. The applicable subheading for the ring, d-ring, cinch component and cinch attachment, made of brass or stainless steel, is 8302.49.4000, HTSUSA, which provides for other mountings, fittings and similar articles of base metal, harness and saddlery or riding-bridle hardware, and parts thereof, other.

8302.50 HAT-RACKS, HAT PEGS, BRACKETS AND SIMILAR FIXTURES, AND PARTS THEREOF

EN 8302 (G) states that this category covers, “hat-racks, hat-pegs, brackets (fixed, hinged or toothed, etc.) and similar fixtures such as coat racks, towel racks, dishcloth racks, brush racks, key racks.” The essential characteristic or principle shared by these exemplars is that they are mounted racks used to hang and store items. EN (G) also indicates that, “coat racks, etc., having the character of furniture, such as coat racks incorporating a shelf, are classified in Chapter 94.”

In HQ H007444, dated June 16, 2008, CBP addressed the classification of organizer racks and other household organizers. At issue were three plastic coated metal wire organizer racks, which included a two-tier rack, a four-tier rack and an eight-tier rack. Each tier had small sides to secure items placed on it. In its analysis CBP determined the following:

The deluxe organizer racks (Item numbers 8002, 8033, and 8044) are eiusdem generis with the above exemplars (see *Sports Graphics, Inc. v. United States*, 24 F. 3d 1390, 1392 (Fed. Cir. 1994)), “[a]s applicable to classification cases, eiusdem generis requires that the imported

merchandise possess the essential characteristics or purposes that unite the articles enumerated eo nomine in order to be classified under the general terms"). The essential characteristic or purpose of the above-listed exemplars is that they are racks used to hang and store things, such as coats, towels, dish cloths, brushes and keys. The deluxe organizer racks (Item numbers 8002, 8033, and 8044) at issue share this essential characteristic or purpose, in that they are mounted to cabinet doors, household or kitchen doors or walls and are used to organize and store household items such as cleaning supplies and pantry food items.

Accordingly, pursuant to GRI 1, the deluxe organizer racks were classified in subheading 8302.50.0000, HTSUS.

HQ H007444 also addressed the classification of two cabinet organizers. Each consisted of a wire basket positioned on a chrome slide track that mounted horizontally to a cabinet shelf. CBP determined that although the cabinet organizers were mounted and used to organize and store household articles, they could not be mounted vertically to doors or walls. CBP determined that the essential characteristic or purpose of the cabinet organizers was not to hang items; consequently, they were not similar to the exemplars noted in EN 83.02. They were ultimately determined to be classified in subheading 7323.99.9060, HTSUS, as table, kitchen or other household articles...other.

Also at issue in HQ H007444 were household products including a floor standing, two tiered, expandable metal shoe rack; a wire shelf designed for mounting to a wall or incorporating into an organizer unit; and a chrome drawer organizer. CBP concluded that the shoe organizer rack was provided for by the terms of subheading 9403.20.0020, HTSUS, as other furniture and parts thereof. In classifying the wire shelf, it was noted that an imported article is classified according to its condition as imported and that in this instance only the shelf was being imported. The chrome drawer organizer consisted of an open, shallow metal box designed to rest in a kitchen drawer for organizing flatware, etc. CBP determined that the applicable subheading for the shelf and drawer organizer was 7323.99.9060, HTSUS, which provides for table, kitchen or other household articles and parts thereof, of iron or steel, other, other, not coated or plated with precious metal, other, other, other.

In HQ H042578, dated February 4, 2009, CBP considered the classification of three styles of stainless steel spice racks. One rack consisted of a frame with two permanent hooks at the top for hanging from a rail rod (not included). Also included were two wire shelves designed to be hooked onto the frame. The next rack consisted of a single shelf with two hooks permanently attached to the back for hanging from a rail rod (not included). The last rack consisted of a frame, two suction cups for mounting and two shelves. Each shelf in all of the spice racks had four sides to secure items placed on it.

CBP determined in H042578 that the spice racks were *ejusdem generis* with the exemplars in heading 8302, HTSUS and the EN. They shared the essential characteristics or purpose of the articles in heading 8302 since they could be mounted

to cabinet doors, household or kitchen doors or walls and were used to organize and store household items. Accordingly the spice racks were classified in subheading 8302.50, HTSUS.

In HQ 957527, dated December 29, 1994, CBP addressed the classification of a wall shelf with towel bars. At issue was whether the item was classified in subheading 8302.41 (suitable for buildings) or subheading 8302.50. In making its determination CBP looked to the EN for guidance. CPB determined that the terms and exemplars noted in EN (G) are broad enough in scope to encompass this article. Thus, CBP concluded that the wall shelf with towel bars is more accurately described by subheading 8302.50.00, HTSUS, than it is by subheading 8302.41.60, HTSUS.

In NY K81307, dated December 19, 2003, CBP classified a wood ceramic wall hook, which consisted of a wood board with three decorative ceramic tiles and five brass hooks. CBP determined that the essential character of this product was imparted by the base metal hooks due to the functional role they played in the hook board. Consequently, the item was classified in subheading 8302.50.0000, HTSUSA.

