



## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701-TA-693 and 731-TA-1629-1640 (Final)]**

**Mattresses from Bosnia and Herzegovina, Bulgaria, Burma, India, Indonesia, Italy, Kosovo, Mexico, Philippines, Poland, Slovenia, Spain, and Taiwan; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations.**

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-693 and 731-TA-1629-1640 (Final) pursuant to the Tariff Act of 1930 (“the Act”) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of mattresses, provided for in subheadings 9404.21.00, 9404.29.10, and 9404.29.90 of the Harmonized Tariff Schedule of the United States, from Bosnia and Herzegovina, Bulgaria, Burma, India, Italy, Kosovo, Mexico, Philippines, Poland, Slovenia, Spain, and Taiwan preliminarily determined by the Department of Commerce (“Commerce”) to be sold at less than fair value and imports of mattresses from Indonesia for which Commerce has preliminarily determined that countervailable subsidies are not being provided by the Government of Indonesia to producers and exporters of mattresses from Indonesia.

**DATES:** March 1, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mary Messer ((202) 205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public

record for these investigations may be viewed on the Commission's electronic docket (EDIS) at

<https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

*Scope.*-- For purposes of these investigations, Commerce has defined the subject merchandise as follows:

The products covered by these investigations are all types of youth and adult mattresses. The term "mattress" denotes an assembly of materials that at a minimum includes a "core," which provides the main support system of the mattress, and may consist of innersprings, foam, other resilient filling, or a combination of these materials. Mattresses also may contain: (1) "upholstery," the material between the core and the top panel of the ticking on a single-sided mattress, or between the core and the top and bottom panel of the ticking on a double-sided mattress; and/or (2) "ticking," the outermost layer of fabric or other material (e.g., vinyl) that encloses the core and any upholstery, also known as a cover.<sup>1</sup>

*Background.*--The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of a negative preliminary determination by Commerce regarding whether certain benefits which constitute subsidies within the meaning of §703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Indonesia of mattresses, and affirmative preliminary determinations by Commerce that such products imported from Bosnia and Herzegovina, Bulgaria, Burma, India, Italy, Kosovo, Mexico, Philippines, Poland, Slovenia, Spain, and Taiwan are being sold in the United States at less than fair value within the meaning of §733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on July 28, 2023, on behalf of Brooklyn Bedding LLC, Phoenix, Arizona; Carpenter Company, Richmond, Virginia; Corsicana Mattress Company, Dallas, Texas; Future Foam, Inc., Council Bluffs, Iowa; FXI, Inc., Radnor, Pennsylvania; Kolcraft Enterprises, Inc., Chicago, Illinois; Leggett & Platt, Incorporated, Carthage, Missouri; Serta Simmons Bedding, Inc., Doraville, Georgia; Southerland Inc., Antioch, Tennessee; Tempur Sealy International, Inc., Lexington, Kentucky; the International

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<sup>1</sup> For a complete definition of mattresses, including exclusions and tariff treatment, see 89 FR 57-59, January 2, 2024, and 89 FR 15121-15124, 15126-15134, 15136-15157, 15161-15164, March 1, 2024.

Brotherhood of Teamsters, Washington, DC; and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, Washington, DC.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Although Commerce has preliminarily determined that countervailable subsidies are not being provided by the Government of Indonesia to producers and exporters of mattresses from Indonesia, for purposes of efficiency the Commission hereby waives rule 207.21(b)<sup>2</sup> so that the final phase of the investigation may proceed concurrently in the event that Commerce makes a final affirmative countervailing duty determination with respect to such imports.

*Participation in the investigations and public service list.*--Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

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<sup>2</sup> §207.21(b) of the Commission's rules provides that, where Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

*Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.*--Pursuant to §207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

*Staff report.*--The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record by 5:15 p.m. on April 26, 2024, and a public version will be issued thereafter, pursuant to §207.22 of the Commission's rules.

*Hearing.*-- The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on May 9, 2024. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission by 5:15 p.m. on May 3, 2024. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the investigations, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on May 7, 2024. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than 4:00 p.m. on May 8, 2024. Oral testimony and written materials to be submitted at the public hearing are governed by sections

201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

*Written submissions.*--Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of §207.23 of the Commission's rules; the deadline for filing is 5:15 p.m. on May 3, 2024. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of §207.25 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on May 16, 2024. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petitions, by 5:15 p.m. on May 16, 2024. On June 4, 2024, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information by 5:15 p.m. on June 6, 2024, but such final comments must not contain new factual information and must otherwise comply with §207.30 of the Commission's rules. All written submissions must conform with the provisions of §201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to §201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by

either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to §207.21 of the Commission's rules.

By order of the Commission.

Issued: March 1, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

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