



## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-199]

#### **Temporary Steel Fencing from the People’s Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances, in Part**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of temporary steel fencing from the People’s Republic of China (China). The period of investigation (POI) is January 1, 2024, through December 31, 2024.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Natasia Byrd AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1240.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On June 20, 2025, Commerce published the *Preliminary Determination* in the *Federal Register* and invited interested parties to comment.<sup>1</sup> On February 9, 2026, Commerce issued its Post-Preliminary Analysis.<sup>2</sup>

Due to the lapse in appropriations and Federal Government shutdown, on November 14,

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<sup>1</sup> See *Temporary Steel Fencing from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Determination of Critical Circumstances Determination, in Part, and Alignment of Final Determination with Final Antidumping Determination*, 90 FR 26268 (June 20, 2025) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See Memorandum, “Post-Preliminary Analysis Memorandum for the Countervailing Duty Investigation of Temporary Steel Fencing from the People’s Republic of China,” dated February 9, 2026 (Post-Preliminary Analysis).

2025, Commerce tolled all deadlines in administrative proceedings by 47 days.<sup>3</sup> Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Access System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.<sup>4</sup> Accordingly, the deadline for this final determination is now March 10, 2026.

For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.<sup>5</sup> The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Scope of the Investigation

The product covered by this investigation is temporary steel fencing from China. For a complete description of the scope of this investigation, see Appendix I.

### Scope Comments

In accordance with the *Preamble* to Commerce's regulations,<sup>6</sup> the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.*, scope).<sup>7</sup> For a summary of the product coverage comments and rebuttal responses submitted to the record and accompanying discussion and analysis of all comments timely received, see the Preliminary Scope Memorandum released with the preliminary determination of the companion LTFV

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<sup>3</sup> See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

<sup>4</sup> See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

<sup>5</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Countervailing Duty Investigation of Temporary Steel Fencing from the People's Republic of China," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>6</sup> See *Antidumping Duties; Countervailing Duties, Final Rule*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>7</sup> See *Temporary Steel Fencing from the People's Republic of China: Initiation of Countervailing Duty Investigation*, 90 FR 9311, 9311-12 (February 11, 2025) (*Initiation Notice*).

investigation, wherein Commerce modified the scope language as it appeared in the *Initiation Notice*.<sup>8</sup>

As we did not receive comments from interested parties on the scope of the investigation as it appeared in the Preliminary Scope Memorandum, the scope in this final determination, as provided in Appendix I, is unchanged from the Preliminary Scope Memorandum.<sup>9</sup>

### Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in September 2025, Commerce conducted a verification of the information reported by Hebei Minmetals Co., Ltd. (Hebei Minmetals) and Shijiazhuang SD Company Ltd. (Shijiazhuang SD). As explained in the Post-Preliminary Analysis and accompanying Issues and Decision Memorandum, Commerce was not able to verify the information provided by Shijiazhuang SD and its largest subject merchandise supplier/producer Huanghua Shengrundong Hardware Products Co., Ltd. due to the extent and nature of errors and omissions in Shijiazhuang SD's reporting.<sup>10</sup>

Commerce was able to complete its verification of Hebei Minmetals and its largest subject merchandise supplier/producer Hebei Wuxin Garden Products Co., Ltd. (Wuxin Garden). Commerce used standard verification procedures, including an examination of relevant documents provided at verification, in conducting its verification of the company respondents.<sup>11</sup>

### Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs that were submitted by interested parties in this investigation, are discussed in the Issues

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<sup>8</sup> See Memorandum, "Placing Preliminary Scope Decision Memorandum on the Record," dated concurrently with this notice, at Attachment (containing Memorandum, "Less-Than-Fair Value and Countervailing Duty Investigations on Temporary Steel Fencing from the People's Republic of China: Preliminary Scope Decision Memorandum," dated August 13, 2025 (Preliminary Scope Memorandum)); see also Appendix 1 for the scope, as revised from the *Initiation Notice*.

<sup>9</sup> See Preliminary Scope Memorandum.

<sup>10</sup> See Post-Preliminary Analysis at 6-7.

