

UNITED STATES COURT OF INTERNATIONAL TRADE

**COLUMBIA ALUMINUM PRODUCTS,
LLC,**

Plaintiff,

v.

UNITED STATES,

Defendant,

and

**ALUMINUM EXTRUSIONS FAIR
TRADE COMMITTEE AND ENDURA
PRODUCTS, INC.,**

Defendant-Intervenors.

Before: Timothy C. Stanceu, Judge

Court No. 19-00013

OPINION

[Effectuating the mandate of the U.S. Court of Appeals for the Federal Circuit by reinstating a portion of a previous agency determination]

Dated: June 25, 2025

Peter Koenig and Jeremy W. Dutra, Squire Patton Boggs (US), LLP, of Washington, D.C., for plaintiff Columbia Aluminum Products, LLC.

Aimee Lee, Assistant Director, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of New York, N.Y., and *Patricia M. McCarthy*, Director, and *Tara K. Hogan*, Assistant Director, for defendant. Of counsel are *Nikki Kalbing*, Assistant Chief Counsel, and *Jon Zachary Forbes*, Attorney, Office of the Chief Counsel for Trade Enforcement & Compliance, U.S. Department of Commerce, of Washington, D.C.

Robert E. DeFrancesco, III, Alan H. Price, Derick G. Holt, Elizabeth S. Lee, Enbar Toledano, and Adam M. Teslik, Wiley Rein LLP, of Washington, D.C., for defendant-intervenors Aluminum Extrusions Fair Trade Committee and Endura Products, Inc.

Stanceu, Judge: This litigation concerns certain “door thresholds” that plaintiff Columbia Aluminum Products, LLC (“Columbia”) imported from the People’s Republic of China (“China,” or the “PRC”), each of which contained an “aluminum extrusion” as a component part. The issue in this litigation was whether that component part is subject to antidumping (“AD”) and countervailing duty (“CVD”) orders on certain aluminum extrusions from China (the “Orders”).

Before the Court is the mandate issued by the U.S. Court of Appeals for the Federal Circuit (“Court of Appeals”) in *Worldwide Door Components, Inc. v. United States*, 119 F.4th 959 (Fed. Cir. 2024), ECF No. 98 (“*Worldwide V*”). Mandate in Appeal Nos. 2023-1532, 2023-1534 (Nov. 14, 2024), ECF No. 100 (“CAFC Mandate”). *Worldwide V* vacated this Court’s judgment in *Columbia Aluminum Prods., LLC. v. United States*, 46 CIT __, 607 F. Supp. 3d 1275 (2022) (“*Columbia IV*”), under which the aluminum extrusion component in each door threshold was held to be outside the scope of the Orders, *id.*, 46 CIT at __, 607 F. Supp. 3d at 1283. *Worldwide V*, 119 F.4th at 972. *Worldwide V* reversed this Court’s remand order in *Columbia Aluminum Prods., LLC. v. United States*, 45 CIT __, 536 F. Supp. 3d 1346, 1348, 1357 (2021) (“*Columbia II*”), and vacated this Court’s subsequent opinions in *Columbia Aluminum Prods., LLC. v. United States*, 46 CIT __, 587 F. Supp. 3d 1375 (2022) (“*Columbia III*”) and *Columbia IV*. *Id.*

In *Worldwide V*, the Court of Appeals directed this Court to “reinstate the non-protested portions” of an earlier agency decision, the “First Remand Redetermination” of the International Trade Administration, U.S. Department of Commerce (“Commerce” or the “Department”). *Id.*; see Final Results of Redetermination Pursuant to Ct. Remand: Aluminum Extrusions from the People’s Republic of China (Int’l Trade Admin. Dec. 23, 2020), ECF No. 48-1 (“*First Remand Redetermination*”).¹ *Worldwide V*, 119 F.4th at 972. In the non-protested portion of the First Remand Redetermination, Commerce determined that the aluminum extrusion component in each of the door thresholds, but not the other components, were within the scope of the Orders. *First Remand Redetermination* 1–2, 10, 49.

