

U.S. Department of Homeland Security
U.S. Customs and Border Protection
National Commodity Specialist Division
One World Trade Center, Suite 51201
New York, NY 10007



U.S. Customs and
Border Protection

N301912

December 17, 2018

CLA-2-84:OT:RR:NC:NI:102

CATEGORY: Classification

TARIFF NO.: 8481.80.9050, 9903.88.03

Mr. George R. Tuttle, III
Tuttle Law Offices
1100 Larkspur Landing Circle
Suite 385
Larkspur, CA 94939

RE: The tariff classification of ball valves from China

Dear Mr. Tuttle:

In your letter dated November 23, 2018 you requested a tariff classification ruling on behalf of your client, Flo-Tite Inc. of Lumberton, North Carolina.

The items under consideration are two ball valves, model numbers F150CSFFGN265 and F150CSFGGG250. The carbon steel valves can be used in various applications and have a pressure rating of 150 pounds per square inch. Model F150CSFFGN265 is imported with a bare stem and model number F150CSFGGG250 is imported with a stem and gear. It is said that model number F150CSFGGG250 can be mechanically, pneumatically or electrically actuated.

In your submission, you suggest that the two ball valves are classified in subheading 8481.80.30, Harmonized Tariff Schedule of the United States, HTSUS, which provides for Taps, cocks valves & similar appliances for pipes, boiler shells, tanks, vats or the like; Hand operated; Of iron or steel.

However, we disagree as the valves are not manually actuated valves. Model number F150CSFGGG250 is mechanically, pneumatically or electrically actuated and model F150CSFFGN265 is imported with a bare stem. In New York ruling B89975, dated November 4, 1997, CBP defined a bare stem valve as a valve without any means of actuation installed on the valve stem. The ruling further explains that a bare stem valve has no indication that it is principally operated by any one particular method. Accordingly, both valves fall to be classified elsewhere in HTSUS heading 8481.

As such, the applicable subheading for the two ball valves, model numbers F150CSFFGN265 and F150CSFGGG250 will be 8481.80.9050, HTSUS, which provides for Taps,cocks,valves and similar appliances, for pipes, boiler shells, tanks,vats or the like,including pressure-reducing valves and thermostatically controlled valves; Other; Other; Other. The rate of duty will be 2 percent ad valorem.

Effective July 6, 2018, the Office of the United States Trade Representative (USTR) imposed an additional tariff on certain products of China classified in the subheadings enumerated in Section XXII, Chapter 99, Subchapter III U.S. Note 20(b), HTSUS. The USTR imposed additional tariffs, effective August 23, 2018, on products classified under the subheadings enumerated in Section XXII, Chapter 99, Subchapter III U.S. Note 20(d), HTSUS. Subsequently, the USTR imposed further tariffs, effective September 24, 2018, on products classified under the subheadings enumerated in Section XXII, Chapter 99, Subchapter III U.S. Note 20(f) and U.S. Note 20(g), HTSUS. For additional information, please see the relevant Federal Register notices dated June 20, 2018 (83 F.R. 28710), August 16, 2018 (83 F.R. 40823), and September 21, 2018 (83 F.R. 47974). Products of China that are provided for in subheading 9903.88.01, 9903.88.02, 9903.88.03, or 9903.88.04 and classified in one of the subheadings enumerated in U.S. Note 20(b), U.S. Note 20(d), U.S. Note 20(f) or U.S. Note 20(g) to subchapter III shall continue to be subject to antidumping, countervailing, or other duties, fees and charges that apply to such products, as well as to those imposed by the aforementioned Chapter 99 subheadings.

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Products of China classified under subheading, 8481.80.9050, HTSUS, unless specifically excluded, are subject to the additional 10 percent ad valorem rate of duty. At the time of importation, you must report the Chapter 99 subheading, i.e., 9903.88.03, in addition to subheading 8481.80.9050, HTSUS, listed above.

Field Code Changed

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The tariff is subject to periodic amendment so you should exercise reasonable care in monitoring the status of goods covered by the Notice cited above and the applicable Chapter 99 subheading.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at <https://hts.usitc.gov/current>.

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This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Sandra Martinez at sandra.martinez@cbp.dhs.gov.

Sincerely,



(for)

Steven A. Mack
Director
National Commodity Specialist Division