<sup>11</sup> See Memoranda, "Verification of the Questionnaire Responses Submitted by Hebei Minmetals Co., Ltd. and Hebei Wuxin Garden Products Co., Ltd.;" see also "Verification of Questionnaire Responses Submitted by Shijiazhuang SD Company Ltd.," and "Verification of Questionnaire Responses Submitted by Shengrundong Hardware Products Co., Ltd.," collectively dated January 6, 2026.

and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, *see* Appendix II to this notice.

#### Changes Since the *Preliminary Determination* and Post-Preliminary Analysis

We have calculated a final countervailable subsidy rate for Shijiazhuang SD based entirely on facts available with adverse inferences due to extensive issues discovered at verification. In addition, based on our analysis of comments from interested parties and review of the information received at verification, we revised the net countervailable subsidy rate for Hebei Minmetals. Lastly, we have also revised the rate applicable to the non-responsive companies in this investigation<sup>12</sup> and the rate applicable to all other producers and exporters of subject merchandise in this investigation. For a discussion of these changes, *see* the Issues and Decision Memorandum.

#### Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.<sup>13</sup> For a complete description of the methodology underlying all of Commerce’s conclusions, including our reliance on facts otherwise available, including application of adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act, *see* the Issues and Decision Memorandum.

#### Final Affirmative Determination of Critical Circumstances

Commerce preliminarily determined, in accordance with section 703(e)(1) of the Act and 19 CFR 351.206(c)(1), that critical circumstances existed with respect to imports of subject merchandise produced and/or exported by Hebei Minmetals; the non-responsive companies

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<sup>12</sup> Commerce did not receive responses to its quantity and value questionnaire from (1) Anping County Xingpeng Hardware Co., Ltd.; (2) Shenzhen Yuelei Metal Products Co., Ltd.; (3) Sichuan Gold-Link Industry; (4) Sourcing Solution Co., Ltd.; and (5) Tianjin Mengsheng Metal Products (collectively, the non-responsive companies). *See Preliminary Determination* PDM at 12-13.

<sup>13</sup> *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

(based on application of AFA); and all other producers and exporters of temporary steel fencing from China.<sup>14</sup> Additionally, Commerce preliminarily determined that critical circumstances did not exist with respect to imports of subject merchandise for Shijiazhuang SD.<sup>15</sup>

For the final determination, pursuant to section 705(a)(2) of the Act and 19 CFR 351.206, we are now finding that critical circumstances exist for Shijiazhuang SD and for the non-responsive companies, based on facts otherwise available, including with an adverse inference, pursuant to sections 776(a) and (b) of the Act. However, we find that critical circumstances did not exist with respect Hebei Minmetals and all other producers and exporters that enter subject merchandise under the all-others countervailable subsidy rate, based on an updated massive imports analysis over a 12-month period and additional data submitted by Hebei Minmetals.<sup>16</sup> For a full description of the methodology and results of Commerce’s critical circumstances analysis, *see* the Issues and Decision Memorandum.

#### All-Others Rate

Pursuant to section 705(c)(5)(A)(i) of the Act, Commerce will determine an all-others rate equal to the weighted-average countervailable subsidy rates established for exporters and/or producers individually examined, excluding any rates that are zero, *de minimis*, or based entirely under section 776 of the Act. In accordance with section 705(c)(1)(B)(i) of the Act, we calculated an individual estimated countervailable subsidy rate for the mandatory respondent, Hebei Minmetals. However, we calculated individual total net countervailable subsidy rates based entirely on facts otherwise available with an adverse inference for mandatory respondent Shijiazhuang SD. Therefore, the only rate that is not zero, *de minimis*, or based entirely on facts otherwise available is the rate calculated for Hebei Minmetals. Accordingly, we are assigning

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<sup>14</sup> *See Preliminary Determination PDM* at 5-8.

<sup>15</sup> *Id.*

<sup>16</sup> *See* Hebei Minmetals’s Letter, “Response to Request for Monthly Quantity and Value Data,” dated July 28, 2025, at Attachment 1.

the rate calculated for Hebei Minmetals to all other producers and exporters, pursuant to section 705(c)(5)(A)(i) of the Act.

