



OTTAWA, August 21, 2023

FAS 2023 SP1

STATEMENT OF ESSENTIAL FACTS

SCOPE PROCEEDING – CERTAIN CARBON STEEL FASTENERS

**CAMO Edge Screws
National Nail**

*Cette Déclaration des faits essentiels est également disponible en français.
This Statement of Essential Facts is also available in French.*

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BACKGROUND

[1] On December 9, 2004, the Canada Border Services Agency (CBSA) made a final determination of dumping respecting certain carbon steel fasteners and certain stainless steel fasteners from the People's Republic of China (China) and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), and made a final determination of subsidizing of such goods from China. On the same date, the CBSA terminated the subsidy investigation of such goods from the Chinese Taipei.

[2] On January 7, 2005, the Canadian International Trade Tribunal (CITT) issued its findings in Inquiry No. NQ-2004-005. The CITT terminated its inquiry regarding the dumping and subsidizing of certain stainless steel screws from China, as the volume of such goods was negligible. In its injury findings, the CITT found that the dumping of certain carbon steel screws from China and Chinese Taipei and the subsidizing of such goods from China had caused injury to the domestic industry. Furthermore, the CITT found that the dumping of certain stainless steel screws from Chinese Taipei was threatening to cause injury to the domestic industry. On the same date, the CITT found that the dumping of certain carbon and stainless steel nuts and bolts from China and Chinese Taipei and the subsidizing of such goods from China have not caused injury and were not threatening to cause injury to the domestic industry.¹

[3] On January 6, 2010, in Expiry Review No. RR-2009-001, the CITT continued, with amendment, its findings concerning certain carbon steel fasteners from China and Chinese Taipei and rescinded its finding concerning certain stainless steel fasteners from Chinese Taipei.²

[4] On January 5, 2015, in Expiry Review No. RR-2014-001 and again on September 2, 2020, in Expiry Review No. RR-2019-002, the CITT further continued, with amendment, its orders concerning certain carbon steel fasteners originating in or exported from China and Chinese Taipei. In each order, the CITT excluded specific products.³

[5] On May 3, 2023, the CBSA received an application for a scope ruling from National Nail, as to whether its CAMO Edge Screws are subject to the CITT order noted above.

[6] The application for the scope ruling was complete and met all requirements under the *Special Import Measures Act* (SIMA) to warrant the initiation of a scope proceeding. The applicant provided arguments and evidence in support of its position that CAMO Edge Screws are not subject to the CITT's finding.

[7] On June 2, 2023, pursuant to subsection 63(8) of the SIMA, the CBSA initiated a scope proceeding with respect to the goods that are the subject of the application.

[8] The administrative record for this scope proceeding closed on July 27, 2023.

¹ <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/353466/index.do>

² <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/353752/index.do>

³ <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/354209/index.do>, <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/484648/index.do>

[9] On the basis of the information on the record and the consideration of the relevant factors contained in section 54.6 of the *Special Import Measures Regulations* (SIMR), as well as other relevant factors, the CBSA’s preliminary assessment is that the goods that are the subject of the application, CAMO Edge Screws, are subject to the CITT’s order in respect of certain fasteners.

DESCRIPTION OF GOODS THAT ARE THE SUBJECT OF THE APPLICATION⁴

[10] The goods in question in this scope proceeding, CAMO Edge Screws, are decking screws that uses National Nail’s Marksman Pro tool to be fastened to timber and composite decking, in such a way that it is hidden below the surface of the decking material.

[11] National Nail requested that the CBSA consider whether CAMO Edge Screws are subject to the CITT’s orders concerning certain carbon steel fasteners from China and Chinese Taipei.

DESCRIPTION OF THE SUBJECT GOODS

[12] For the purpose of this scope proceeding, the goods that are subject to the CITT order (“subject goods”) are defined as:

Certain carbon steel fasteners originating in/or exported from the People's Republic of China and Chinese Taipei, excluding those specifically designed for application in the automotive or aerospace industry.

⁴ Exhibit 2 (NC) FAS 2023 SP1

Inclusions

[13] The following carbon steel fasteners were included by the CITT's order:

	Imperial		Metric	
	Diameter	Length	Diameter	Length
Wood Screws	#4 to #24 (0.112" to 0.386")	3/8 to 8 in.	M3 to M10	10 mm to 200 mm
Square and Hex Lag Screws	#14 to #24 (1/4" to 0.386")	3/4 to 4 in.	M6 to M10	20 mm to 100 mm
Sheet Metal/Tapping Screws	#4 to #24 (0.112" to 0.386")	3/8 to 8 in.	M3 to M10	10 mm to 200 mm
Thread Forming Screws	#4 to #24 (0.112" to 0.386")	3/8 to 3 in.	M3 to M10	10 mm to 75 mm
Thread Cutting Screws	#4 to #24 (0.112" to 0.386")	3/8 to 3 in.	M3 to M10	10 mm to 75 mm
Thread Rolling Screws	#4 to #24 (0.112" to 0.386")	3/8 to 3 in.	M3 to M10	10 mm to 75 mm
Self-drilling Tapping Screws	#4 to #24 (0.112" to 0.386")	3/8 to 3 in.	M3 to M10	10 mm to 75 mm
Machine Screws	#4 to 3/8 in (0.112" to 3/8")	3/8 to 8 in.	M3 to M10	10 mm to 200 mm
Flange Screws	1/4 to 5/8 in	3/8 to 4 in.	M6 to M16	10 mm to 100 mm

Exclusion

[14] The following carbon steel fasteners were excluded by the CITT's order:

- Acoustic lag screws
- Aster screws
- Chicago screws
- Collated screws
- Connector screws (kd)
- Decor screws
- Drawer handle screws
- Drive spikes RR
- Euro screws
- Hex socket cap screws
- Instrument screws
- Knurled head screws
- Machine screws with wings
- Optical screws
- Screw spikes RR

- Security screws
- Self-clinching studs
- Socket cap screws
- Socket set screws
- Square-head set screws
- Thumb screws
- U-drive screws
- Wing screws

• Screws imported under tariff item Nos. 9952.00.00, 9964.00.00, 9969.00.00, 9972.00.00 and 9973.00.00 for use in the manufacture of snowmobiles, all-terrain vehicles, personal watercraft and three-wheeled motorcycles.