I. BACKGROUND

Columbia commenced this action in 2019. Summons (Jan. 18, 2019), ECF No. 1, Compl. (Jan. 18, 2019), ECF No. 3. The Aluminum Extrusions Fair Trade Committee (the “petitioner”) and Endura Products, Inc. (“Endura”) were defendant-intervenors.²

¹ The appeal before the U.S. Court of Appeals for the Federal Circuit (“Court of Appeals”) was consolidated with an appeal brought by defendant-intervenor Aluminum Extrusions Fair Trade Committee involving certain door thresholds imported by Worldwide Door Components, Inc. (“Worldwide”). *Worldwide Door Components, Inc. v. United States*, 119 F.4th 959, 961 (Fed. Cir. 2024). In its opinion, the Court of Appeals noted that “[f]or simplicity, we cite only the agency scope orders and trial court decisions where Worldwide appears as the captioned party.” *Id.* at 964 n.3.

² Endura Products, Inc. withdrew its position as defendant-intervenor on March 23, 2023. Order (Mar. 23, 2023), ECF No. 97.

Background of this litigation is described in the prior opinions of this Court and the opinion of the Court of Appeals and is summarized briefly herein. *See Columbia Aluminum Prods., LLC v. United States*, 44 CIT __, __, 470 F. Supp. 3d 1353, 1354–56 (2020) (“*Columbia I*”); *Columbia II*, 45 CIT at __, 536 F. Supp. 3d at 1348–49; *Columbia III*, 46 CIT at __, 587 F. Supp. 3d at 1377; *Columbia IV*, 46 CIT at __, 607 F. Supp. 3d at 1277; *Worldwide V*, 119 F.4th at 962–68.

A. Issuance of the Orders

Commerce issued the Orders in 2011. *Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order*, 76 Fed. Reg. 30,650 (Int’l Trade Admin. May 26, 2011) (“*AD Order*”); *Aluminum Extrusions From the People’s Republic of China: Countervailing Duty Order*, 76 Fed. Reg. 30,653 (Int’l Trade Admin. May 26, 2011) (“*CVD Order*”).

B. Columbia’s Imported Door Thresholds

At issue in this litigation are ten models of door thresholds, each of which “is an assembly consisting of various components, including a component fabricated from an aluminum extrusion and various components that are not made of aluminum.” *Columbia I*, 44 CIT at __, 470 F. Supp. 3d at 1355 (citation omitted). The non-aluminum components are made of such materials as polyvinyl chloride (“PVC”) and wood-filled plastic substrate or an extruded PVC substrate. *Id.* (citation omitted). “It is uncontested that the single component in each door threshold that is fabricated from an aluminum

extrusion is made of an aluminum alloy identified in the scope language of the Orders.”

Id. (citation omitted).

C. The Contested Scope Ruling

Columbia brought this action to contest the Department’s determination on its imported door thresholds (the “Scope Ruling”), which Commerce issued in 2018. *Antidumping and Countervailing Duty Orders on Aluminum Extrusions from the People’s Republic of China: Final Scope Rulings on Worldwide Door Components, Inc., MJB Wood Group Inc., and Columbia Aluminum Products Door Thresholds* (Int’l Trade Admin. Dec. 19, 2018), P.R. Doc. 39, ECF No. 39 (“*Scope Ruling*”)³. The Scope Ruling construed the scope of the Orders to include the aluminum extrusion component of each door threshold, but not the other components. *Id.* at 37–38. Commerce issued the Scope Ruling in response to a request Columbia submitted on March 14, 2018. *Columbia I*, 44 CIT at __, 470 F. Supp. 3d at 1355 (citation omitted).

The court ordered Commerce to reconsider its Scope Ruling three times. *Columbia I*, 44 CIT at __, 470 F. Supp. 3d at 1354, 1361–63; *Columbia II*, 45 CIT at __, 536 F. Supp. 3d at 1348, 1354–57; *Columbia III*, 46 CIT at __, 587 F. Supp. 3d at 1385. Responding to the court’s opinion and order in *Columbia III*, Commerce decided in the

³ Documents in the Joint Appendix (Dec. 4, 2019), ECF Nos. 39 (public), 42 (conf.), are cited herein as “P.R. Doc. __.” Citations to Joint Appendix documents are to the public versions.

“Third Remand Redetermination,” under protest, that the imported door thresholds, in the entirety, are excluded from the scope of the Orders. Final Results of Redetermination Pursuant to Court Remand 3, 19 (Int’l Trade Admin. Sept. 9, 2022), ECF No. 85-1 (“*Third Remand Redetermination*”). The court sustained the Third Remand Redetermination. *Columbia IV*, 46 CIT at __, 607 F. Supp. 3d at 1277, 1283.