HQ 962366, dated July 12, 1999, addressed the classification of metal racks, which formed part of filing systems designed to file and store oversized paper documents. The racks were composed of brackets and end caps. Only after importation, when used in tandem with other parts, did they become part of the complete filing system. Consequently, CBP determined that in their imported condition, the racks did not qualify as desk/office equipment under heading 8304, HTSUS. CBP determined that the metal racks were properly classified in subheading 8302.50.00, HTSUS, since they were ejusdem generis with the exemplars of that subheading. In other words, the racks possessed the essential characteristics or purposes that unite the articles enumerated eo nomine in subheading 8302.50.00 HTSUS. As noted by CBP, "The essential characteristic or purpose of the above-listed exemplars is that they are racks used to hang and store things, such as coats, towels, dish cloths, brushes and keys. The metal racks at issue share this essential characteristic or purpose."

In NY 800473, dated July 29, 1994, CBP considered the classification of a base metal bracket for a television. The bracket mounts to a wall and includes a platform upon which the television rests. It allows the television to pivot at various angles. CBP determined that the TV bracket was classified in subheading 8302.50.00, HTSUS.

In NY L83401, dated March 21, 2005, CBP addressed the classification of four models of steel wire bag racks. The racks were to be mounted onto a counter and used primarily in grocery stores to hold and aid in the quick opening of grocery bags. They were classified at 8302.50.0000, HTSUSA.

In NY 874104, dated May 13, 1992, CBP classified a wall-mounted bicycle rack made of steel. It resembled a bracket with a projecting arm and was used to store the bicycle when not in use. The applicable subheading was determined to be 8302.50.0000, HTSUSA.

8302.60 AUTOMATIC DOOR CLOSERS, AND PARTS THEREOF

8302.60	Automatic door closers, and parts thereof:
8302.60.3000	Automatic door closers
8302.60.9000	Parts

This subheading includes spring, hydraulic or pneumatic closers for doors, gates, etc. In NY I80779, dated April 26, 2002, and NY I81817, dated May 15, 2002, CBP classified pneumatic door closers in subheading 8302.60.3000, HTSUSA. In NY D84947, dated December 3, 1998, CBP classified a piston-operated door closer in subheading 8302.60.3000, HTSUSA. In NY 895561, dated April 6, 1994, CBP classified a spring operated automatic door closer in subheading 8302.60.3000, HTSUSA.

In NY C84875, dated March 11, 1998, CBP determined that a product, called a “manual fire shutter operator,” designed to enable doors to self-close, was not classified in subheading 8302.60, HTSUS. This product is intended to be mounted on an overhead doorframe. It consists of a chain pocket wheel and continuous hand chain used to manually raise and lower the door, internal gearing, output and drive sprockets, a spring loaded release arm, a fusible link disconnect, and a governor mechanism.

Under normal conditions this product allows a rolling fire shutter or door to be manually raised and lowered. If a fire occurs when the door is open, the fusible link within the unit will melt, which releases the spring tension on the spring arm and enables the door to descend of its own weight.

The importer asserted that the manual fire shutter operator should be classifiable as automatic door closers of base metal in subheading 8302.60.30, HTSUS. However, as CBP noted, “a door closer of heading 8302 is a device designed to close a door quietly with no additional effort. It contains a device, such as a spring or hydraulic motor, which stores the energy of the opening of the door and releases it to close the door. The manual fire shutter operator does not actively close the door; instead, it disengages and passively allows the door's own weight to close it. Thus it cannot be classified in subheading 8302.60.30.” CBP determined that this product was correctly classified as lifting, handling, loading or unloading machinery in heading 8428, HTSUS.

In HQ 953669, dated April 14, 1993, CBP addressed the classification of a door security system. The system was comprised of two components: a steel bar that mounted to a wall and a door to keep the door from being opened, and a battery operated alarm that would activate if the door was forced open. The bar is a sprung telescopic bar, which is compression operated. The bar allows the door to be opened 5 inches. The alarm is triggered whenever the door is forced open wider than 5 inches. While the door is being forced, if force pressure is momentarily released, the spring in the bar slams the door shut.

CBP determined that the door security system met the requirements listed in GRI 3(b) EN 3(b)(X) and, therefore, qualified as a “set” for classification purposes. Additionally, CBP noted that during operation, the bar was always in use, but the alarm only sounded

when a door was being forced. Consequently, the bar imparted the essential character to the system. The door security system was determined to be classifiable under subheading 8302.60.30, HTSUS.

In NY I83965, CBP classified a screen doorjamb reinforcer. It is a steel bracket designed to reinforce a "piston style" closing mechanism used on screen doors. The kit included a steel plate, which is designed to attach to wooden doorjamb, and a steel bracket that attaches to the plate. The screen door piston (not included) is then attached to the bracket. CBP classified this article in subheading 8302.60.9000, HTSUSA, which provides for automatic door closers, parts.

