

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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MONDAY  
AUGUST 20, 2018

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The 301 Committee met in the Hearing Room of the International Trade Commission, 500 E Street, SW, Washington, D.C., at 9:30 a.m., William Busis, Megan Grimball, and Arthur Tsao, Co-Chairs, presiding.

PRESENT

WILLIAM BUSIS, Chair, U.S. Trade Representative  
 MEGAN GRIMBALL, Chair, U.S. Trade Representative  
 ARTHUR TSAO, Chair, U.S. Trade Representative  
 EMILY BLEIMUND, Department of Health and Human Services  
 SARAH BONNER, Small Business Administration  
 MARIA D'ANDREA-YOTHERS, Department of Commerce  
 JANET HEINZEN, U.S. Trade Representative  
 BILL JACKSON, U.S. Trade Representative  
 RACHEL KNISLEY, U.S. Department of Agriculture  
 STEVAN MITCHELL, Department of Commerce  
 MAUREEN PETTIS, Department of Labor  
 RACHEL SALZMAN, Department of Commerce  
 PETER SECOR, Department of State  
 ANDREW STEPHENS, U.S. Department of Agriculture  
 ADAM SULEWSKI, Department of Homeland Security,  
 Customs and Border Protection  
 TERRENCE McCARTIN, U.S. Trade Representative  
 AMY ZUCKERMAN, Department of the Treasury

**STAFF PRESENT**

**BILL BISHOP, U.S. Trade Representative**  
**TYRELL BURCH, U.S. Trade Representative**

**WITNESSES PRESENT**

**TONY ABOUD, Vapor Technology Association**  
**WILLIAM ALEXANDER, 5N Plus Semiconductors**  
**ERIK AUTOR, National Association of  
Foreign-Trade Zones**  
**SCOTT BARFIELD, William Barnet & Son**  
**SARA BEATTY, National Council of Textile  
Organizations**  
**ROSS BISHOP, BrightLine Bags, Inc.**  
**BRIAN BLOCH, SimpliSafe, Inc.**  
**MIKE BRANSON, Rheem Manufacturing Company**  
**EDWARD BRZYTWA, American Chemistry Council**  
**BELLE CHOU, Shen Wei USA**  
**SAM COBB, Real Wood Floors**  
**JOSEPH COHEN, Snow Joe, LLC**  
**TOM COVE, Sports and Fitness Industry  
Association**  
**PATRICK CUNNANE, PeopleForBikes and American  
Sports Enterprise**  
**JONATHAN DAVIS, SEMI**  
**JIM DAY, 47 Brands, LLC**  
**DARREN DUNN, SOG Specialty Knives & Tools**  
**DANIEL FABRICANT, Natural Products Association**  
**JESSICA FEGAN, Connecticut Chemical, LP**  
**STUART FELDTEIN, Albaugh, LLC**  
**STEVE FRAZIER, HLP Klearfold**  
**KAREN GIBERSON, Accessories Council**  
**JOSEPH GRUCHACZ, Canaxy USA, Inc.**  
**RICK HABBEN, Wahl Clipper Corporation**  
**EVA HAMPL, U.S. Council for International  
Business**  
**JEN HARNED, Bell Sports, Inc.**  
**RICHARD HARPER, Outdoor Industry Association**  
**DOUGLAS HEFFNER, Dole Packaged Foods**  
**KIM HEIMAN, Standard Textile Co**  
**ELIZABETH HIGGINS, Owens Corning**  
**MICHAEL HUFF, Ascensus Specialties, LLC**  
**KEN IPPOLITI, SouthernCarlson, Inc.**