II. DISCUSSION

A. Jurisdiction

The court exercises subject matter jurisdiction under section 201 of the Customs Courts Act of 1980, 28 U.S.C. § 1581(c), which grants jurisdiction over civil actions brought under section 516A of the Tariff Act of 1930, *as amended* (“Tariff Act”), 19 U.S.C. § 1516a.⁴ Among the decisions that may be contested according to section 516A is a determination of “whether a particular type of merchandise is within the class or kind of merchandise described in an . . . antidumping or countervailing duty order.” *Id.* § 1516a(a)(2)(B)(vi).

⁴ Citations herein to the United States Code are to the 2018 edition.

B. Scope Language Identifying “Door Thresholds” and “Parts” of “Door Frames” as Examples of Aluminum Extrusions that Are Within the Scope of the Orders

The Orders, which contain essentially identical scope language, apply generally to “aluminum extrusions” made from specified aluminum alloys.⁵ *AD Order*, 76 Fed. Reg. at 30,650; *CVD Order*, 76 Fed. Reg. at 30,653–54. In addition to an aluminum shape or form that results only from an extrusion process, the Orders also include, with certain exceptions, any product fabricated from a single aluminum extrusion, regardless of any drawing, finishing, coating, or fabricating operations, including operations that result in finished products, such as “fence posts,” “electrical conduits,” and “door thresholds,”⁶ or in “parts for final finished products that are assembled after

⁵ The Orders define the term “aluminum extrusions” as “shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).” *Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order*, 76 Fed. Reg. 30,650, 30,650 (Int’l Trade Admin. May 26, 2011) (“*AD Order*”); *Aluminum Extrusions From the People’s Republic of China: Countervailing Duty Order*, 76 Fed. Reg. 30,653, 30,653 (Int’l Trade Admin. May 26, 2011) (“*CVD Order*”).

⁶ “Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation.” *AD Order*, 76 Fed. Reg. at 30,651; *CVD Order*, 76 Fed. Reg. at 30,654.

importation,” including “door frames.”⁷ *AD Order*, 76 Fed. Reg. at 30,650–51; *CVD Order*, 76 Fed. Reg. at 30,654.

The Scope Ruling cited the “door thresholds” exemplar in the scope language in concluding that Columbia’s products fall within the scope of the Orders. *Scope Ruling* 34. On that basis, among others, *Columbia I* rejected this approach, noting that the door thresholds exemplar refers to aluminum extrusions that *are* door thresholds, not door thresholds made from a combination of components, only one of which has been fabricated from an aluminum extrusion. *Columbia I*, 44 CIT at ___, 470 F. Supp. 3d at 1358.

C. The “Subassemblies” Provision and the “Finished Merchandise” Exclusion

The Orders also contain a provision described by Commerce as the “subassemblies” provision. This provision was at issue in the decision of the Court of Appeals in *Worldwide V*, which affirmed the Department’s determination that the provision described Columbia’s door thresholds. 119 F.4th at 969–72. The subassemblies provision is as follows:

The scope includes the aluminum extrusion components that are attached (e.g., by welding or fasteners) to form subassemblies, *i.e.*, partially assembled merchandise unless imported as part of the finished goods ‘kit’

⁷ “Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope.” *AD Order*, 76 Fed. Reg. at 30,650–51; *CVD Order*, 76 Fed. Reg. at 30,654.

defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

AD Order, 76 Fed. Reg. at 30,651; *CVD Order*, 76 Fed. Reg. at 30,654. Addressing the subassemblies provision, the Scope Ruling stated as follows:

Additionally, we find that the door thresholds, which constitute aluminum extrusion components attached to non-aluminum extrusion components, may also be described as subassemblies pursuant to the scope of the *Orders*. Thus, the non-aluminum extrusion components (*i.e.*, . . . the PVC extrusions, insert bars, injection molded wood filled plastic substrates, extruded PVC substrates in Columbia's door thresholds), which are assembled with the in-scope aluminum extrusion components, are not included in the scope of the *Orders*.

