

**D. Previous Requests for Import Relief for the Merchandise (19 C.F.R. § 351.202(b)(4)).**

The Petitioner has not previously filed for relief from imports of the subject merchandise under Section 337 of the Act, Section 701 of the Act, or Section 731 of the Act. Nor has the Petitioner sought relief from imports under either Section 201 or Section 301 of the Trade Act of 1974, or under Section 232 of the Trade Expansion Act of 1962.

**E. Scope of the Investigation, a Detailed Description of the Subject Merchandise (19 C.F.R. § 351.202(b)(5)).**

**1. Proposed Scope of the Investigations**

Petitioner proposes the following as the scope of the investigations:

The merchandise covered by these investigations consists of twist ties, which are thin, bendable ties for closing containers, such as bags, bundle items, or identifying objects. A twist tie is comprised of one or more metal wires encased in a covering material, which allows the tie to retain its shape and bind against itself. The metal wire in a twist tie is typically stainless or galvanized steel and typically measures between the gauges of 19 (.0410" diameter) and 31 (.0132") (American Standard Wire Gauge). A twist tie usually has a width between .075" and 1" in the cross-machine direction (width of the tie - measurement perpendicular with the wire); a thickness between .015" and .045" over the wire or other metal; and a thickness between .002" and .020" in areas without wire or other metal. Twist ties are commonly available individually in pre-cut lengths ("singles"), wound in large spools to be cut later by machine or hand, or in perforated sheets of spooled or single twist ties that are later slit by machine or by hand ("gangs").

The covering material of a twist tie may be paper (metallic or plain), plastic, or polyethylene, and can be dyed in a variety of colors with or without printing. A twist tie may have the same covering material on both sides or one side of paper and one side of plastic. When comprised of two sides of paper, the paper material is bound together with an adhesive or plastic. A twist tie also may have a tag or label attached to it or a pre-applied adhesive attached to it.

The scope includes ties used for television cable, computer cords, other appliances and household ties, all of which are manufactured by Petitioner. Twist ties without metal wire also are covered in the scope. An all plastic tie contains a plastic core as well as a plastic covering (the wing) over the core, just like paper and/or plastic in a metal tie. The scope does not include products with wire and plastic material (*e.g.*, pipe cleaners used in craft activities, wire bristle brushes), or plastic “zip” ties.

Twist ties are imported into the United States under Harmonized Tariff System of the United States (“HTSUS”) subheadings 8309.90.0000 and 5609.00.3000. Subject merchandise may also enter under HTSUS subheadings 3906.90.2000, 3920.51.5000, 3923.90.0080, 3926.90.9990, 4811.59.6000, 4821.10.4000, 4821.90.2000, and 4823.90.8600. These HTSUS subheadings are provided for reference only. The written description of the scope of the investigations is dispositive.

The twist tie dimensions included within the scope definition cover the majority of the unfair competition encountered by the Petitioner from the subject countries. Petitioner’s intention is that the scope would cover the importation of twist ties alone (and would not include when the twist ties are imported within a packaging for an item such as a cable television or a box of garbage bags).

## **2. Technical Characteristics and Uses**

Twist ties are used in a variety of applications and industries, including the closure of plastic food bags, bread bags, dry cleaning bags and garbage bags. Industry segments include produce ties, industrial ties, and dry cleaning ties or cut ties. Twist ties are used for bakery items, retail goods, garden supplies and the hospitality industry. Vegetable twist ties are used for packaging vegetables. Vegetable names, codes and description can be printed on the products. Garden twist ties are used to tie plants.

The plastic, polyethylene, or metallic paper twist ties withstand water better than the uncoated paper versions. Different sizes and strengths are used for different applications, from a small closure for a bag of bread to a large, heavy tie to hold unwieldy garden hoses in place.