ADDITIONAL INFORMATION

The Internet

The home page of U.S. Customs and Border Protection on the Internet's World Wide Web, provides the trade community with current, relevant information regarding CBP operations and items of special interest. The site posts information -- which includes proposed regulations, news releases, publications and notices, etc. -- that can be searched, read on-line, printed or downloaded to your personal computer. The web site was established as a trade-friendly mechanism to assist the importing and exporting community. The web site also links to the home pages of many other agencies whose importing or exporting regulations that U.S. Customs and Border Protection helps to enforce. The web site also contains a wealth of information of interest to a broader public than the trade community. For instance, the "Know Before You Go" publication and traveler awareness campaign is designed to help educate international travelers.

The web address of U.S. Customs and Border Protection is <http://www.cbp.gov>

Customs Regulations

The current edition of Customs and Border Protection Regulations of the United States is a loose-leaf, subscription publication available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; telephone (202) 512-1800. A bound edition of Title 19, Code of Federal Regulations is also available for sale from the same address. All proposed and final regulations are published in the Federal Register, which is published daily by the Office of the Federal Register, National Archives and Records Administration, and distributed by the Superintendent of Documents. Information about on-line access to the Federal Register may be obtained by calling (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time. These notices are also published in the weekly Customs Bulletin described below.

Customs Bulletin

The Customs Bulletin and Decisions ("Customs Bulletin") is a weekly publication that contains decisions, rulings, regulatory proposals, notices and other information of interest to the trade community. It also contains decisions issued by the U.S. Court of International Trade, as well as customs-related decisions of the U.S. Court of Appeals for the Federal Circuit. Each year, the Government Printing Office publishes bound volumes of the Customs Bulletin. Subscriptions may be purchased from the Superintendent of Documents at the address and phone number listed above.

Importing into the United States

This publication provides an overview of the importing process and contains general information about import requirements. The current edition of *Importing Into the United States* contains much new and revised material brought about pursuant to the Customs Modernization Act ("Mod Act"). The Mod Act has fundamentally altered the relationship between importers and U.S. Customs and Border Protection by shifting to the importer the legal responsibility for declaring the value, classification, and rate of duty applicable to entered merchandise.

The current edition contains a section entitled "Informed Compliance." A key component of informed compliance is the shared responsibility between U.S. Customs and Border Protection and the import community, wherein CBP communicates its requirements to the importer, and the importer, in turn, uses reasonable care to assure that CBP is provided accurate and timely data pertaining to his or her importation.

Single copies may be obtained from local offices of U.S. Customs and Border Protection, or from the Office of Public Affairs, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Washington, DC 20229. An on-line version is available at the CBP web site. *Importing into the United States* is also available for sale, in single copies or bulk orders, from the Superintendent of Documents by calling (202) 512-1800, or by mail from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054.

Informed Compliance Publications

U.S. Customs and Border Protection has prepared a number of Informed Compliance publications in the "*What Every Member of the Trade Community Should Know About:...*" series. Check the Internet web site <http://www.cbp.gov> for current publications.

Value Publications

Customs Valuation under the Trade Agreements Act of 1979 is a 96-page book containing a detailed narrative description of the customs valuation system, the customs valuation title of the Trade Agreements Act (§402 of the Tariff Act of 1930, as amended by the Trade Agreements Act of 1979 (19 U.S.C. §1401a)), the Statement of Administrative Action which was sent to the U.S. Congress in conjunction with the TAA, regulations (19 C.F.R. §§152.000-152.108) implementing the valuation system (a few sections of the regulations have been amended subsequent to the publication of the book) and questions and answers concerning the valuation system.

Customs Valuation Encyclopedia (with updates) is comprised of relevant statutory provisions, CBP Regulations implementing the statute, portions of the Customs Valuation Code, judicial precedent, and administrative rulings involving application of valuation law. A copy may be purchased for a nominal charge from the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7054. This publication is also available on the Internet web site of U.S. Customs and Border Protection.

The information provided in this publication is for general information purposes only. Recognizing that many complicated factors may be involved in customs issues, an importer may wish to obtain a ruling under CBP Regulations, 19 C.F.R. Part 177, or obtain advice from an expert (such as a licensed Customs Broker, attorney or consultant) who specializes in customs matters. Reliance solely on the general information in this pamphlet may not be considered reasonable care.

Additional information may also be obtained from U.S. Customs and Border Protection ports of entry. Please consult your telephone directory for an office near you. The listing will be found under U.S. Government, Department of Homeland Security.

“Your Comments are Important”

The Small Business and Regulatory Enforcement Ombudsman and 10 regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement activities and rate each agency’s responsiveness to small business. If you wish to comment on the enforcement actions of U.S. Customs and Border Protection, call 1-888-REG-FAIR (1-888-734-3247).

REPORT SMUGGLING 1-800-BE-ALERT OR 1-800-NO-DROGA



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