Scope Ruling 34. Commerce considered Columbia's door thresholds to fall within the scope language of the *Orders* that refers to "subassemblies, *i.e.*, *partially assembled merchandise*," *AD Order*, 76 Fed. Reg. at 30,651 (emphasis added); *CVD Order*, 76 Fed. Reg. at 30,654 (emphasis added), despite record evidence that these thresholds, in the form in which they were imported as "merchandise," were fully assembled, *see Scope Ruling 14*; *First Remand Redetermination 26* (stating as a finding that Columbia's door thresholds are "fully assembled").

The Department's reliance on the subassemblies provision also raised the issue of whether Columbia's door thresholds qualified for an exclusion, the "finished merchandise" exclusion, that the *Orders* also provided. This exclusion is as follows:

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass,

doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels.

AD Order, 76 Fed. Reg. at 30,651; *CVD Order*, 76 Fed. Reg. at 30,654. Commerce concluded in the Scope Ruling that the finished merchandise exclusion did not apply, relying, erroneously, on the ““express inclusion of “door thresholds” within the scope of the *Orders*.”” *Columbia I*, 44 CIT at ___, 470 F. Supp. 3d at 1358–59 (quoting *Scope Ruling* 35–36). *Columbia I* directed Commerce to “give full and fair consideration to the issue of whether this exclusion applies, upon making findings that are supported by substantial record evidence.” *Id.*, 44 CIT at ___, 470 F. Supp. 3d at 1362.

In the determination it submitted, under protest, in response to *Columbia I* (i.e., the First Remand Redetermination), Commerce again concluded that the finished merchandise exclusion did not apply. Commerce decided that Columbia’s door thresholds are “subassemblies” that are not “finished merchandise” within the meaning of the finished merchandise exclusion, *First Remand Redetermination* 23, because they “are not in and of themselves the final finished product, but rather a component of a larger downstream product,” *id.* at 24. Regarding “downstream products,” Commerce mentioned as examples “door frames and permanent building structures.” *Id.* In reaching this conclusion, Commerce stated that it found instructive the decision of the Court of Appeals in *Shenyang Yuanda Aluminum Indus. Eng’g Co., Ltd. v. United States*, 776 F.3d 1351, 1358 (Fed. Cir. 2015) (“*Shenyang Yuanda I*”), which rejected the claim that

certain curtain wall units were excluded from the Orders under the finished merchandise exclusion. *Id.*

Commerce summarized its conclusion using the terms of the finished merchandise exclusion, stating in the First Remand Redetermination that “based on our finding that the door thresholds are ‘subassemblies,’ we find that they do not constitute ‘finished merchandise containing extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels.’” *Id.* at 26 (citing the *Orders*).

This Court’s decision in *Columbia II* identified a contradiction in the Department’s reasoning for deciding that the finished merchandise exclusion did not apply to Columbia’s door thresholds. The *Columbia II* opinion stated that “[t]he limitation on the finished merchandise exclusion Commerce attempts to impose is contrary to the exemplars for doors and windows that the scope language used for the purpose of illustration.” *Columbia II*, 45 CIT at ___, 536 F. Supp. 3d at 1356. As the opinion explained, the First Remand Redetermination attempted to resolve this contradiction by addressing the door and window exemplars as follows:

[T]hese exemplars are defined by the scope as finished merchandise that, in and of themselves, satisfy the finished merchandise exclusion. Because they are themselves finished merchandise, they are not intermediary products to finished merchandise that might qualify as a subassembly. There is no need to further analyze whether the enumerated products in the finished merchandise exclusion work in conjunction with other

products, and no requirement that, for example, a window with glass or a door with glass or vinyl be assembled into a house to satisfy the finished merchandise exclusion. In contrast, because door thresholds are not specifically enumerated examples of finished merchandise, Commerce must undertake an analysis of whether they satisfy the criteria for the finished merchandise exclusion. As explained above, we have determined that Columbia's door thresholds are subassemblies meant to be incorporated into a larger downstream product and, consequently, do not satisfy the criteria for the finished merchandise exclusion.

Id., 45 CIT at __, 536 F. Supp. 3d at 1355–56 (quoting *First Remand Redetermination* 46).