#### Final Determination

Commerce determines that the following estimated net countervailable subsidy rates exist for the period January 1, 2024, through December 31, 2024:

<b>Company</b>	<b>Subsidy Rate (percent <i>ad valorem</i>)</b>
Hebei Minmetals Co., Ltd.	49.19
Shijiazhuang SD Company Ltd.	178.97*
Anping County Xingpeng Hardware Co., Ltd.	178.97*
Shenzhou Yuelei Metal Products Co., Ltd.	178.97*
Sichuan Gold-Link Industry	178.97*
Sourcing Solution Co., Ltd.	178.97*
Tianjin Mengsheng Metal Products	178.97*
All Others	49.19

\*Rate based on facts available with adverse facts inferences.

#### Disclosure

Commerce intends to disclose to interested parties the calculations performed in connection with this final determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the *Federal Register*, in accordance with 19 CFR 351.224(b).

#### Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination*, and pursuant to sections 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to collect cash deposits and suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after June 20, 2025, the date of publication of the *Preliminary Determination* in the *Federal Register*. In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation of all entries of subject merchandise entered or withdrawn from warehouse, on or after October 18, 2025, the first day provisional measures were no longer in effect, but to

continue the suspension of liquidation of all entries of subject merchandise on or before October 17, 2026.

Moreover, as a result of our preliminary critical circumstances determination, pursuant to section 703(e)(2) of the Act, we instructed CBP to suspend liquidation of all entries of subject merchandise from Hebei Minmetals and all other producers and exporters, which were entered or withdrawn from warehouse, for consumption by these companies on or after March 22, 2025, 90 days prior to the date of the publication of the *Preliminary Determination* in the *Federal Register*. However, as noted above, we find critical circumstances do not exist for Hebei Minmetals and all other producers and exporters of temporary steel fencing from China for this final determination. Accordingly, we will direct CBP to terminate the retroactive suspension of liquidation ordered at the *Preliminary Determination* and release any cash deposits that were required prior to June 20, 2025, the date of publication of the *Preliminary Determination* in the *Federal Register*, consistent with section 705(c)(3) of the Act.

As a result of our preliminary critical circumstances determination, we found that critical circumstances did not exist for Shijiazhuang SD. However, as noted above, Commerce is finding that critical circumstances exist for Shijiazhuang SD for this final determination. Accordingly, pursuant to section 703(e)(2)(A) of the Act, Commerce will instruct CBP to suspend liquidation of all appropriate entries from Shijiazhuang SD, which were entered, or withdrawn from warehouse, for consumption on or after 90 days prior to the date of publication of the *Preliminary Determination* in the *Federal Register*.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation under section 706(a) of the Act, and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. Pursuant to section 705(c)(2) of the Act, if the ITC determines that material injury, or threat of material injury, does not exist, this

proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled.

#### ITC Notification

In accordance with section 705(d) of the Act, Commerce will notify the ITC of its final affirmative determination that countervailable subsidies are being provided to producers and exporters of temporary steel fencing from China. As Commerce's final determination is affirmative, in accordance with section 705(b) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of temporary steel fencing from China. In addition, we are making available to the ITC all non-privileged and non-proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

#### Administrative Protective Order

This notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO, in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: March 10, 2026.

**Christopher Abbott,**  
*Deputy Assistant Secretary  
for Policy and Negotiations,  
performing the non-exclusive functions and duties  
of the Assistant Secretary for Enforcement and Compliance.*

## Appendix I

### Scope of the Investigation

The merchandise subject to this investigation is temporary steel fencing. Temporary steel fencing consists of temporary steel fence panels and temporary steel fence stands. Temporary steel fence panels, when assembled with temporary steel fence stands or other types of stands outside of the scope, with each other, or with posts, create a free-standing fence. Temporary steel fence panels are covered by the scope regardless of whether they attach to a stand or the type of stand to which they connect.

Temporary steel fence panels have a welded frame of steel tubing and an interior consisting of chain link, steel wire mesh, or other steel materials that are not more than ten millimeters in actual diameter or width. The steel tubing may surround all edges of the temporary steel fence panel or only be attached along two parallel sides of the panel. All temporary steel fence panels with at least two framed sides are covered by the scope, regardless of the number of edges framed with steel tubing.