MARC JACKSON, Teckrez, Inc.  
JERRY JOHNSON, Blount International  
TODD KESKE, Foam Supplies, Inc.  
DAVE KIERSZNOWSKI, DEMDACO  
GENE KONCZAL, Yanjan USA, LLC  
COLTON LA ZAR, National Candle Association  
STEPHEN LAMAR, American Apparel & Footwear  
Association  
STEPHEN LANG, American Bridal & Prom Industry  
Association, Inc.  
LARRY LITTLE, Trayton America, Inc.  
BOB MARGEVICIUS, Bicycle Product Suppliers  
Association and Specialized Bicycle  
Components  
MELISSA MASH, Dagne Dover  
MIKE MASSEY, Ragan and Massey, Inc.  
DAVID MATHISON, Leather Miracles, LLC  
ROBIN McCANN, Archroma US, Inc.  
JOHN McGRATH, Pactiv, LLC  
MATT MOORE, Quality Bicycle Products, Inc.  
GREGORY NELSON, EW Polymer Group, LLC  
MARK O'BRYAN, TricorBraun  
MATT ROWAN, Health Industry Distributors  
Association  
RICHARD RUZZINI, Johnson Matthew, Inc.  
MICHAEL SAIVETZ, Richloom Fabrics Group  
VISHAK SANKARAN, Bushnell Holdings, Inc.  
CHARLIE SOUHRADA, North American Association of  
Food Equipment Manufacturers  
DAVID STEVENS, Tire Retreat and Repair  
Information Bureau  
ANDREW TAYLOR, Juice Products Association  
NICOLE VASILAROS, National Marine Manufacturers  
Association  
TERRY WITZEL, Onward Manufacturing Company  
SHAWN XU, Lianda Corporation  
SADIQ YAKOBI, Bloomage Freda Biopharm USA, Inc.  
ERIC ZETTERQUIST, Zetterquist Galleries

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## P-R-O-C-E-E-D-I-N-G-S

(9:30 a.m.)

CHAIR BUSIS: Will the room please  
come to order?

Good morning and welcome. The Office  
of the United States Trade Representative, in  
conjunction with the Interagency Section 301  
Committee, is holding this public hearing in  
connection with the Section 301 investigation of  
China's acts, policies, and practices related to  
technology transfer, intellectual property, and  
innovation.

The United States Trade Representative  
initiated the investigation on August 18, 2017.  
Since that time, the trade representative has  
determined to take two actions in the  
investigation.

On June 20th, 2018, USTR published a  
Federal Register notice imposing an additional  
duty of 25 percent on products from China with an  
annual trade value of approximately \$34 billion,  
effective July 6, 2018.

1                   On July 16, 2018, the USTR published  
2 a Federal Register notice imposing an additional  
3 duty of 25 percent on products from China with an  
4 annual trade value of approximately \$16 billion,  
5 effective August 23, 2018.

6                   Unfortunately, China has not responded  
7 to these actions by addressing the unfair and  
8 harmful acts, policies, and practices found in  
9 the investigation.

10                   Instead, China has chosen to attempt  
11 to cause further harm to the U.S. economy.  
12 Accordingly, on July 17, the USTR published a  
13 Federal Register notice seeking public comment on  
14 a proposed supplemental action to be taken in the  
15 investigation.

16                   The proposed supplemental action is an  
17 additional duty on a list of products from China  
18 with an annual trade value of approximately \$200  
19 billion.

20                   The proposed rate of duty for the  
21 supplemental action was initially 10 percent. On  
22 August 7, the USTR published a Federal Register



1 notice announcing that the trade representative  
2 was considering a 25 percent rate of additional  
3 duty for the supplemental action.

4 The purpose of this hearing is to  
5 receive public testimony regarding the proposed  
6 supplemental action as described in the July 17  
7 and August 7 notices.

8 Written submissions including post-  
9 hearing comments should be submitted by no later  
10 than September 6. The Section 301 Committee will  
11 carefully consider the testimony and the written  
12 comments.

13 The 301 Committee will then make a  
14 recommendation to the trade representative on a  
15 supplemental action to be taken in the  
16 investigation.

17 Before we proceed with the testimony,  
18 I will provide some procedural and administrative  
19 instructions and ask agency representatives to  
20 introduce themselves.

21 The hearing is scheduled for six days,  
22 concluding Monday, August 27. We have 46 panels

1 of witnesses with over 350 individuals scheduled  
2 to testify.

3 The provisional schedule has been  
4 posted on the USTR website. We have eight panels  
5 of witnesses scheduled to testify today. We will  
6 have a brief break between panels and a 35-minute  
7 break for lunch.

