



INSTRUCTION BOOKLET

GENERAL INFORMATION, INSTRUCTIONS, AND DEFINITIONS FOR COMMISSION QUESTIONNAIRES

TOW-BEHIND LAWN GROOMERS FROM CHINA INV. NOS. 701-TA-457 AND 731-TA-1153 (FINAL)

Further information.--If you have any questions concerning the enclosed questionnaire(s) or other matters related to these investigations, you may contact the following members of the Commission's staff:

*Jennifer Merrill, Investigator (202-205-3188; E-mail jennifer.merrill@usitc.gov)
regarding general questions and trade and related information.*

*Charles Yost, Auditor (202-205-3432; E-mail charles.yost@usitc.gov)
regarding financial information*

*Nancy Bryan, Economist (202-205-2088; E-mail nancy.bryan@usitc.gov)
regarding pricing, market, and related information*

GENERAL INFORMATION

(Instruction Booklet, in Inv. Nos. 701-TA-457 and 731-TA-1153, TBLGs from China (Final))

Background.--These investigations were instituted in response to a petition filed on June 24, 2008 by Agri-Fab, Inc., Sullivan, IL, 61951. Countervailing and/or antidumping duties may be assessed on imports of tow-behind lawn groomers ("TBLG") from China as a result of these investigations if the U.S. International Trade Commission ("Commission") makes an affirmative determination of injury, threat, or material retardation, and if the U.S. Department of Commerce ("Commerce") makes an affirmative determination of subsidization and/or dumping.

Questionnaires and other information pertinent to these investigations are available on the Commission's website (www.usitc.gov), by selecting the link to "antidumping and countervailing duty investigations" (on the left-hand side of the home page) and then the link to "active investigations" (on the right-hand side of the second page). Address all correspondence to the United States International Trade Commission, 500 E Street, SW, Washington, DC 20436. Hearing-impaired individuals can obtain information regarding these investigations via the Commission's TDD terminal (202-205-1810).

Due date of questionnaire(s).--Return the completed questionnaire(s) to the United States International Trade Commission by no later than:

APRIL 16, 2009

Please make sure the completed questionnaire(s) is sent to the attention of **Jennifer Merrill**. Return only one copy of the completed questionnaire(s), but please keep a copy for your records so that you can refer to it if the Commission staff contacts you with any questions during the course of the investigations.

Service of questionnaire response(s).--In the event that your firm is a party to these investigations, you are required to serve a copy of the questionnaire(s), once completed, on other parties to the proceeding that are subject to administrative protective order (see 19 CFR § 207.7). A list of such parties is maintained by the Commission's Secretary and may be obtained by calling 202-205-2000. A certificate of service must accompany the copy of the completed questionnaire(s) you submit (see 19 CFR § 207.7).

Confidentiality.--The commercial and financial data furnished in response to the enclosed questionnaire(s) that reveal the individual operations of your firm will be treated as confidential by the Commission to the extent that such data are not otherwise available to the public and will not be disclosed except as may be required by law (see 19 U.S.C. § 1677f). Such confidential information will not be published in a manner that will reveal the individual operations of your firm; however, nonnumerical characterizations of numerical business proprietary information (such as discussion of trends) will be treated as confidential business information only at the request of the submitter for good cause shown.

Verification.--The information submitted in the enclosed questionnaire(s) is subject to audit and verification by the Commission. To facilitate possible verification of data, please keep all your workpapers and supporting documents used in the preparation of the questionnaire response(s).

DEFINITIONS

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Release of information.--The information provided by your firm in response to the questionnaire(s), as well as any other business proprietary information submitted by your firm to the Commission in connection with the investigations, may become subject to, and released under, the administrative protective order provisions of the Tariff Act of 1930 (19 U.S.C. § 1677f) and section 207.7 of the Commission's Rules of Practice and Procedure (19 CFR § 207.7). This means that certain lawyers and other authorized individuals may temporarily be given access to the information for use in connection with these investigations or other import-injury investigations conducted by the Commission on the same or similar merchandise; those individuals would be subject to severe penalties if the information were divulged to unauthorized individuals. In addition, if your firm is a U.S. producer, the information you provide on your production and imports of TBLGs and your responses to the questions in Part I of the producer questionnaire will be provided to the U.S. Department of Commerce, upon its request, for use in connection with (and only in connection with) its requirement pursuant to section 702(c)(4)/732(c)(4) of the Act (19 U.S.C. § 1671a(c)(4)/1673a(c)(4)) to make a determination concerning the extent of industry support for the petition requesting these investigations. Any information provided to Commerce will be transmitted under the confidentiality and release guidelines set forth above. Your response to these questions constitutes your consent that such information be provided to Commerce under the conditions described above.