Temporary steel fence panels are typically between 10 and 12 feet long and six to eight feet high, though all temporary steel fence panels are covered by the scope regardless of dimension or weight as long as a single panel meets each of the three following criteria: (1) it has over seven and a half square feet in actual surface area; (2) it weighs more than four pounds; and (3) it weighs less than 1.92 pounds per square foot. Temporary steel fence panels may be square, rectangular, or have rounded edges, and may or may not have gates, doors, wheels, or barbed wire or other features, though all temporary steel fence panels are covered by the scope regardless of shape and other features. Temporary steel fence panels may have one or more horizontal, vertical, or diagonal reinforcement tubes made of steel welded to the inside frame, though all temporary steel fence panels are covered by the scope regardless of the existence, number, or type of reinforcement tubes attached to the panel. Temporary steel fence panels may have extensions, pins, tubes, or holes at the bottom of the panel, but all temporary steel fence panels are covered regardless of the existence of such features.

Steel fence stands are shapes made of steel that stand flat on the ground and have one or two open tubes or solid pins into which temporary steel fence panels are inserted to stand erect. The steel fence stand may be made of welded steel tubing or may be a flat steel plate with one or two tubes or pins welded onto the plate for connecting the panels.

Temporary steel fencing is covered by the scope regardless of coating, painting, or other finish. Both temporary steel fence panels and temporary steel fence stands are covered by the scope, whether imported assembled or unassembled, and whether imported together or separately.

Subject merchandise includes material matching the above description that has been finished, assembled, or packaged in a third country, including by coating, painting, assembling, attaching to, or packaging with another product, or any other finishing, assembly, or packaging operation that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the temporary steel fencing.

Temporary steel fencing is included in the scope of this investigation whether or not imported attached to, or in conjunction with, other parts and accessories such as posts, hooks, rings, brackets, couplers, clips, connectors, handles, brackets, or latches. If temporary steel fencing is imported attached to, or in conjunction with, such non-subject merchandise, only the temporary steel fencing is included in the scope.

Excluded from the scope of this investigation are decorative steel fence panels. Decorative steel fence panels are steel fence panels that have all of the following characteristics: (i) the panel's long ends are no more than 48 inches; (ii) the panel's short ends are no more than 38 inches; (iii) the panel weighs 7 pounds or less; (iv) the panel is framed on all sides with steel tubing no wider than 10 mm; and (v) the panel's interior contains a decorative pattern (meaning a pattern other than square, rectangular, diamond, or hexagonal meshing) accounting for at least 5 percent of the area within the frame.

Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under the subheading 7308.90.9590. Subject merchandise may also enter under subheadings 7326.90.8688 and 7323.99.9080 of the HTSUS. The HTSUS subheadings set forth above are provided for convenience and U.S. Customs purposes only. The written description of the scope is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination* and Post-Preliminary Analysis
- IV. Critical Circumstances Determination
- V. Use of Facts Otherwise Available and Application of Adverse Inferences
- VI. Subsidies Valuation
- VII. Analysis of Programs
- VIII. Discussion of the Issues
  - Comment 1: Whether Commerce Should Continue to Apply AFA to Find that Certain Input Suppliers and Service Providers are Government Authorities
  - Comment 2: Whether the Provision of Ocean Shipping Services are Specific and Entrusted or Directed by the GOC
  - Comment 3: Whether Commerce Should Apply AFA to Find the Provision of Electricity for Less Than Adequate Remuneration (LTAR) Program is Specific
  - Comment 4: Whether Commerce Lawfully Countervailed “Other Subsidies”
  - Comment 5: Whether Commerce Should Modify the Steel Input for LTAR Program Benchmarks
  - Comment 6: Whether Commerce Misapplied the AFA Hierarchy in the Selection of AFA Rates
  - Comment 7: Whether Commerce Should Include Programs Discovered during Verification in the Total AFA Rate for Shijiazhuang SD
  - Comment 8: Whether Commerce Should Find that Critical Circumstances Exist for Hebei Minmetals
  - Comment 9: Whether Wuxin Garden Received Benefits from Certain Tax Programs During the POI
  - Comment 10: Whether Commerce Should Continue to Find that the Corporate Income Tax Law (CITL) Article 26: Deduction as an Exemption of Dividend Income from Taxation is Countervailable
  - Comment 11: Whether Commerce Should Continue to Find that the CITL 32: Deduction for Accelerated Depreciation of Fixed Assets is Countervailable
- IX. Recommendation