8 Each witness appearing at the hearing  
9 is limited to five minutes of oral testimony.  
10 The light before you will be green when you start  
11 your testimony. Yellow means you have one minute  
12 left and red means your time has expired.

13 After the testimony from each panel of  
14 witnesses, the Section 301 Committee will have an  
15 opportunity to ask questions. All questions will  
16 be from agency representatives. There will be no  
17 questions accepted from the floor.

18 Committee representatives will  
19 generally direct their questions to one or more  
20 specific witnesses. As noted, post-hearing  
21 comments including any written responses to  
22 questions from the Section 301 Committee are due

1 September 6th.

2 The rules and procedures for written  
3 submissions are set out in the July 17 Federal  
4 Register notice. Given the number of witnesses  
5 in the schedule, we request that witnesses, when  
6 responding to questions, be as concise as  
7 possible.

8 We likewise ask witnesses to be  
9 understanding if and when the chair asks that a  
10 witness conclude a response. Witnesses should  
11 recall that they have a full opportunity to  
12 provide more extensive responses in their post-  
13 hearing submissions.

14 No camera or video or audio recording  
15 will be allowed during the hearing. A written  
16 transcript of this hearing will be posted on the  
17 USTR website and on the Federal Register docket  
18 as soon as possible after the conclusion of this  
19 hearing.

20 We are pleased to have international  
21 trade and economic experts from a range of U.S.  
22 government agencies. If you could please

1 introduce yourselves - Mr. Sulby.

2 MR. SULBY: Ari Sulby, Department of  
3 State.

4 MR. SULEWSKI: Adam Sulewski,  
5 Department of Homeland Security.

6 MR. MITCHELL: Stevan Mitchell,  
7 Department of Commerce, International Trade  
8 Administration.

9 MR. JACKSON: Bill Jackson, the Office  
10 of the U.S. Trade Representative.

11 MR. STEPHENS: Andrew Stephens, U.S.  
12 Department of Agriculture.

13 MS. PETTIS: Maureen Pettis,  
14 Department of Labor.

15 MS. BONNER: Sarah Bonner, U.S. Small  
16 Business Administration.

17 CHAIR BUSIS: And I am Bill Busis,  
18 Office of the United States Trade Representative  
19 and chair of the Section 301 Committee.

20 Mr. Bishop, introduce our first  
21 witness.

22 MR. BISHOP: Mr. Chairman, our first

1 witness today is Ross Bishop with BrightLine  
2 Bags, Incorporated.

3 Mr. Bishop, you have five minutes.

4 MR. ROSS BISHOP: My name is Ross  
5 Bishop. I am president and founder of BrightLine  
6 Bags in San Rafael, California. We design and  
7 manufacture a modular nylon gear bag system  
8 called the FLEX system for pilots and field  
9 professionals.

10 Our product brings an interchangeable  
11 component approach to the fact that pilots and  
12 other field professionals require different  
13 amounts of gear and different sets of gear on  
14 different days.

15 With a handful of our components you  
16 can build a hundred different bags. Our simple  
17 slogan is "Pick Your Parts, Build Your Bag."

18 And, in fact, this is one of our  
19 smaller configurations. We have been in business  
20 for 10 years and we do about a million dollars in  
21 annual global sales. Our products are sought out  
22 by the general aviation community as well as by

1 commercial airline pilots and U.S. military  
2 pilots and crew.

3 Tens of thousands of pilots from all  
4 three categories as well as thousands of people  
5 who aren't pilots have come to depend on the  
6 unique functionality of the FLEX system to help  
7 them be more organized, better prepared, safer  
8 and more effective at what they do.

9 No other company is doing what we do.  
10 As with most companies in our HTS category of  
11 4202, our products are manufactured in China.

12 The point of note here is not only  
13 have the Chinese been making most of the world's  
14 nylon bags for a long time, but I can tell you  
15 firsthand from working with five different  
16 Chinese factories and from my many personal  
17 visits to them in China that they are really good  
18 at it. In fact, if you pick the right factory,  
19 as I've done, they are actually artists.