• R4™ screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent numbers 2 267 572 and 2 198 832 and a Climatek™ coating which is certified to meet the ICC Evaluation Service, Inc. (ICC-ES) “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.

• RSS™ rugged structural screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent numbers 2 267 572 and 2 140 472 and a Climatek™ coating which is certified to meet the ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.

• MSS™ zip tip metal siding screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent numbers 2 267 572 and 2 478 635 and a Climatek™ coating which is certified to meet the ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.

• MSS™ drill tip metal siding screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent numbers 2 267 572 and 2 478 635 and a Climatek™ coating which is certified to meet the ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.

• Pan™ head screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.

• Cabinet™ screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.

- FIN/Trim™ head screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- White FIN/Trim™ head screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- RT Composite™ Trim™ head screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- White RT Composite™ Trim™ head screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- Vinyl Window™ screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- Caliburn™ concrete screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- Kameleon™ composite deck screws marketed by GRK Canada Limited which have the features and characteristics described in Canadian patent number 2 267 572 and a Climatek™ coating which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257); or equivalent.
- Sharp-pointed drywall screws with diameters ranging from #6 to #7, lengths ranging from 0.4375 in. to 2.25 in., with a coarse, fine or high-low thread, with a bugle, flat, pan, truss or wafer head, with a Phillips driver and a black phosphate or standard zinc finish.
- Self-drilling drywall screws with diameters ranging from #6 to #7, lengths ranging from 0.4375 in. to 2.25 in., with a fine thread, with a bugle, flat, flat truss, pan, pancake, truss or wafer head, with a Phillips driver and a black phosphate or standard zinc finish.

Exclusions from the CITT Order of January 5, 2015

[15] All carbon steel screws that are listed below are specifically excluded:

- TOPLoc™ or Splitstop™ composite decking fasteners for exclusive use in conjunction with TimberTech® composite material decking systems.
- Titen HD™ (THD) heavy-duty carbon steel screw anchors for concrete, manufactured for and imported by Simpson Strong-Tie, bearing Canadian trademark number TMA614622 and Canadian patent number CA2349358, with diameters of between 0.25 in. (1/4 in.) and 0.375 in. (3/8 in.), inclusive (i.e. between 6.35 mm and 9.525 mm, inclusive), and lengths of between 1.25 in. and 8.00 in., inclusive (i.e. between 31.75 mm and 203.2 mm, inclusive), tested or assessed in accordance with one or more of: ASTM E488 ("Standard Test Methods for Strength of Anchors in Concrete and Masonry Elements"); AC106 ("Acceptance Criteria for Predrilled Fasteners (Screw Anchors) in Masonry Elements"); AC193 ("Acceptance Criteria for Mechanical Anchors in Concrete Elements"); or ACI 355.2/ACI 355.2R ("Qualification of Post-Installed Mechanical Anchors in Concrete") as amended or replaced from time to time.

Amendment of the CITT Order of January 5, 2015, to exclude, effective May 16, 2016:

- Shoulder bolts made of steel, grade 5, and zinc-plated, with a hexagonal head, an unthreaded cylindrical shoulder section ranging from 1/4 inch to 3/4 inch in diameter, and a threaded section that is smaller in diameter than the shoulder ranging from 3/8 inch to 7/8 inch in length and between 10-24 and 5/8-11 in common thread sizes.

Amendment of the CITT Order of January 5, 2015, to exclude, effective July 12, 2017:

- Squeeeeeek No More® square-drive wood screws, manufactured by or on behalf of O'Berry Enterprises Inc. under U.S. patent Nos. 5,371,992, 5,372,466 or 6,250,186, for use in wood flooring, with scoring above the threaded portion of the screw that allows the upper portion of the screw and head to be easily broken off, 3" or 3.5" in length, of a #8 or #9 diameter, threaded in part with 8 threads per inch and in part with 9 threads per inch, with the remainder unthreaded, and covered in a Gleitmo 615 lubricant coating (or equivalent coating) and imported in packages of 500 screws or less.

Exclusions from the CITT Order of September 2, 2020

- Screws designed by 1833236 Ontario Inc. d.b.a. U2 Fasteners and marketed under the trade name Construction Screw™, which have the features and characteristics described in Canadian patent number 2 979 899, a U-Gold™ coating, and are certified to comply with the most recent versions of the International Building Code® and the International Residential Code® and recognized for use in wood chemically treated with waterborne alkaline copper quaternary, type D (ACQ-D); or equivalent.

- Screws designed by 1833236 Ontario Inc. d.b.a. U2 Fasteners and marketed under the trade name Vinyl Extrusion Screw™, which have the features and characteristics described in Canadian patent number 2 979 899 and a proprietary coating; or equivalent.
- Composite deck screws with a dual coarse thread design, a counter boring head, a #20 TORX® ttap® drive and in lengths of 2.5 in. or 3 in., packaged together with color matched plugs made from the same material as the deck boards, and a setting tool designed to drive the screw to the appropriate level below the surface of the board, as part of the Cortex® Hidden Fastening System for Decking; or equivalent.
- PVC trim screws with a dual coarse thread design, a counter boring head, a #20 TORX® ttap® drive and in lengths of 2 in. or 2.75 in., packaged together with color matched plugs made from the same material as the PVC trim, and a setting tool designed to drive the screw to the appropriate level below the surface of the trim, as part of the Cortex® Hidden Fastening System for PVC Trim; or equivalent.
- Fascia board screws with a coarse thread design, a flat head, a #20 TORX® ttap® drive and in a length of 1.75 in., packaged together with color matched plugs made from the same material as the fascia board, a counterbore tool designed to create a hole for the screw and plug, and a setting tool designed to drive the screw to the appropriate level below the surface of the board, as part of the Cortex® Hidden Fastening System for Fascia; or equivalent.
- TrapEase® 3 composite deck screws with a dual coarse thread design, a color matched counter boring head, a #20 TORX® ttap® drive and in lengths of 2.5 in. or 3 in., packaged together with a driver bit; or equivalent.
- TrapEase® FASCIA screws with a dual coarse thread design, a color matched flat head, a #20 TORX® ttap® drive and in a length of 1.75 in., packaged together with a counterbore tool designed to create a pilot hole for screw placement and a driver bit; or equivalent.
- TimberLOK® heavy duty structural wood screws with a coarse thread design, a blank shank diameter of approximately 0.189 in., a countersinking hex washer head with a 5/16" drive and a head marking indicating overall length in inches, in various lengths, which are certified to comply with the most recent versions of the International Building Code® and the International Residential Code® and recognized for use in wood chemically treated with waterborne alkaline copper quaternary, type D (ACQ-D), packaged together with a driver bit; or equivalent.
- HeadLOK® heavy duty structural wood screws with a coarse thread design, a blank shank diameter of approximately 0.191 in., a flat head with an 8 lobe SpiderDrive™ and a head marking indicating overall length in inches, in various lengths, which are certified to comply with the most recent versions of the International Building Code® and the International Residential Code® and recognized for use in wood chemically treated with waterborne alkaline copper quaternary, type D (ACQ-D), packaged together with a driver bit; or equivalent.