Columbia II opined that “[t]his reasoning is based on a serious misinterpretation of the scope language setting forth the finished merchandise exclusion,” by which “Commerce interprets the exemplars therein as separate, individual exclusions rather than as what they plainly are,” i.e., “exemplars.” *Id.*, 45 CIT at __, 536 F. Supp. 3d at 1356. The opinion stated, further, that

Commerce provides no convincing explanation of why goods that are, in the Department's words, “designed for the sole purpose of becoming part of a larger whole,” [*First*] *Remand Redetermination* 24, or “meant to be incorporated into a larger downstream product,” *id.* at 46, must be disqualified from the finished merchandise exclusion by that characteristic alone, despite the exemplars of products that also are designed for the sole purpose of becoming part of a larger whole yet are listed in the scope language as examples of products that satisfy the terms of the finished merchandise exclusion.

Id. *Columbia II* directed “that Commerce, in a new decision, reconsider in the entirety the decision reached in the [*First*] *Remand Redetermination* as to the finished

merchandise exclusion.”⁸ *Id.*, 45 CIT at __, 536 F. Supp. 3d at 1357.

In its decision in response to *Columbia II* (the “Second Remand Redetermination”), Commerce ruled, under protest, that Columbia’s door thresholds are excluded in the entirety from the Orders. *Columbia III*, 46 CIT at __, 587 F. Supp. 3d at 1376 (citing Final Results of Redetermination Pursuant to Ct. Remand (Int’l Trade Admin. Dec. 13, 2021), ECF No. 67-1). Because the Second Remand Redetermination was not a decision in a form the court could sustain, the court directed Commerce to issue a third remand redetermination that is “in a form that would go into effect if sustained upon judicial review.” *Id.*, 46 CIT at __, 587 F. Supp. 3d at 1385.

Commerce ruled in its response to *Columbia III* (the Third Remand Redetermination), under protest, that Columbia’s door thresholds were excluded from

⁸ In *Columbia Aluminum Prods., LLC. v. United States*, 45 CIT __, 536 F. Supp. 3d 1346, 1352–54 (2021) (“*Columbia II*”), this Court also declined to sustain an implied finding or inference in the First Remand Redetermination that Columbia’s door thresholds required cutting or machining prior to incorporation into a door frame or other structure, concluding that such a finding or inference was unsupported by substantial evidence and contradicted by certain record evidence submitted by Columbia. *Columbia II* directed Commerce to make an actual finding of fact to resolve the issue based on record evidence viewed in the entirety. *Id.*, 45 CIT at __, 536 F. Supp. 3d at 1354. In its next decision, Commerce declined to reach a finding that any such cutting or machining was required upon its conclusion, under protest (discussed herein), that the finished merchandise exclusion applied to Columbia’s door thresholds. See *Columbia Aluminum Prods., LLC. v. United States*, 46 CIT __, 587 F. Supp. 3d 1375, 1383–84 (2022). In its final decision, Commerce found that the record evidence did not support a conclusion that Columbia’s door thresholds required cutting or machining. *Columbia Aluminum Prods., LLC. v. United States*, 46 CIT __, 607 F. Supp. 3d 1275, 1283 (2022).

the scope of the Orders in the entirety. *Columbia IV*, 46 CIT at ___, 607 F. Supp. 3d at 1282 (citing *Third Remand Redetermination 3*). The decision was in a form that would go into effect if sustained by this Court. *Id.* Concluding that “[t]he essential agency findings supporting” the Department’s decision “are supported by substantial evidence on the record of this case,” *id.*, the court sustained this decision and entered judgment in favor of Columbia, *id.*, 46 CIT at ___, 607 F. Supp. 3d at 1283.

D. The Decision of the Court of Appeals in *Worldwide V*

In the proceedings before the Court of Appeals, the parties “present[ed] argument with respect to all three bases that the agency considered in the [Scope Ruling], namely, whether Appellees’ door thresholds can be considered subject merchandise as (1) ‘parts for final finished products,’ (2) products ‘identified with reference to their end use,’ or (3) ‘subassemblies.’” *Worldwide V*, 119 F.4th at 968. The Court of Appeals addressed the subassemblies provision and did not reach the other two bases the parties addressed. *Id.*, 119 F.4th at 968, 972.

