

3. U.S. tariff classification numbers

Epoxy resins are classifiable in the Harmonized Tariff Schedule of the United States (“HTSUS”) under number 3907.30.0000.⁶⁹ The General Duty rate under HTSUS number 3907.30.0000 is 6.1 percent.⁷⁰ The petitioning companies believe that most of the imports classified under 3907.30.0000 are epoxy resins, but this HTSUS number can also include certain items that are excluded from the scope. As shown in the scope of these investigations, epoxy resins may also enter the U.S. market through other HTSUS codes. As discussed in the next section, the coverage of these petitions is determined by the written description of the scope of the investigations, not the HTSUS number.

4. Requested scope of the investigations

The following language describes the imported merchandise that Petitioner intends to be included in the scope of these investigations:

The merchandise subject to these petitions are epoxy resins, also known as epoxide resins or polyepoxides, which are polymers or prepolymers containing epoxy groups. Epoxy resins range in physical form from low viscosity liquids to solids and are used in a wide range of applications such as coatings, paints, adhesives, composite materials, wind blade systems, insulating materials, civil engineering materials, and electronics. All epoxy resins are covered by the scope of these petitions irrespective of physical form, viscosity, grade, purity, molecular weight, or molecular structure and regardless of packaging.

Epoxy resins may contain modifiers or additives, such as hardeners, curatives, colorants, pigments, diluents, solvents, thickeners, fillers, plasticizers, softeners, flame retardants, toughening agents, catalysts, Bisphenol F, and ultraviolet light inhibitors, so long as the modifier or additive has not chemically reacted so as to cure the epoxy resin or convert it into a different product no longer containing epoxy groups. Such epoxy resins with modifiers or additives are included in the scope where the epoxy resin component comprises at least 30 percent of the total weight of

⁶⁹ Chapter 39 of the HTSUS covers “Plastics and Articles Thereof,” and HTSUS number 3907.30.0000 covers “Epoxide resins.” See Chapter 39 of the HTSUS at 9, attached as **Exhibit I-13**.

⁷⁰ See Relevant pages from HTSUS Chapter 39, attached as Exhibit I-13.

the product. The scope also includes blends of epoxy resins with different types of epoxy resins, with or without the inclusion of modifiers and additives, so long as the combined epoxy resin component comprises at least 30 percent of the total weight of the blend.

Epoxy resins are characterized by the presence of reactive epoxy groups that allow them to be readily cross-linked at the time of use. Epoxy resins may be reacted (cross-linked) either with themselves or with a wide range of co-reactants, often referred to as hardeners, curatives, or curing agents. The cross-linking reaction is commonly referred to as curing. The epoxy resins and blends thereof covered by this scope have not been cured.

Epoxy resins that enter as part of a system or kit with separately packaged co-reactants, such as hardeners or curing agents, are within the scope. For such entries, both the epoxy resin and the co-reactant are covered by the scope of these petitions when entered together.

The scope includes merchandise matching the above description that has been processed in a third country, including by commingling, diluting, introducing, or removing modifiers or additives, or performing any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the subject country.

The scope also includes epoxy resin that is commingled with epoxy resin from sources not subject to this investigation. Only the subject component of such commingled products is covered by the scope of this investigations.

Excluded from the scope are phenoxy resins, which are polymers weighing more than 11,000 Daltons and containing no epoxy groups other than at the terminal ends of the molecule. Phenoxy resins' Melt Flow Index ("MFI") at 200°C (392°F) range from 4 to 70 grams per 10 min and its Glass-Transition Temperatures ("Tg") range from 80 to 100°C (176 to 212°F).

Excluded from the scope are certain paint and coating products, which are blends, mixtures, or other formulations of epoxy resin, curing agent, and pigment, in any form, packaged in one or more containers, wherein (1) the pigment represents a minimum of 10 percent of the total weight of the product, (2) the epoxy resin represents a maximum of 80 percent of the total weight of the product, and (3) the curing agent represents 5 to 40 percent of the total weight of the product.

Excluded from the scope are preimpregnated fabrics or fibers, often referred to as "pre-pregs," which are composite materials consisting of fabrics or fibers (typically carbon or glass) impregnated with epoxy resin.

This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 3907.30.0000. Subject merchandise may also

be entered under subheadings 3907.29.0000, 3824.99.9397, 3214.10.0020, 2910.90.91, 2910.90.9000, 2910.90.2000, and 1518.00.4000. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

D. Class Or Kind Of Merchandise And Domestic Like Product⁷¹

The epoxy resins covered by these investigations constitute a single class or kind of merchandise. Furthermore, pursuant to 19 U.S.C. § 1677(10), the epoxy resins produced by the domestic industry represent the product that is “like, or in the absence of like, most similar in characteristics and uses with the article subject to investigation.” Thus, as explained in **Section III** below, there is a single like product in these investigations, which includes all epoxy resins described by the scope of these investigations.

E. Countries Of Exportation⁷²

The countries in which the subject merchandise is manufactured or produced are China, India, South Korea, Taiwan, and Thailand. Data regarding U.S. imports from these countries are included in **Exhibit I-14**. As explained in Section IV.A below, Petitioner is aware that epoxy resins made by Chinese producers are also being imported into the United States from Canada.

F. Producers, Importers,⁷³ And Purchasers⁷⁴ Of The Subject Merchandise

Section II.A provides the contact information of U.S. producers of epoxy resins.

The names, addresses, and contact information of the companies that the Petitioner believes may have imported the subject merchandise into the United States during the most recent twelve-month period preceding the filing of the petitions are listed in **Exhibit I-15**. A list of purchasers is provided in **Exhibit I-16**.

⁷¹ 19 C.F.R. § 207.11(b)(2)(iv).

⁷² See 19 C.F.R. § 351.202(b)(6).

⁷³ See 19 C.F.R. § 207.11(b)(2)(iii); 19 C.F.R. § 351.202(b)(9).

⁷⁴ See 19 C.F.R. § 207.11(b)(2)(v).