INSTRUCTIONS

(Instruction Booklet, in Inv. Nos. 701-TA-457 and 731-TA-1153, TBLGs from China (Final))

Answer all questions.--Do not leave any question or section blank unless a questionnaire expressly directs you to skip over certain questions or sections. If the answer to any question is "none," write "none." **If information is not readily available from your records in exactly the form requested, furnish carefully prepared estimates--and indicate in the footnotes of the table(s) in which line items estimates were used.** Answers to questions and any necessary comments or explanations should be supplied in the space provided or on separate sheets attached to the appropriate page of the questionnaire(s).

Consolidate all U.S. establishments.--Report the requested data for your establishment(s) located in the United States. Firms operating more than one establishment should combine the data for all establishments into a single report.

Electronic completion.--Your firm is encouraged to complete the questionnaire electronically in MS Word format, although hand-written responses will be accepted. The MS Word version of the questionnaire(s) is available online at the ITC web page for these investigations or directly from the Commission's Investigator, Jennifer Merrill (202-205-3188, jennifer.merrill@usitc.gov).

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Tow-Behind Lawn Goomers (“TBLGs”).— This investigation covers certain non-motorized TBLGs manufactured from any material, and certain parts thereof. TBLGs are defined as sweepers, aerators, dethatchers, and spreaders. Unless specifically excluded, TBLGs that are designed to perform at least one of the functions listed above are included in the scope of these investigations, even if the TBLG is designed to perform additional non-subject functions (e.g., mowing). All TBLGs are designed to incorporate a hitch, of any configuration, which allows the product to be towed behind a vehicle. TBLGs that are designed to incorporate both a hitch and a push handle, of any type, are also covered by the scope of these investigations. The hitch and handle may be permanently attached or removable, and they may be attached on opposite sides or on the same side of the TBLG. TBLGs designed to incorporate a hitch, but where the hitch is not attached to the TBLG, are also included in the scope of the investigations.

Tow-Behind Lawn Sweepers (“Sweepers”) consist of a frame, as well as a series of brushes attached to an axle of shaft which allows the brushing component to rotate. Sweepers also include a container (which is a receptacle into which debris swept from the lawn of turf is deposited) supported by the frame.

Tow-Behind Lawn Aerators (“Aerators”) consist of a frame, as well as an aerating component that is attached to an axle or shaft which allows the aerating component to rotate. The aerating component is made up of a set of knives fixed to a plate (known as a “plug aerator”), a series of discs with protruding spikes (a “spike aerator”), or any other configuration, that are designed to create holes or cavities in a lawn or turf surface.

Tow-Behind Lawn Dethatchers (“Dethatchers”) consist of a frame, as well as a series of tines designed to remove material (e.g., dead grass or leaves) or other debris from the lawn of turf. The dethatcher tines are attached to and suspended from the frame.

Tow-Behind Lawn Spreaders (“Spreaders”) consist of a frame, as well as a hopper (i.e., a container of any size, shape, or material) that holds a media to be spread on the lawn or turf. The media can be distributed by means of a rotating spreader plate that broadcasts the media (“broadcast spreader”), a rotating agitator that allows the media to be released at a constant rate (“drop spreader”) or any other configuration.

Lawn dethatchers with a net fully-assembled weight (i.e., without packing, additional weights, or accessories) of 100 pounds or less are covered by the scope of the investigations. Other lawn groomers—sweepers, aerators, and spreaders—with a net fully-assembled weight (i.e., without packing, additional weights, or accessories) of 200 pounds or less are covered by the scope of the investigations.

Also included in the scope of the merchandise subject to these investigations are any modular units, consisting of a chassis that is designed to incorporate a hitch, where the hitch may or may not be included, which allow modules that perform dethatching, aerating, sweeping, or spreading operations to be interchanged. Modular units – when imported with one or more lawn grooming modules – with a net fully-assembled weight (i.e. without packing, additional weights, or accessories) of 200 pounds or less are covered by the scope of the investigations. Modular unit chasses, imported without a lawn grooming module and with a fully assembled net weight (i.e. without packing, additional weights, or accessories) of 125 pounds or less are covered by the scope of the investigations. When imported separately, modules that are designed to perform subject lawn grooming functions (i.e., sweeping, aerating, dethatching, or spreading), with a fully assembled net weight (i.e., without packing, additional weights, or accessories) of 75 pounds or less, and that are imported with or without a hitch, are also

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covered by the scope.