In addressing the subassemblies provision, the Court of Appeals made three rulings. First, it ruled that the Department’s determination in the Scope Ruling that Columbia’s door thresholds are subassemblies was not supported by substantial evidence. *Id.*, 119 F.4th at 969. It explained that Commerce did not provide a sufficient explanation for its conclusion, i.e., “at least some citation and analysis of the record evidence.” *Id.* Second, it ruled that the Department’s subassemblies finding in the First

Remand Redetermination was supported by substantial evidence, *id.*, 119 F.4th at 971, which cured “any defect in the agency’s subassemblies analysis” in the Scope Ruling, *id.*, 119 F.4th at 969. Finally, the Court of Appeals ruled that “it was error for the trial court to remand the case back to the agency for failure to consider the finished merchandise exception in light of its subassembly finding,” “[b]ecause subassemblies and finished merchandise are mutually exclusive categories for the purpose of the Orders.” *Id.*, 119 F.4th at 972. In so concluding, the Court of Appeals applied its decision in *China Custom Mfg. Inc. v. United States*, 61 F.4th 956, 960 (Fed. Cir. 2023), issued after *Columbia IV* was decided. *Id.* (citing also *Shenyang Yuanda I*, 776 F.3d at 1358). The Court of Appeals sustained, as supported by substantial evidence, the Department’s determination that Columbia’s door thresholds were, in the words of the subassemblies provision, “partially assembled merchandise,” which Commerce reached on the basis of the uncontested fact that Columbia’s door thresholds, although fully assembled when imported, are intended to be attached to other components after importation. *Id.*, 119 F.4th at 969–72; *First Remand Redetermination* 25.

E. Future Cases

The subassemblies provision has generated problems of interpretation, not only for the courts but also for Commerce. The problems stem in part from the Department’s current position, now affirmed by the Court of Appeals in *China Custom Mfg.* and *Worldwide V*, that an imported good containing an “aluminum extrusion” (as defined in

the Orders) does not qualify for the finished merchandise exclusion if it is a “subassembly,” a scope term Commerce now considers to include, broadly, any good that is designed to be incorporated into a larger downstream product after importation.

In *Worldwide V*, the Court of Appeals alluded to one of the issues posed by the Department’s broad interpretation of the term “subassemblies” by referencing the exemplars for finished windows with glass and doors with glass or vinyl that are contained within the finished merchandise exclusion. 119 F.4th at 971–72. As discussed *supra*, *Columbia II* identified as a contradiction in the Department’s reasoning that these exemplars describe products specifically designed for the purpose of becoming part of a larger whole, and thus would be considered “subassemblies” under the Department’s analysis, yet are expressly excluded by unambiguous scope language. *Columbia II*, 45 CIT at ___, 536 F. Supp. 3d at 1355–56. In *Worldwide V*, the Court of Appeals recounted that this Court sought ““a plausible explanation of why the articles mentioned in the “door” and “window” exemplars of the finished merchandise exclusion satisfy that exclusion but that [Columbia’s] door thresholds, as described in the Scope Ruling Request, do not.”” 119 F.4th at 971–72 (citations omitted). Although it interpreted the language of the Orders to mean that a product described as a “subassembly” ““cannot qualify for the finished merchandise exclusion,”” *id.*, 119 F.4th at 972 (quoting *China Custom Mfg.*, 61 F.4th at 960), the Court of Appeals acknowledged this Court’s “concern” arising from the exclusion from the scope of the products

identified in the door and window exemplars, *id.* (“We acknowledge the trial court’s concern with line-drawing in the context of these Orders and agree that a discussion distinguishing the categories could have been a helpful addition to the agency’s decision.”). The Court of Appeals concluded, nevertheless, that “such an omission does not constitute reversible error,” reasoning that the issue presented “‘a question of fact reviewed for substantial evidence.’” *Id.* (quoting *Meridian Prods., LLC v. United States*, 851 F.3d 1375, 1382 (Fed. Cir. 2017)). In so ruling, the Court of Appeals applied *China Custom Mfg.* as a precedent sustaining the Department’s interpretation that the “subassemblies” provision and the finished merchandise exclusion are “mutually exclusive.” *Id.*

A second problem is that the Department’s current, broad interpretation of the subassemblies provision can lead to unreasonable, and even absurd, results. That Commerce has been aware of this problem since at least 2012 is demonstrated by the Department’s scope ruling on a “side mount valve control,” or “SMVC.” See *Antidumping Duty (AD) and Countervailing Duty (CVD) Orders: Aluminum Extrusions from the People’s Republic of China (PRC): Final Scope Ruling on Side Mount Valve Controls*, Case Nos. C-570-968, Barcode No. 3103459-01; A-570-967, Barcode No. 3103461-01 (Int’l Trade Admin. Oct. 26, 2012), access.trade.gov. This “SMVC Scope Ruling” adopted unchanged the preliminary decision Commerce reached in that scope proceeding. *Id.* at 1–2; *Antidumping Duty (AD) and Countervailing Duty (CVD) Orders: Aluminum*

Extrusions from the People's Republic of China (PRC): Initiation and Preliminary Scope Ruling on Side Mount Valve Controls, Case Nos. C-570-968, Barcode No. 3098425-01; A-570-967, Barcode No. 3098426-01 (Int'l Trade Admin. Sept. 24, 2012), access.trade.gov ("*SMVC Prelim. Scope Ruling*").