- FlatLOK[®] structural wood screws with a coarse thread design, a blank shank diameter of approximately 0.227 in., a flat head with a #40 TORX[®] ttap[®] drive and a head marking indicating overall length in inches, in various lengths, which are certified to comply with the National Building Code of Canada and recognized for use in wood chemically treated with waterborne alkaline copper quaternary (ACQ), packaged together with a driver bit; or equivalent.
- LedgerLOK[®] structural wood screws with a coarse thread design, a blank shank diameter of approximately 0.228 in., a hex washer head with a 5/16" drive or a flat head with a #40 TORX[®] ttap[®] drive, and a head marking indicating overall length in inches, in lengths of 3.625 in. or 5 in., which are certified to comply with the most recent versions of the International Building Code[®] and the International Residential Code[®] and recognized for use in wood chemically treated with waterborne alkaline copper quaternary, type D (ACQ-D), packaged together with a driver bit; or equivalent.
- ThruLOK[®] structural wood screws with a unique thread design, a Paddle Point™ tip, a blank shank diameter of approximately 0.228 in., a hex washer head with a 5/16" drive and a head marking indicating overall length in inches, in various lengths, which are certified to comply with the most recent versions of the International Building Code[®] and the International Residential Code[®] and recognized for use in wood chemically treated with waterborne alkaline copper quaternary, type D (ACQ-D), packaged and used together with ThruLOK[®] washers and nuts; or equivalent.
- KWIK HUS-EZ high-strength self-tapping/undercutting carbon steel screw anchors for cracked concrete, uncracked concrete, seismic, concrete over metal deck, and grouted masonry applications, with a hex washer head, bearing Canadian trademark number TMA1011376 and having the features and characteristics described in Canadian patent number CA2738182, with a diameter of 0.25 in. and lengths ranging from 1.875 in. to 4 in., tested or assessed in accordance with one or more of: ASTM E488 (“Standard Test Methods for Strength of Anchors in Concrete and Masonry Elements”); ICC-ES AC106 (“Acceptance Criteria for Predrilled Fasteners (Screw Anchors) in Masonry Elements”); ICC-ES AC193 (“Acceptance Criteria for Mechanical Anchors in Concrete Elements”); American Concrete Institute (ACI) 355.2 (“Qualification of Post-Installed Mechanical Anchors in Concrete”), or National Building Code of Canada (NBCC) requirement outlined in Canadian Standards Association (CSA) A23.3-14 Annex D as amended or replaced from time to time; or equivalent.
- KWIK HUS-EZ P high-strength self-tapping/undercutting carbon steel screw anchors for cracked concrete, uncracked concrete, seismic, concrete over metal deck, and grouted masonry applications, with a pan washer head and Torx[®] drive, bearing Canadian trademark number TMA1011376 and having the features and characteristics described in Canadian patent number CA2738182, with a diameter of 0.25 in. and lengths of 1.875 in. or 2.625 in., tested or assessed in accordance with one or more of: ASTM E488 (“Standard Test Methods for Strength of Anchors in Concrete and Masonry Elements”); ICC-ES AC106 (“Acceptance Criteria for Predrilled Fasteners (Screw Anchors) in Masonry Elements”); ICC-ES AC193 (“Acceptance Criteria for Mechanical Anchors in Concrete Elements”); ACI 355.2 (“Qualification of Post-Installed Mechanical Anchors in Concrete”), or NBCC requirement outlined in CSA A23.3-14 Annex D as amended or replaced from time to time; or equivalent.

- KWIK HUS-EZ E high-strength self-tapping/undercutting carbon steel screw anchors for cracked concrete, uncracked concrete, seismic and concrete over metal deck applications, with an externally threaded stud with hex washer head, bearing Canadian trademark number TMA1011376 and having the features and characteristics described in Canadian patent number CA2738182, with a diameter of 0.25 in. and a length of 1.625 in., tested or assessed in accordance with one or more of: ASTM E488 (“Standard Test Methods for Strength of Anchors in Concrete and Masonry Elements”); ICC-ES AC193 (“Acceptance Criteria for Mechanical Anchors in Concrete Elements”); ACI 355.2 (“Qualification of Post-Installed Mechanical Anchors in Concrete”), or NBCC requirement outlined in CSA A23.3-14 Annex D as amended or replaced from time to time; or equivalent.

- KWIK HUS-EZ I high-strength self-tapping/undercutting carbon steel screw anchors for cracked concrete, uncracked concrete, seismic and concrete over metal deck applications, with an internally threaded hex washer head, bearing Canadian trademark number TMA1011376 and having the features and characteristics described in Canadian patent number CA2738182, with a diameter of 0.25 in. and lengths of 1.625 in. or 2.5 in., tested or assessed in accordance with one or more of: ASTM E488 (“Standard Test Methods for Strength of Anchors in Concrete and Masonry Elements”); ICC-ES AC193 (“Acceptance Criteria for Mechanical Anchors in Concrete Elements”); ACI 355.2 (“Qualification of Post-Installed Mechanical Anchors in Concrete”), or NBCC requirement outlined in CSA A23.3-14 Annex D as amended or replaced from time to time; or equivalent.