TBLGs, assembled or unassembled, are covered by these investigations. For purposes of these investigations, “unassembled TBLGs” consist of either (1) all parts necessary to make a fully assembled TBLG, or (2) any combination of parts, constituting a less than complete, unassembled lawn groomer, with a minimum of two of the following “major components”:

- 1) an assembled or unassembled brush housing designed to be used in a lawn sweeper, where
 - a brush housing is defined as a component housing the brush assembly, and consisting of a wrapper which covers the brush assembly and two end plates attached to the wrapper;
- 2) a sweeper brush;
- 3) an aerator or dethatcher weight tray, or similar component designed to allow weights of any sort to be added to the unit;
- 4) a spreader hopper;
- 5) a rotating spreader plate or agitator, or other component designed for distributing media in
 - a lawn spreader;
- 6) dethatcher tines;
- 7) aerator spikes, plugs, or other aerating component; or
- 8) a hitch.

The major components or parts of TBLGs that are individually covered by these investigations under the term “certain parts thereof” are: (1) brush housings, where the wrapper and end plates incorporating the brush assembly may be individual pieces or a single piece; and (2) weight trays, or similar components designed to allow weights of any sort to be added to a dethatcher or an aerator unit.

The products for which relief is sought specifically exclude the following: (1) agricultural implements designed to work (*e.g.*, churn, burrow, till, etc.) soil, such as cultivators, harrows, and plows; (2) lawn or farm carts and wagons that do not groom lawns; (3) grooming products incorporating a motor or an engine for the purpose of operating and/or propelling the lawn groomer; (4) lawn groomers that are designed to be hand held or are designed to be attached directly to the frame of a vehicle, rather than towed; (5) “push” lawn grooming products that incorporate a push handle rather than a hitch, and which are designed solely to be manually operated; (6) dethatchers with a net assembled weight (*i.e.*, without packing, additional weights, or accessories) of more than 100 pounds, or lawn groomers–sweepers, aerators, and spreaders–with a net fully–assembled weight (*i.e.*, without packing, additional weights, or accessories) of more than 200 pounds; and (7) lawn rollers designed to flatten grass and turf, including lawn rollers which incorporate an aerator component (*e.g.*, “drum–style” spike aerators).

The TBLGs that are the subject of these investigations are currently classifiable in the Harmonized Tariff Schedule of the United States (“HTSUS”) statistical reporting numbers 8432.40.0000, 8432.80.0000, 8432.80.0010, 8432.90.0030, 8432.90.0080, 8479.89.9896, 8479.89.9899, 8479.90.9496, and 9603.50.0000. These HTSUS provisions are given for reference and customs purposes only, and the description of merchandise is dispositive for determining the scope of the product included in these investigations. If your firm is an importer of the subject merchandise as defined and imports these products under provisions of the HTSUS other than the HTS numbers

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previously noted, please indicate in your questionnaire response the applicable additional or separate statistical reporting numbers of the HTSUS.

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Tow-Behind Carts.-- Tow-behind carts are designed to haul items that are placed into them. Such items cover a variety of materials including mulch, fertilizer, wood, and debris picked up from the yard. **Unlike TBLGs, carts do not perform a lawn grooming function.** For example, materials hauled in a cart are physically placed into the cart by individuals whereas TBLG sweepers are designed to sweep up debris when passed over the lawn. Tow-behind carts are generally used as necessary throughout the year, depending on the required utility. Tow-behind carts have the appearance of a wagon but with an apparatus for towing behind a lawn tractor, all terrain vehicle, utility type vehicle, riding lawn mower, or similar vehicle. The carts may be two- or four-wheelers and designed for manual unloading or with a dumping mechanism to make unloading and cleaning easier. Tow-behind carts come in a variety of bed (hauling area) sizes, generally ranging from 30" wide x 45" long x 12" high to 34" wide x 60" long x 15" high.

Firm.--An individual proprietorship, partnership, joint venture, association, corporation (including any subsidiary corporation), business trust, cooperative, trustee in bankruptcy, or receiver under decree of any court.

Related firm.--A firm that your firm solely or jointly owned, managed, or otherwise controlled; a firm that solely or jointly owned, managed, or otherwise controlled your firm; and/or a firm that was solely or jointly owned, managed, or otherwise controlled by a firm that also solely or jointly owned, managed, or otherwise controlled your firm.