The imported product at issue in the SMVC Scope Ruling was a collection of components in unassembled "kit" form, which contained all the parts necessary to assemble a complete side mount valve control. *SMVC Prelim. Scope Ruling* 2, 7. Commerce described the SMVC as a product that "manually controls water or foam pressure and flow in firefighting equipment, specifically from hoses or their pumper discharges, such as deck guns and monitors." *Id.* at 2. The kit contained some components that were not aluminum extrusions. *See id.* Commerce explained that "[a]fter importation, the SMVC is assembled and installed on to a fire truck" and that "[o]nce installed, the SMVC controls the line pressure and subsequent stream distance of the hose discharge." *Id.* Addressing both the finished merchandise exclusion and the finished goods kit exclusion in the scope language of the Orders, Commerce stated its position as follows:

Department's Position: In prior scope rulings, the Department found that merchandise could not be considered a "finished good" or "finished goods kit" if it was designed to work with other parts to form a larger structure or system. . . . However, upon further reflection of the language in the scope of the Orders and for purposes of this preliminary scope ruling, the Department is revising the manner in which it determines whether a given product is a "finished good" or "finished goods kit." The Department has identified a concern with this analysis, namely that it may

lead to unreasonable results. An interpretation of “finished goods kit” which requires all parts to assemble the ultimate downstream product may lead to absurd results, particularly where the ultimate downstream product is, for example, a fire truck. This interpretation may expand the scope of the Orders, which are intended to cover aluminum extrusions.

Id. at 6–7 (footnotes omitted). Referring to the kit exclusion and alluding to the exemplars in the finished merchandise exclusion, Commerce ruled that the SMVC is a “subassembly” that qualified for the finished goods kit exclusion, reasoning that “[t]his is consistent with scope language that excludes merchandise like windows with glass or doors with glass or vinyl, each of which includes all of the parts necessary to assemble a complete window or door, but are necessarily assembled into a larger structure, such as a house.” *Id.* at 7–8.

Commerce reversed the position taken in the SMVC Scope Ruling subsequent to the decision of the Court of Appeals in *Shenyang Yuanda I*. Consequently, the problem persists that the Department’s current interpretation of the subassemblies provision can lead to “unreasonable” and “absurd” results. A seemingly infinite variety of imported, assembled products may contain an “aluminum extrusion” component yet be designed to be incorporated into a larger downstream product after importation. It is not reasonable to expect that every such aluminum extrusion component would have been sold separately to the importer, who even may be unaware of the presence of the component. In this respect, not only can the current Department interpretation lead to results that, in the Department’s own characterizations, are “unreasonable” or

“absurd,” but it also can generate circumstances incapable of administration from a customs standpoint.⁹

In future cases, the solution to the various problems of interpretation posed by the subassemblies provision, as currently applied by Commerce, may lie in provisions of the Tariff Act itself, in particular sections 731 and 701(a), 19 U.S.C. §§ 1673, 1671(a). Section 731 of the Tariff Act imposes, upon certain defined prerequisites, “an antidumping duty” upon “a class or kind of foreign merchandise” that “is being, or is likely to be, *sold in the United States* at less than its fair value.” 19 U.S.C. § 1673 (emphasis added). Similarly, section 701(a) of the Tariff Act imposes, upon certain defined prerequisites, “a countervailing duty . . . equal to the amount of the net countervailable subsidy” upon “a class or kind of merchandise *imported, or sold (or likely to be sold) for importation, into the United States.*” *Id.* § 1671(a) (emphasis added). The “class or kind of merchandise” sold or offered for sale in the United States is that which Commerce must define and address in an AD or CVD order. *See id.* §§ 1673, 1673e(a) (together providing for issuance of an order assessing an antidumping duty equal to the amount by which normal value exceeds the export price or constructed export price of