- Hangermate[®] case hardened carbon steel screw anchors, produced from a single piece of steel, with type 17 gimlet or self-drilling points, diameters ranging from 3/16 in. to 5/16 in., lengths ranging from 1 in. to 4 in., and various heads with threaded rod coupler sizes ranging from 1/4 in. to 1/2 in. or acoustical ceiling eyelets, approved by FM Approvals or Underwriters Laboratory, coated with a zinc plating according to ASTM B633, SC1, Type III (Fe/Zn5), for vertical, horizontal, side or variable mounting in steel or wood and intended for use in hanging applications; or equivalent.

- Hangermate[®]+ case hardened carbon steel screw anchors, produced from a single piece of steel, with diameters of 1/4 in. or 3/8 in., lengths ranging from 1.625 in. to 2.5 in., and internally or externally threaded heads with threaded rod coupler sizes ranging from 1/4 in. to 1/2 in., certified to comply with the most recent versions of the International Building Code[®] and the International Residential Code[®], tested or assessed in accordance with ASTM E488 (“Standard Test Methods for Strength of Anchors in Concrete and Masonry Elements”), ICC-ES AC193 (“Acceptance Criteria for Mechanical Anchors in Concrete Elements”), and ACI 355.2 (“Qualification of Post-Installed Mechanical Anchors in Concrete”), evaluated and qualified by an accredited independent testing laboratory for recognition in cracked and uncracked concrete including seismic and wind loading and for reliability against brittle failure, approved by FM Approvals, coated with a zinc plating according to ASTM B633, SC1, Type III (Fe/Zn5), for vertical mounting in normal-weight concrete, sand-lightweight concrete and concrete over steel deck, and intended for use in hanging applications; or equivalent.

• Screw-Bolt+™ case hardened carbon steel anchors, produced from a single piece of steel, with diameters ranging from 1/4 in. to 5/8 in., lengths ranging from 1.25 in. to 8 in., and a hex washer head or a flat head, certified to comply with the most recent versions of the International Building Code® and the International Residential Code®, tested or assessed in accordance with ICC-ES AC193 (“Acceptance Criteria for Mechanical Anchors in Concrete Elements”) and ACI 355.2 (“Qualification of Post-Installed Mechanical Anchors in Concrete”), evaluated and qualified by an accredited independent testing laboratory for recognition in cracked and uncracked concrete including seismic and wind loading and for reliability against brittle failure, coated with a zinc plating according to ASTM B633, SC1, Type III (Fe/Zn5) or a mechanically galvanized zinc plating according to ASTM B695, Class 55, for mounting in normal-weight concrete, lightweight concrete, concrete over steel deck, grouted concrete masonry and brick masonry; or equivalent.

[16] For additional information on the subject goods, please refer to the CITT’s *Orders and Reasons* in expiry reviews No. RR-2019-002⁵, No. RR-2014-001⁶ and No. RR-2009-001⁷.

INTERESTED PARTIES AND REQUESTS FOR INFORMATION

Applicant

[17] The name and address of the applicant are as follows:

National Nail
2964 Clydon SW
Grand Rapids, Michigan 49519

[18] National Nail is an original brand manufacturer that imports certain fasteners and fastener systems into Canada.

[19] A copy of the non-confidential version of the scope ruling application filed by National Nail is available on the CBSA’s Listings of Exhibits website at:
<https://www.cbsa-asfc.gc.ca/sima-lmsi/sp-pp/fas2023/fas202301-ex-eng.html>.

Canadian Industry

[20] At the initiation of the scope proceeding, the CBSA identified 4 Canadian producers of like goods based on information collected during the most recent re-investigation concluded November 14, 2019.

⁵ <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/484648/index.do>

⁶ <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/354209/index.do>

⁷ <https://decisions.citt-tcce.gc.ca/citt-tcce/a/en/item/353752/index.do>

[21] The CBSA sent a Request for Information (RFI) to all producers of like goods. The CBSA received responses from two Canadian producers of like goods, namely: Infasco, a division of Ifastgroupe 2004 L.P. and Leland Industries Inc.

Importers

[22] At the initiation of the scope proceeding, the CBSA identified 98 known and potential importers of certain fasteners based on the CBSA's most recent normal value reviews concerning these goods, initiated May 18, 2023, as well as information available through the monitoring of import activity.

[23] The CBSA sent an Importer RFI to all known and potential importers of certain fasteners. The CBSA received submission from 14 importers of certain fasteners. Five importers provided comments on the subjectivity of the goods in question, while the other nine did not provide comments in this regard.

Exporters and/or Foreign Producers

[24] At the initiation of the scope proceeding, the CBSA identified 79 known and potential exporters and/or producers of certain fasteners based on the CBSA's most recent normal value reviews concerning these goods, initiated May 18, 2023, as well as information available through the monitoring of import activity.

[25] The CBSA sent an Exporter RFI to all known and potential exporters and/or producers. The CBSA received submission from 16 exporters and/or producers of certain fasteners. Seven importers provided comments on the subjectivity of the goods in question, while the other nine did not provide comments in this regard.

POSITIONS OF THE PARTIES

Party Contending that the Goods in Question are Not Subject to the CITT order

Applicant – National Nail

[26] National Nail takes the position that the goods subject to the application are equivalent to two specific exclusions listed in the CITT order. More specifically, National Nail provides specific examples for the composite deck screws, known as TrapEase® 3 Screws and the Cortex® Hidden Fastening System for Decking, which have been excluded from the CITT order.⁸

⁸ Exhibit 2 (NC) FAS 2023 SP1

[27] National Nail refers to the following two exclusions that are relevant to its application:

- Composite deck screws with a dual coarse thread design, a counter boring head, a #20 TORX® ttap® drive and in lengths of 2.5 in. or 3 in., packaged together with color matched plugs made from the same material as the deck boards, and a setting tool designed to drive the screw to the appropriate level below the surface of the board, as part of the Cortex® Hidden Fastening System for Decking; or equivalent;
- TrapEase® 3 composite deck screws with a dual coarse thread design, a color matched counter boring head, a #20 TORX® ttap® drive and in lengths of 2.5 in. or 3 in., packaged together with a driver bit; or equivalent.”⁹

[28] In its application, National Nail described the physical characteristics, composition, use, packaging, technical specifications and trade name of the CAMO Edge Screw:

- “Physical Characteristics: length of wire containing a helical thread beginning at the leading end, which is formed with a flat-sided V-shaped tip. The opposite end of the length of wire contains a trimmed and countersunk head with a hexalobular-shaped pocket on the flat end. Between the helical thread and countersunk head is a secondary helical thread formed in the opposing direction.
- Composition: CAMO EDGE screws are made of hardened carbon steel grade 101B, 10B18, 1022, or 10B21 wire conforming to ASTM A510 and/or Grade 17MnB3 or 19MnB4 wire conforming to DIN 1654 or equivalent.
- Use: The CAMO EDGE deck screw is intended to be fastened to timber and composite decking to timber framing, in such a way that it is not visible once deployed.
- Packaging: The CAMO EDGE deck screw is packaged in plastic pails of varying quantities, currently 200ct, 350ct, 700ct and 1750ct. Each pail has a label wrapped around its exterior containing product information.
- Other goods contained in the package: Each pail of CAMO EDGE screws includes a T15 Star drive bit for use with the screw and guide.
- Technical Specifications and Trade Name: The star drive is a hexalobular design for engagement with the screw. The shank diameter and length are designed to interact with a CAMO edge fastening tool (i.e., Marksman pro tool) to allow the screw to be cleanly inserted to the correct depth in the deck board.”¹⁰

[29] In support of its position, National Nail provided video links, images, a product catalog and measurements of the CAMO Edge Screws along with the above-mentioned excluded goods to highlight the similarities in structure and function between Cortex® Decking Screws and TrapEase® 3 composite deck screws.

⁹ *IBID.*

¹⁰ *IBID.*

[30] In its application, National Nail argued that the Cortex® Deck Screws and TrapEase® 3 composite deck screws are used with an installation tool designed to drive the screw to the appropriate level below the surface of the board, they are part of a hidden fastening system for decking and they are packaged with a driver bit used with the installation tool that is used exclusively with the screw. Other similarities listed include the following:

- Both do not require pre-drilling
- Both can be used with many types of decking material, including many similar brands of material
- Both offer a warranty against corrosion
- Both offer protection against “strip-out”.¹¹

Chin Well Fasteners (Vietnam) Co., Ltd

[31] Chin Well Fasteners (Vietnam) Co., Ltd. (Chin Well) is an exporter of the goods subject to the application. Chin Well is located in Dong Nai Province, Vietnam.

[32] Chin Well is of the opinion that the CAMO Edge Screws must be used with a CAMO installation tool, which, along with the product characteristics, is similar to that of the goods that have been excluded from the product definition in the CITT’s order.¹²

[33] Chin Well stated that it supports the position of the applicant in this matter.

Dynamic Fastener Service, Inc.

[34] Dynamic Fastener Service, Inc. (Dynamic) is a US exporter of like goods to the CITT’s order. Dynamic is located in Raytown, Missouri.

[35] Dynamic is of the opinion that CAMO Edge Screws do not fall within the scope of the product definition for purposes of the CITT order for Carbon Steel Screws.¹³

[36] Dynamic stated that it supports the position of the applicant in this matter.

¹¹ *IBID.*

¹² Exhibit 34 (NC) FAS 2023 SP1

¹³ Exhibit 58 (NC) FAS 2023 SP1

The Hillman Group Canada ULC

[37] The Hillman Group Canada ULC (Hillman Canada) is a Canadian importer of like goods to the CITT's order. Hillman Canada is located in Toronto, Ontario.

[38] Hillman Canada is of the opinion that CAMO Edge Screws are equivalent to the specific exclusions from the CITT order relevant to this application for the scope ruling.¹⁴ Hillman Canada is also in agreement with the applicant's listed similarities in structure and function between the CAMO Edge Screws, the Cortex® Hidden Fastening System and the TrapEase® 3 composite deck screws.

[39] In response to the CBSA's RFI in regards to additional information in relation to the subject goods definition, Hillman Canada offered the following comments:

CAMO Edge screws are designed to fasten deck boards or other types of boards to the underlying structure while providing a hidden fastening solution. They are often used in decking projects to create a clean, seamless look without visible screws on the surface of the deck boards.

CAMO Edge screws typically feature a specially designed head and thread configuration that allows them to be driven into the side of the board rather than from the top. This enables the screws to be concealed within the grooves or channels of the board, making them virtually invisible once installed. By hiding the fasteners, edge screws help create a smooth surface that reduces the risk of snagging and improves the overall aesthetic appeal of the deck.¹⁵

[40] In support of its comments, Hillman Canada provided images and marketing information in regards to the CAMO Edge Screws and the CAMO Marksman tool. Hillman Canada notes that the products are patented items and the goods in question for the scope ruling are only for use with the CAMO Marksman tool.

[41] Hillman Canada stated that it supports the position of the applicant in this matter.

LIV Building Products Inc.

[42] LIV Building Products Inc. (LIV) is a Canadian importer of like goods to the CITT's order. LIV is located in Uxbridge, Ontario.

[43] LIV takes the position that the product characteristics for CAMO Edge Screws are similar to that of the four exclusions mentioned by the applicant.¹⁶

¹⁴ Exhibit 43 (NC) FAS 2023 SP1

¹⁵ *IBID.*

¹⁶ Exhibit 33 (NC) FAS 2023 SP1

[44] In its response to the CBSA's RFI, LIV indicated specific features in which the CAMO Edge Screws are similar to the products excluded from the CITT order, specifically indicating the similar corrosion features with the Kameleon™ composite deck screws and with the wood-splitting prevention features of the Splitstop™ composite decking fasteners. In addition, LIV states that the counter boring head and the #20 TORX® ttap® drive are characteristics also shared between the CAMO Edge Screws, and the fasteners from the Cortex® Hidden Fastening System for Decking and TrapEase® 3 composite deck screws.

[45] LIV submitted that CAMO Edge Screws contain “dual thread features not unlike exempt goods from Cortex®” and a special tool is used to set the screw at an appropriate level in the board. LIV also argues that the CAMO Edge Screws have corrosion finishes that may be used in Alkaline Copper Quaternary (ACQ)-treated wood, which is similar to other exempted goods from the CITT order not mentioned by the Applicant, such as TimberLOK®, HeadLOK®, FlatLOK®, LedgerLOK® and ThruLOK®.¹⁷

[46] LIV stated that it supports the position of the applicant in this matter.

Quincaillerie Richelieu Ltee

[47] Quincaillerie Richelieu Ltee (Richelieu) is a Canadian importer of like goods to the CITT's order. Richelieu is located in Saint-Laurent, Quebec.