20 We have made three specific and  
21 concerted attempts at getting our bags made in  
22 the U.S. and have learned from each instance that

1 our costs would triple compared to what we pay  
2 now and the detailed quality isn't as good.

3 I can assure you that we'd be hard  
4 pressed to find customers that would buy our bags  
5 at the price we'd have to charge to make that  
6 work.

7 So the Chinese actually do make a  
8 better product than the U.S. companies that we  
9 have worked with and they do it for less money.  
10 This scenario is not going to change because the  
11 high-volume bag manufacturing industry no longer  
12 exists in the U.S.

13 For these exact reasons, most of the  
14 U.S. companies selling bags have them made in  
15 China. This fundamentally describes the market  
16 stance on bags.

17 Within that, my bags are most  
18 definitely at the high end of the market price  
19 point because they are among the most complex  
20 bags ever made.

21 The combination of having a  
22 specialized bag that is extremely complex to

1 manufacture and having a relatively small volume  
2 of units for each order drives my costs up and  
3 then all the alternative low-priced low-  
4 functioning bags conspire to limit how much I can  
5 charge my customers, resulting in slim margins.

6           Landing where we do within the HTS  
7 category of 4202.12, we already pay 17.6 percent  
8 duties - more than three times the average  
9 tariff. A tariff that is this high to begin with  
10 is supposed to protect U.S.A. bag manufacturers.

11           But this one has long since failed  
12 that objective. Now we are faced with an  
13 additional 25 percent of duties, taking us to an  
14 absurd level of 42.6 percent.

15           This enormous increase has the  
16 undeniable potential to be crippling to my  
17 company and we will have no option but to pass  
18 this extra cost onto our customers, which can  
19 only lead to fewer customers choosing our  
20 products.

21           Higher costs and fewer customers is  
22 not a recipe for success. Without a doubt,



1 second only to the cost of the inventory itself,  
2 the duties bill we get is our single biggest cash  
3 expense. We have repeatedly been forced to take  
4 on short-term debt to allow us to receive our  
5 shipments even. Increasing our duties by 240  
6 percent with no offsetting benefit is  
7 unjustifiable.

8 The claim that these tariffs are  
9 necessary in the name of national security -  
10 that's the claim - in this category that premise  
11 is false. Gear bags are not a threat to national  
12 security.

13 This is a political game being played  
14 with my company as the game piece. The claim is  
15 also that these tariffs will cause consumers to  
16 buy U.S.A.-made products. In this case, that  
17 premise is also false.

18 Consumers will find nearly as  
19 affordable bags from Vietnam, Taiwan, Hong Kong,  
20 but not the U.S.A. Not only do these tariffs not  
21 help - not only do these tariffs end up helping  
22 countries other than U.S.A. but they also still

1 help China because most of the world's raw  
2 materials like nylon come from China. So even  
3 goods made in a Taiwanese factory end up being a  
4 cash stream to China.

5 The objective of this tariff,  
6 therefore, is fully negated. It is for these  
7 reasons that I am hereby requesting that HTS Code  
8 4202.12 be excluded from any additional tariffs.

9 Please help me not only keep my  
10 company alive but actually help me grow my  
11 company so that we can continue making a real  
12 difference to the important field professionals  
13 we touch every day.

14 Do not let this ill-advised and  
15 harmful tariff see the light of day.

16 Thank you.

17 MR. BISHOP: Thank you, Mr. Bishop.

18 Our next witness is Jim Day with 47  
19 Brand, LLC. Mr. Day, you have five minutes.

20 MR. DAY: Thank you. Good morning.  
21 My name is James Day. I am vice president of - I  
22 am James Day. I am the vice president of the

1 global supply chain for 47 Brand, headquartered  
2 in Westwood, Massachusetts.

3 Thank you for the opportunity to  
4 explain our position on the proposed tariff  
5 increase for goods imported from China.

6 47 Brand is an industry-leading sports  
7 lifestyle brand and our story is the epitome of  
8 pursuing and living the American dream.

