

N339711

April 29, 2024

CLA-2-83:OT:RR:NC:N4:434

CATEGORY: Classification

TARIFF NO.: [8305.20.0000](#); [9903.88.15](#)

Christian Maldonado  
Julio Rodriguez U.S. Customs Broker  
1055 Marginal JF Kennedy, ILA Bldg. Ste. 409  
San Juan, PR 00920

RE: The tariff classification of strip staples from China

Dear Mr. Maldonado:

In your letter, dated April 24, 2024, you requested a tariff classification ruling on behalf of your client, Days & Towers, LLC. Photos and product descriptions were provided for our review.

The items under consideration are Type 90 strip staples made of q235 carbon steel coated with zinc. The provided measurements are: Crown width 5.85 mm (.23 inch); Leg width (width of wire) 1.27 mm (.05 inch); Leg thickness (thickness of wire) 1.05 mm (.04 inch); Leg length 15 mm to 40 mm (.625 to 1.56 inches). The staples will be sold in a range of six leg lengths, including 15 mm, 20 mm, 25 mm, 30 mm, 35 mm, and 40 mm. The staples are made to fit into an air staple gun.

The applicable subheading for the staples will be [8305.20.0000](#), Harmonized Tariff Schedule of the United States (HTSUS), which provides for "Staples in strips." The rate of duty will be Free.

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>.

Pursuant to U.S. Note 20 to Subchapter III, Chapter 99, HTSUS, products of China classified under subheading [8305.20.0000](#), HTSUS, unless specifically excluded, are subject to an additional 7.5 percent ad valorem rate of duty. At the time of importation, you must report the Chapter 99 subheading, [9903.88.15](#), in addition to subheading [8305.20.0000](#), HTSUS, listed above.

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

For background information regarding the trade remedy initiated pursuant to Section 301 of the Trade Act of 1974, you may refer to the relevant parts of the USTR and CBP websites, which are available at <https://ustr.gov/issue-areas/enforcement/section-301-investigations/tariff-actions> and <https://www.cbp.gov/trade/remedies/301-certain-products-china>, respectively.

The merchandise in question may be subject to antidumping duties and countervailing duties (AD/CVD). Written decisions regarding the scope of AD/CVD orders are issued by the Enforcement and Compliance office in the International Trade Administration of the Department of Commerce (ITA) and are separate from tariff classification and origin rulings issued by Customs and Border Protection (CBP). General information regarding the ITA and AD/CVD can be found at <https://www.trade.gov/us-antidumping-and-countervailing-duties>. The ITA's "Guide on How to File for an Antidumping/Countervailing Duty Scope Ruling Request" is available at <https://enforcement.trade.gov/scope/Request-Scope-Ruling.pdf>.

The holding set forth above applies only to the specific factual situation and merchandise description as identified in the ruling request. This position is clearly set forth in Title 19, Code of Federal Regulations (CFR), Section 177.9(b)(1). This section states that a ruling letter is issued on the assumption that all of the information furnished in the ruling letter, whether directly, by reference, or by implication, is accurate and complete in every material respect. In the event that the facts are modified in any way, or if the goods do not conform to these facts at time of importation, you should bring this to the attention of U.S. Customs and Border Protection (CBP) and submit a request for a new ruling in accordance with 19 CFR 177.2. Additionally, we note that the material facts described in the foregoing ruling may be subject to periodic verification by CBP.

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 Charlene Miller at [charlene.s.miller@cbp.dhs.gov](mailto:charlene.s.miller@cbp.dhs.gov).

Sincerely,

Steven A. Mack  
Director  
National Commodity Specialist Division