Establishment.--Each facility of a firm in the United States involved in the production, importation, and/or purchase of TBLGs (as defined above), including auxiliary facilities operated in conjunction with (whether or not physically separate from) such facilities.

United States.--For purposes of this investigation, the 50 States, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia.

Importer.--Any person or firm engaged, either directly or through a parent company or subsidiary, in importing TBLGs (as defined above) into the United States from a foreign manufacturer or through its selling agent.

Imports.--Those products identified for Customs purposes as imports for consumption for which your firm was the importer of record (i.e., was responsible for paying any import duty) or consignee (i.e., to which the merchandise was first delivered).

Import quantities.--Quantities reported should be net of returns.

Import values.--Values reported should be landed, duty-paid values at the U.S. port of entry, including ocean freight and insurance costs, brokerage charges, and import duties (*i.e.*, all charges except inland freight in the United States).

Purchaser.--Any person or firm engaged, either directly or through a parent company or subsidiary, in purchasing TBLGs (as defined above) from another firm that produces, imports, or otherwise distributes TBLGs. A retail firm that is the importer of record may be considered a purchaser.

Purchases.--Purchases from all sources, ***not*** including direct imports from foreign producers (which should be reported as imports in a U.S. importers' questionnaire).

Purchase quantities.--Quantities reported should be net of returns.

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Purchase values.--Values reported should be net values (i.e., gross purchase values less all discounts, allowances, rebates, and the value of returned goods), delivered to your U.S. receiving point.

Shipments.--Shipments of products produced in or imported by your U.S. establishment(s). Include shipments to the contracting firm of product produced by your firm under a toll agreement.

Shipment quantities.--Quantities reported should be net of returns.

Shipment values.--Values reported should be net values (i.e., gross sales values less all discounts, allowances, rebates, prepaid freight, and the value of returned goods), f.o.b. your U.S. point of shipment. The value of domestic shipments to the contracting firm under a toll agreement is the conversion fee (including profit).

Types of shipments:

U.S. shipments.--Commercial shipments, internal consumption, and transfers to related firms within the United States.

Commercial shipments.--Shipments, other than internal consumption and transfers to related firms, within the United States.

Internal consumption.--Product consumed internally by your firm.

Transfers to related firms.--Shipments made to related domestic firms.

Export shipments.--Shipments to destinations outside the United States, including shipments to related firms.

Inventories.--Finished goods inventory, not raw materials or work-in-progress.

The following definitions apply only to the U.S. PRODUCERS' QUESTIONNAIRE:

Average production capacity.--The level of production that your establishment(s) could reasonably have expected to attain during the specified periods. Assume normal operating conditions (i.e., using equipment and machinery in place and ready to operate; normal operating levels (hours per week/weeks per year) and time for downtime, maintenance, repair, and cleanup; and a typical or representative product mix).

Toll agreement.--Agreement between two firms whereby the first firm furnishes the raw materials and the second firm uses the raw materials to produce a product that it then returns to the first firm with a charge for processing costs, overhead, *etc.*

Production.--All production in your U.S. establishment(s), including production consumed internally within your firm and production for another firm under a toll agreement.

PRWs.--Production and related workers ("PRWs"), including working supervisors and all nonsupervisory workers (including group leaders and trainees) engaged in fabricating, processing, assembling, inspecting, receiving, storage, handling, packing, warehousing, shipping, trucking, hauling, maintenance, repair, janitorial and guard services, product development, auxiliary production for plant's own use (e.g., power

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plant), recordkeeping, and other services closely associated with the above production operations.

Average number employed.--Add the number of employees, both full-time and part-time, for the 12 pay periods ending closest to the 15th of the month and divide that total by 12. For the January-March periods, calculate similarly and divide by 3.

Hours worked.--Include time paid for sick leave, holidays, and vacation time. Include overtime hours actually worked; do not convert overtime pay to its equivalent in straight-time hours.

Wages paid.--Total wages paid before deductions of any kind (*e.g.*, withholding taxes, old-age and unemployment insurance, group insurance, union dues, bonds, etc.). Include wages paid directly by your firm for overtime, holidays, vacations, and sick leave.

Fiscal year.--The 12-month period between settlement of your firm's financial accounts.

Purchases other than direct imports.--Purchases from U.S. producers, U.S. importers, and other U.S. sources, excluding direct imports (which should be reported as imports in a U.S. importers' questionnaire).