⁹ Like the antidumping and countervailing duty provisions of the Tariff Act of 1930, *as amended* (“Tariff Act”), the appraisement provisions of section 402 of the Tariff Act are, as a general matter, structured for the assessment of duties on the imported merchandise itself, and typically on the imported merchandise that is sold for export to the United States, and not on a single upstream component or substance used in producing that imported merchandise. *See* 19 U.S.C. § 1401a(a).

the merchandise sold or offered for sale in the United States); 1671(a), 1671e(a) (together providing for issuance of an order assessing a countervailing duty equal to the amount of the subsidy provided with respect to the manufacture, production, or export of the class or kind of merchandise imported, sold, or likely to be sold for importation into the United States). Thus, both the antidumping and the countervailing duty provisions of the Tariff Act are directed to “merchandise” that is considered to be unfairly traded, as a result of dumping or a countervailable subsidy, upon being sold, or offered for sale, for importation into the United States.¹⁰ In this respect, antidumping and countervailing duties are considered “remedial,” i.e., they are directed to remedying the unfair prices at which the imported merchandise is sold or offered for sale in the United States, if found to pose injury or threat to a domestic industry.

In contrast, the Department’s current interpretation of the Orders can result in the assessment of antidumping and countervailing duties on products that are not sold or offered for sale in the United States but instead are upstream components in the

¹⁰ Referring to the “merchandise” that is found to be unfairly sold or offered for sale in the U.S. market due to dumping or a subsidy, the statute defines the role of the U.S. International Trade Commission as determining whether “imports of *that merchandise* or . . . sales (or the likelihood of sales) of *that merchandise*” cause injury or threat of injury to a domestic industry, or material retardation of establishment of a domestic industry. 19 U.S.C. §§ 1671(a) (emphasis added), 1673 (emphasis added).

merchandise that actually is imported and sold.¹¹ The court is unaware of Tariff Act provisions that expressly authorize Commerce to structure or apply an antidumping or countervailing duty order in this way. *See The Mosaic Co. v. United States*, 47 CIT __ __, 659 F. Supp. 3d 1285, 1294–95 (2023).

In this case, the Department’s interpretation of the subassemblies provision, as applied to Columbia’s door thresholds, will result in the assessment of antidumping and countervailing duties on an upstream, incorporated component (i.e., the aluminum extrusion component) of the merchandise that was imported and sold (i.e., the complete, assembled door threshold, which is not an “aluminum extrusion” as defined in the Orders). Nevertheless, Columbia did not claim that the interpretation of the subassemblies provision Commerce applied to its fully assembled door thresholds contravened the plain meaning and purpose of basic Tariff Act provisions governing the assessment of antidumping and countervailing duties. As a result, the issue the court has identified relating to these basic statutory provisions was not before it (and, therefore, was not before the Court of Appeals) in this litigation. Future cases could provide clarity on the issue of whether the Tariff Act, and specifically sections 731 and 701(a) thereof, allows Commerce routinely to order the assessment of these remedial

¹¹ The Tariff Act contains a provision for assessment of a countervailing duty on an “upstream subsidy,” but it applies only in circumstances not relevant here. *See* 19 U.S.C. § 1677-1.

duties on upstream materials and components used in the production of the merchandise that is sold or offered for sale in the United States. Such clarity may be needed, in particular, in light of the significant problems of interpretation presented by the Department's current interpretation of the Orders and the limiting principle that *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 391–92, 394–96, 412–13 (2024), applies to an agency's interpretation of a statute it is charged to administer.

III. CONCLUSION

For the present, it remains for this Court to enter a judgment that effectuates the decision of the Court of Appeals in *Worldwide V* and governs the liquidation of the entries at issue in this case.

Worldwide V directed this Court to “reinstate the non-protested portions of the agency's *First Remand Redetermination*.” 119 F.4th at 972. The non-protested portions of the agency's decision provided for the aluminum extrusion component within each of Columbia's imported door thresholds, but not the other components, to be subject to antidumping and countervailing duties, while the protested portion consisted of the directive in *Columbia I* to consider whether the finished merchandise exclusion applied to these products. The court will enter a judgment accordingly.

/s/ Timothy C. Stanceu

Timothy C. Stanceu, Judge

Dated: June 25, 2025

New York, New York