[48] In response to the CBSA's RFI, Richelieu indicates that the company has an equivalent screw to the CAMO Edge Screws, which can also be compared to the goods excluded from the CITT order mentioned by the applicant.¹⁸

[49] Richelieu stated that it supports the position of the applicant in this matter.

Suzhou Hongly Hardware Co., Ltd.

[50] Suzhou Hongly Hardware Co., Ltd. (Suzhou Hongly) is an exporter of like goods to the CITT's order. Suzhou Hongly is located in Suzhou City, China.

[51] In response to the CBSA's RFI, Suzhou Hongly states that they are in agreement with the comments made by the applicant in regards to CAMO Edge Screws.¹⁹

[52] Suzhou Hongly stated that it supports the position of the applicant in this matter.

¹⁷ *IBID.*

¹⁸ Exhibit 69 (NC) FAS 2023 SP1

¹⁹ Exhibit 60 (NC) FAS 2023 SP1

U2 Fasteners

[53] U2 Fasteners (U2) is a Canadian importer of the like goods to the CITT's order. U2 is located in Thunder Bay, Ontario.

[54] U2's product, U2 Fasteners Re-Fine and Fine Screws, was not excluded from the product definition during the CBSA's 2019 Re-investigation for Fasteners. U2 takes the position that their product should be excluded from the product definition for Fasteners, along with the CAMO Edge Screws.²⁰ The importer noted similarities between the CAMO Edge Screws and the Re-Fine and Fine Screws, including:

- compatibility with tools for driving the screws below the surface of a board;
- suitability for hidden fastening systems;
- no pre-drilling requirement;
- compatibility with various decking materials;
- corrosion warranty;
- protection against strip-out;

[55] In support of its comments, U2 provided images of the two products, indicating the similarities with the trim head style and dimensional values between the two products. The company also states that they hold multiple patents for their Fine and Re-Fine Screws. U2 compared their screws and indicated similarities with another product, the GRK Fasteners FIN/Trim Head Screw, which was excluded from the CITT's order in 2009.

[56] U2 closed their argument by indicating that the CITT order should be re-evaluated and an exemption should be granted for the Re-Fine and Fine Screws, and the similarities with the CAMO Edge Screws and the GRK FIN/Trim Head Screws should be acknowledged, as well as their patent-protected features.

[57] U2 stated that it supports the position of the applicant in this matter.

Parties Contending that the Goods in Question are Subject to the CITT order

Honor Best Co., Ltd.

[58] Honor Best Co., Ltd. (Honor Best) is an exporter of like goods to the CITT's order. Honor Best is located in Chinese Taipei.

[59] In response to the CBSA's RFI, Honor Best indicates that the company has a series of fasteners, named Green Land, with a corrosion-resistant coating certified to meet the ICC-ES "Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals" (AC257).²¹

²⁰ Exhibit 20 (NC) FAS 2023 SP1

²¹ Exhibit 15 (NC) FAS 2023 SP1

[60] Honor Best argued that they applied for exclusions of Green Land fasteners several years ago; however the application was rejected. The exporter believes that the goods in question for the scope ruling are equivalent to Green Land. As such, Honor Best stated that the CAMO Edge Screws should not be excluded from the product definition.

Infasco, a Division of Ifastgroupe 2004 L.P.

[61] Infasco, a Division of Ifastgroupe 2004 L.P. (Infasco) is a Canadian producer of the like goods to the CITT's order. Infasco is located in Marieville, Quebec.

[62] Infasco takes the position that the CAMO Edge Screws are in scope of the *Carbon Steel Screws* order and are not subject to the product exclusions granted for the four decking screws described in the applicant's request.²²

[63] Infasco provides further comments to support their position:

We believe this because the CAMO Edge Screws are substantially different in physical characteristics (e.g., dimensions, colour matching, and for use with plugs) and function (e.g., entry from side of board vs. the top) from the decking screws covered by existing product exclusions.²³

[64] Infasco argued that the applicant is seeking a product exclusion through their request for a scope ruling and believe that the CBSA should reject the request as a result.

Leland Industries Inc.

[65] Leland Industries Inc. (Leland) is a Canadian producer of the like goods to the CITT's order. Leland is located in Toronto, Ontario.

[66] Leland is of the position that the CAMO Edge Screws are covered by the scope of the CITT Order as they do not fall within the scope of existing product exclusions granted by the CITT in Carbon Steel Screws.²⁴

[67] Leland indicates four differences between the CAMO Edge Screw and the OMG Cortex® decking screw, which is one of the exclusions mentioned by the applicant.

²² Exhibit 40 (NC) FAS 2023 SP1

²³ *IBID.*

²⁴ Exhibit 38 (NC) FAS 2023 SP1

[68] The first argument discusses the difference in colour matched plugs between the CAMO Edge Screw and the OMG Cortex® decking screw. Leland states that OMG's product information describes the screws as having "collated plugs" that are "perfect colour matched plugs" that Leland argues the CAMO Edge screws do not have. Leland refers to the CITT expiry review and states:

the Tribunal explicitly noted that the reason the products should be excluded was because “the screws that form part of OMG’s Cortex® systems have specific features that allow them to function with the plug.”... National Nail’s documentation shows that the CAMO Edge Screw is not designed to work with colour matched plugs.²⁵

[69] Leland's second point indicates that the OMG TrapEase® 3 composite deck screws has various colour-matched heads for different decking brands, while specifications for the CAMO Edge Screw show that the screws only have two colours. Leland refers back to the CITT's response in the expiry review:

the Tribunal explicitly noted that the key difference between the TrapEase® 3 and Cortex® Hidden Decking System was “heads that are colour matched to different brands of composite decking and fascia boards resulting in a clean finish when installed flush with the surface of the decking or boards.”...National Nail’s “Technical Specs – CAMO Edge Screw” shows that the CAMO Edge screws only come in green and black.²⁶

[70] Leland's third argument notes the difference in installation methods for the CAMO Edge Screw, which they state is installed through the side of a decking board, and the OMG TrapEase® 3 screw, which is installed vertically through the face of the board.

