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New Antidumping Petition on Mattresses from China

By Douglas J. Heffner and Richard P. Ferrin

Several U.S. mattress producers, on September 18, 2018, filed an antidumping (AD) petition on imports of mattresses from China. The petitioners include Corsicana Mattress Company; Elite Comfort Solutions; Future Foam Inc.; FXI, Inc.; Innocor, Inc.; Kolcraft Enterprises Inc.; Leggett & Platt, Incorporated; Serta Simmons Bedding, LLC; and Tempur Sealy International, Inc.

The U.S. AD law imposes special tariffs to counteract imports that are sold in the United States at less than “normal value.” For AD duties to be imposed, the U.S. government must determine not only that dumping is occurring, but also that there is “material injury” (or threat thereof) by reason of the dumped imports. Importers are liable for any potential AD duties imposed. In addition, these investigations could impact purchasers by increasing prices and/or decreasing supply of mattresses.

Scope

The scope of this petition covers mattresses from China. For purposes of this petition, the term “mattress” denotes an assembly of materials that generally includes a “core” as well as “upholstery” and/or “ticking.” The scope of this petition is restricted to only is “adult mattresses” and “youth mattresses,” but broadly encompasses all types of “innerspring mattresses,” “non-innerspring mattresses,” and “hybrid mattresses.”

Mattresses covered by the scope of this petition may be sold independently or as part of furniture (e.g., convertible sofa bed mattresses, corner group mattresses, day-bed mattresses, rollaway bed mattresses, high risers, trundle bed mattresses, crib mattresses), or as part of a set in combination with a “mattress foundation.”

Excluded from the scope of this petition are “futon” mattresses. For purposes of this petition, a “futon mattress” denotes a mattress with a tuft that goes completely through the mattress from the top through to the bottom, and which does not contain innersprings or foam. Also excluded from the scope are airbeds (including inflatable mattresses) and waterbeds, which consist of air- or liquid-filled bladders as the core or main support system of the mattress.

The products subject to this petition are currently properly classifiable under Harmonized Tariff Schedule for the United States (“HTSUS”) subheadings 9404.21.0010, 9404.21.0013, 9404.29.1005, 9404.29.1013, 9404.29.9085, and 9404.29.9087. Products subject to this petition may also enter under HTSUS subheadings 9404.21.0095, 9404.29.1095, and 9404.29.9095. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the merchandise is dispositive.

Alleged Dumping Margins

The petitioners allege a dumping margin of 267.60 percent to 1,777.01 percent.

Estimated Schedule of Investigations

- September 18, 2018 – Petition is filed
- October 8, 2018 – DOC initiates investigation
- October 9, 2018 – ITC staff conference
- November 2, 2018 – Deadline for ITC preliminary injury determinations
- February 25, 2019 – Deadline for DOC preliminary AD determination, if not postponed
- April 16, 2019 – Deadline for DOC preliminary AD determination, if fully postponed
- August 29, 2019 – Deadline for DOC final AD determination, if both preliminary and final determinations are fully postponed
- October 14, 2019 – Deadline for ITC final injury determinations, assuming fully postponed DOC deadlines

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