9 47 was founded in 1947 by twin  
10 brothers and Italian immigrants Arthur and Henry  
11 DeAngelo. The twins started by selling pennants  
12 and other sports memorabilia on the streets  
13 around Fenway Park in Boston.

14 Their entrepreneurial venture quickly  
15 grew from a single street cart to a global brand  
16 that sells high-quality headwear, apparel and  
17 accessories to cover the head to toe needs of  
18 fans and fashion trend setters alike.

19 Today, 47 Brand is a proud licensed  
20 partner of MLB, NFL, NBA and the NHL as well as  
21 over 900 colleges and universities, just to name  
22 a few.

1                   We are also the exclusive headwear  
2 provider to Operation Hat Trick, a nonprofit  
3 organization that supports our veterans. Our  
4 company employs about 365 people in the United  
5 States and 15 internationally.

6                   We own our global headquarters located  
7 in Westwood, Massachusetts, distribution centers  
8 and manufacturing facilities across  
9 Massachusetts.

10                  We also have offices in Colorado,  
11 Arkansas and are affiliated with the Boston Red  
12 Sox team store at Fenway Park.

13                  The majority of the headwear we import  
14 from China are finished goods, ready to sell with  
15 embroidered team logos like this. We also import  
16 some blank product without any logos like this.

17                  To sell the blank product, we work  
18 with our domestic production partners in  
19 California, New Jersey, Texas and Massachusetts,  
20 and when playoffs or other events arise, we may  
21 employ additional factories around the country to  
22 capture last night's game, decorate the caps with

1 the winning team's logo and have in the local  
2 stores the next morning.

3 Given that background, we are  
4 vehemently opposed to the enormous increase in  
5 duties, knowing such an increase will be  
6 significantly detrimental to our business and the  
7 approximately a thousand individuals and their  
8 families across the United States that support  
9 us.

10 If these proposed tariffs are passed,  
11 average duties on the majority of our products  
12 will increase from 7.5 percent to 32.5 percent.  
13 This will result in a multi-million-dollar annual  
14 cost increase and will significantly reduce our  
15 bottom line.

16 Most consumers cannot or would not pay  
17 25 percent more for a ball cap and if this  
18 increase in tariff takes effect, our business  
19 will stagnate, if not decline altogether.

20 Ultimately, we'd be forced to make up  
21 the - to absorb the increase and make up the  
22 difference by cutting overhead costs. This would

1 lead to eliminating jobs in order to stay afloat.

2 You may ask why we don't move our  
3 headwear manufacturing to the United States or at  
4 least outside China and the answer is simple. We  
5 cannot.

6 The cut and sew infrastructure in the  
7 United States moved overseas decades ago and  
8 would take at least a decade to return if it  
9 could be reestablished at all.

10 There are currently no operations  
11 outside of China that could produce the quality  
12 and quantity of goods required by 47 and our  
13 competitors are facing the same dilemma.

14 Additionally, due to the requirements  
15 of our U.S. licensors, we are required to work  
16 with manufacturers that maintain the highest  
17 level of social responsibility standards.

18 Starting with Arthur DeAngelo, we have  
19 invested over 30 years building long-term,  
20 effective and mutually beneficial partnerships  
21 with trusted and industry-leading headwear  
22 manufacturers in China.

1           Our Chinese partners must pass routine  
2 unannounced audits and are confirmed and  
3 committed to socially responsible engagement with  
4 their employees.

5           They manufacture our headwear products  
6 in high-quality safe and modern facilities.  
7 These are the same facilities that produce  
8 headwear for most major brands prevalent in the  
9 U.S. marketplace today.

10           Please understand we are supportive of  
11 the president's desire to protect U.S.  
12 businesses, continue economic growth, bring jobs  
13 to the U.S.

14           Our position is that these proposed  
15 tariff increases would do the exact opposite.

16           I've worked in industry-leading brands  
17 like 47 for over 18 years, have partnered with  
18 China-based manufacturing operations throughout  
19 my career.

20           I understand that some matters related  
21 to intellectual property are trade secrets.  
22 There is a trade imbalance. In headwear, there

1 is no such threat.