[71] The final difference between the CAMO Edge Screw and the OMG decking screw that Leland argues is in relation to the dimensions of the screws. Leland states:

National Nail's “Technical Specs – CAMO Edge Screw” shows that the screws come in two dimensions: 1-7/8 and 2-3/8 inches. By contrast, the OMG Composite deck screw and the OMG TrapEase® 3 come in lengths of 2.5 and 3 inches. Having the same [length] as an excluded product is extremely important as exclusions are often narrowly crafted based on dimensions that the domestic industry can or cannot produce.²⁷

²⁵ *IBID.*

²⁶ *IBID.*

²⁷ *IBID.*

[72] Leland continues their argument by indicating differences with other exclusions mentioned by the applicant when comparing the CAMO Edge Screw.

[73] Leland noted that the TOPLoc or Splitstop™ composite decking fasteners have a key feature, in that they are “for exclusive use in conjunction with Timbertech composite material decking systems”, whereas National Nail’s materials do not list the feature for the CAMO Edge Screw.

[74] Leland further argues that the CAMO Edge Screws do not appear to have the same features and characteristics as the Kameleon™ composite deck screws, specifically of the patent number 2 267 572, which is a “requirement of the product exclusion for the Kameleon™ composite deck screws.” Leland also notes the difference in the coating standard between the screws:

Additionally, the Kameleon™ decking screw has a Climatex™ coating that “which is certified to meet ICC-ES “Acceptance Criteria for Corrosion-resistant Fasteners and Evaluation of Corrosion Effects of Wood Treatment Chemicals” (AC257).” There is nothing in National Nail’s documentation that demonstrate their ProTech coating meets this ICC-ES standard.²⁸

[75] The final argument presented by Leland is in relation to the installation method in which, similar to the previously-mentioned exclusions, the Kameleon™ decking screw is installed at the top of the decking board.

[76] When asked to provide any additional information to assist the CBSA in making a determination, Leland states that the scope ruling should not be used to grant new product exclusions, and the application in the scope ruling request is a request for a new product exclusion. Leland argues that the CBSA should pay attention to the scope of exclusions granted by the CITT in the expiry review and states:

A large number of exclusions have been granted, sometimes for products that exhibit only minimal differences. An example of this is the two OMG screws that National Nail refers to: the Cortex® Hidden Fastener System and the TrapEase® 3 screws. The only meaningful difference between these two fasteners is that the Cortex® screws have colour matched plugs while the TrapEase® screws have colour matched heads—a fact which the Tribunal itself acknowledged in granting the exclusion. If these near-identical fasteners needed their own exclusion, it should not be said that a substantively different decking screw is “equivalent” to either.²⁹

²⁸ *IBID.*

²⁹ *IBID.*

Muro North America Inc.

[77] Muro North America Inc. (Muro) is a Canadian importer of the like goods to the CITT's order. Muro is located in Brampton, Ontario.

[78] Muro stated that they are not in agreement with the applicant's position to exclude the CAMO Edge Screws from the product definition.³⁰

OMG, Inc.

[79] OMG, Inc. (OMG) is a US producer of the excluded goods to the CITT's order. OMG is located in Agawam, Massachusetts.

[80] OMG takes the position that the TrapEase® 3 Screws and the Cortex® Deck Screws are not similar to the CAMO Edge Screw and provides attachments with descriptions of the differences between the products.³¹

[81] OMG made a few comments on the differences between its products and the CAMO Edge Screw, notably as follows:

- “TrapEase® 3 Screws are specifically designed to work in composite or PVC Decking as a surface level, color matched deck screw. CAMO Screws are hidden deck fasteners that penetrate the side of the decking board.”
- “Cortex® Screws are also very different in overall shape, design, and application. The dimensions of the two fasteners differ widely in all measurements. Cortex® Screws are installed perpendicular to the decking board with a plug cover made of the same board material. The CAMO Screws penetrate the side of the decking and is left expose after installation.”
- “Cortex® Screws are sold as a kit, packaged together for sale as screws, plugs, and a setting tool. The CAMO Screws are sold separately from their installation tool and do not contain plugs in the package.”³²

[82] When asked to provide additional information to assist the CBSA in making a determination, OMG argues that its product exclusions “are in respect of fasteners with proprietary characteristics whose trademarks and patents make them virtually impossible for third parties to replicate”. OMG further submits that due to the differences in marketing, trade names, fastening systems for decking, and patented technology, the above-mentioned exclusions cannot apply to the CAMO Edge Screws.³³

³⁰ Exhibit 48 (NC) FAS 2023 SP1

³¹ Exhibit 71 (NC) FAS 2023 SP1

³² *IBID.*

³³ *IBID.*

[83] OMG states that the CBSA should consider the factors under subsection 54.6(a) and (b) of SIMR when making a determination on the scope ruling. OMG also refers to the generic exclusions in the CITT order and argues that “although each Generic Excluded Screw can be identified based on a certain set of characteristics, such characteristics are not proprietary. Therefore, the CBSA may consider whether the products in question also contain such characteristics when rendering a Scope Ruling.”³⁴

[84] OMG submits that although the CITT mentioned in the 2019 Order, that when granting exclusions, “[...]the Tribunal endeavoured to strike the right balance between descriptions that are too narrow and those that are too broad by referring, when appropriate, to trade names or trademarks, patent numbers, applicable codes and standards, and end uses, but adding the words “or equivalent” in order to allow others who import substantially the same product to benefit from the exclusion,”³⁵ OMG was still granted separate exclusions for similar products mentioned in the exclusions.

[85] To support its argument, OMG cites the SP-OCTG 1 2019 Scope Proceeding, in which “the CBSA considered the application of a general exclusion from the definition of the subject goods in question (and not a specific exclusion)”, thus the goods in question were determined to be not subject to the product definition for that scope proceeding. OMG noted that while the CBSA’s determination to exclude the goods in question for OCTG 1 was appropriate, it would not be appropriate “to apply the exclusions granted in respect of the Cortex® Screws and TrapEase® 3 Screws to the CAMO Screws in the case at hand.”³⁶

[86] OMG closes its arguments by stating that a scope ruling is not suitable for this product and “if National Nail desires that its CAMO Screws benefit from the same treatment as the Cortex® Screws and TrapEase® 3 Screws, it should file its own Product Exclusion Request with the CITT.”³⁷

CBSA’S PRELIMINARY ASSESSMENT

[87] In making a scope ruling under subsection 66(1) of SIMA, subsection 66(6) provides that the CBSA shall take into account any prescribed factors as well as any other factor that is considered relevant in the circumstances. A copy of the factors prescribed in section 54.6 of the SIMR is found in the **Appendix**.

[88] Accordingly, the CBSA considered the following factors in making its preliminary assessment:

- The physical characteristics of the goods;
- The uses of the goods;

³⁴ *IBID.*

³⁵ CITT Expiry Review No. RR-2019-002, para. 248

³⁶ Exhibit 71 (NC) FAS 2023 SP1

³⁷ *IBID.*

- The packaging, including any other goods contained in the packaging, along with the promotional material and documentation concerning the goods in respect of which the scope proceeding has been initiated;
- The description of the goods in the CITT finding;

[89] The applicant claims that the goods subject to the scope application are equivalent to products excluded from the CITT's order. The applicant specifically references the two following exclusions:

OMG's Composite deck screws with a dual coarse thread design, a counter boring head, a #20 TORX® ttap® drive and in lengths of 2.5 in. or 3 in., packaged together with color matched plugs made from the same material as the deck boards, and a setting tool designed to drive the screw to the appropriate level below the surface of the board, as part of the Cortex® Hidden Fastening System for Decking; or equivalent;

OMG's TrapEase® 3 composite deck screws with a dual coarse thread design, a color matched counter boring head, a #20 TORX® ttap® drive and in lengths of 2.5 in. or 3 in., packaged together with a driver bit; or equivalent;

[90] Paragraph 248 of the CITT's reasons in Carbon Steel Screws, Inquiry No. RR-2019-002 provides clarification that the words "or equivalent" are added to a product description to allow parties who import substantially the same product to benefit from the exclusion. Therefore, at issue before the CBSA, is the determination of whether CAMO Edge Screws are substantially the same as OMG Cortex and TrapEase 3 screws.

[91] All three deck screws employ different hidden fastening mechanisms. CAMO Edge Screws are installed through the side of a decking board and are not visible after installation. OMG Cortex screws are installed vertically through the face of the decking board and employ colour matched collated plugs. TrapEase® 3 screws are also installed vertically through the face of the board and are sold with colour-matched heads for different decking brands.

[92] While all three products are designed for use with synthetic decking, CAMO Edge Screws are also marketed for use with pressure treated lumber, cedar, redwood and hardwood decking.

[93] CAMO Edge and OMG screws differ in measurements and physical characteristics including length, thread diameter, head style and thread and point type.

[94] CAMO Edge screws are sold and packaged with a T15 Star drive bit designed to be used with a proprietary fastening tool which is sold separately. Cortex screws are sold as a kit which includes plugs and setting tools. TrapEase 3 screws are sold and packaged with a drive bit and installation guide.

[95] As such, due to the significant differences in physical characteristics, product use and packaging, the CBSA is of the view that CAMO Edge Screws are not substantially the same as OMG Cortex and TrapEase 3 screws. On the basis of the information on the administrative record and the consideration of the relevant factors contained in section 54.6 of the SIMR and other relevant factors, the CBSA's preliminary assessment in this scope proceeding is that CAMO Edge Screws, as detailed in the application of National Nail, are subject to the CITT's order issued on September 2, 2020, in Expiry Review No. RR-2019-002, concerning certain carbon steel fasteners originating in or exported from China and Chinese Taipei.

FUTURE ACTION

[96] Comments on the *Statement of Essential Facts* (SEF) and responses to the comments on the SEF may be submitted by interested parties. Please note that the CBSA will not accept new factual information.

[97] Interested persons may submit comments on the SEF by noon ET, August 28, 2023, and responses to the comments on the SEF by noon ET, September 5, 2023.

[98] It is expected that the scope proceeding will be concluded by September 29, 2023.

INFORMATION

[99] This SEF is available through the CBSA's website at the address below. For further information, please contact the officers identified as follows:

Mail:	SIMA Registry and Disclosure Unit Trade and Anti-dumping Programs Directorate Canada Border Services Agency 100 Metcalfe Street, 11 th floor Ottawa, Ontario K1A 0L8 Canada	
Telephone:	Rebecca Akuoko-Asibey	343-553-1411
	Hugo Dumas	343-553-2007
E-mail:	simaregistry@cbsa-asfc.gc.ca	
Website:	www.cbsa-asfc.gc.ca/sima-lmsi/	



Simon Duval
Acting Director
Anti-dumping and Countervailing Investigations
Trade and Anti-dumping Programs Directorate

APPENDIX – PRESCRIBED FACTORS IN SIMR

The SIMR section 54.6 provides the following:

54.6 For the purpose of subsection 66(6) of the Act, the President may take the following factors into account in making a scope ruling:

(a) in all cases,

(i) the physical characteristics of the goods in respect of which the scope proceeding has been initiated, including their composition,

(ii) their technical specifications,

(iii) their uses,

(iv) their packaging, including any other goods contained in the packaging, along with the promotional material and documentation concerning the goods in respect of which the scope proceeding has been initiated, and

(v) their channels of distribution;

(b) for a ruling as to whether goods in respect of which the scope proceeding has been initiated are of the same description as goods to which an order of the Governor in Council or an order or finding of the Tribunal applies,

(i) the description of the goods referred to in that order or that order or finding,

(ii) in the case of an order or finding of the Tribunal, the reasons for the order or finding, and

(iii) any relevant decision by the Tribunal, the Federal Court of Appeal, the Supreme Court of Canada, or a panel under Part I.1 or II of the Act;

(c) for a ruling as to whether goods in respect of which the scope proceeding has been initiated are of the same description as goods to which an undertaking applies,

(i) the description of the goods referred to in the preliminary determination of dumping or subsidizing and in the undertaking, and

(ii) the reasons for the preliminary determination; and

(d) if the basis for a ruling referred to in paragraph (b) or (c) is whether goods in respect of which the scope proceeding has been initiated originate in a country that is subject to the applicable order, finding or undertaking or originate in a third country,

(i) the production activities undertaken in the third country in respect of the goods and undertaken in the subject country in respect of goods from which the goods are produced,

(ii) the nature of the goods when they were exported from the third country and of goods from which the goods are produced when they were exported from the subject country, and

(iii) the costs of production of the goods incurred in the third country.