2 Not only do we audit our Chinese  
3 manufacturing partners regularly to avoid  
4 intellectual property violations, but our  
5 partners are proactive in ensuring they are  
6 protecting our and our licensors' intellectual  
7 property.

8 In short, our relationship with  
9 Chinese manufacturers is an IP success story. We  
10 have never had complaints from the licensors  
11 regarding this appropriated intellectual  
12 property.

13 In fact, our licensors must approve  
14 the use of Chinese manufacturers and have built  
15 an IP registration system in collaboration with  
16 China customs.

17 This system will be detailed in our  
18 written comments.

19 Finally, headwear is not part of the  
20 China 2025. So these tariffs won't meet USTR  
21 goals.

22 In conclusion, we respectfully request



1 that this committee exclude HTS Code 65050015,  
2 65050020, 65050025, 65050030, 65050040, 65050060,  
3 65050080, and 65050090 from the list of tariff  
4 goods suggested for increased duties.

5 Thank you for your consideration and  
6 the opportunity to share our story with you. I  
7 welcome any comments or questions the committee  
8 may have.

9 MR. BISHOP: Thank you, Mr. Day.

10 Our next witness is Melissa Mash with  
11 Dagne Dover.

12 Ms. Mash, you have five minutes.

13 MS. MASH: Thank you for giving me the  
14 opportunity to participate in this hearing. I am  
15 Melissa Mash and I am testifying on behalf of  
16 Dagne Dover, a handbag and accessories brand that  
17 I started in 2012 along with two other women,  
18 Deepa Gandhi and Jessy Dover.

19 I sincerely appreciate this  
20 opportunity to appear before you to address the  
21 potential additional 25 percent tariff and how it  
22 would negatively impact not only our business but

1 the greater \$12 billion U.S. handbag industry.

2 My co-founders and I founded Dagne  
3 Dover with the goal to give people great looking  
4 high-quality bags that also included smartly  
5 organized interiors, all at an accessible price  
6 point.

7 Prior to our brand, such offering did  
8 not exist. Since our launch in 2013, we have  
9 been able to double our business here every year  
10 by effectively scaling our supply chain to meet  
11 customer demand.

12 Like many brands, we started by  
13 manufacturing locally in New York City with many  
14 of the same factories that helped launch American  
15 legacy brands such as Kate Spade.

16 Unfortunately, U.S.-based  
17 manufacturers do not and continue to not have a  
18 sophisticated U.S. supply chain to lean on or the  
19 capabilities of scale as businesses grow.

20 From the beginning, we knew that we  
21 would need to shift manufacturing to Asia in  
22 order to grow our business and to offer high-

1 quality bags to the American consumer at a  
2 compelling \$200 average price point.

3 After we grew out of American  
4 manufacturing capabilities, we moved production  
5 to Vietnam. However, it was only a stop gap  
6 solution for us, as we needed the expertise of  
7 Chinese manufacturers who have deep knowledge and  
8 vast supply chain options from having worked with  
9 large American heritage brands like Coach,  
10 Michael Kors, and Kate Spade.

11 Without them, American brands like  
12 ours would not be able to compete on a global  
13 scale.

14 While there are factories in Southeast  
15 Asian countries like Cambodia, the Philippines,  
16 and Indonesia, these factories are only suitable  
17 for large brands producing millions of units per  
18 year.

19 While some large brands may still  
20 manufacture in China, this tariff largely impacts  
21 small to medium-sized businesses who rely on  
22 Chinese manufacturers as a stepping stone to

1 eventually manufacture in other countries.

2 The purpose of Section 301 tariffs is  
3 to protect U.S. businesses from acts by China  
4 that could threaten U.S. commerce and we  
5 acknowledge and appreciate the importance of  
6 protecting the U.S. economy, U.S. businesses and  
7 U.S. intellectual property.

8 But for our industry, the tariff would  
9 only result in a negative financial impact for  
10 growing small to medium-sized businesses like  
11 ours.

12 We currently pay 17.6 percent duty for  
13 our coated canvas and neoprene bags from China  
14 and 9 percent for our leather handbags.

15 The additional 25 percent will bring  
16 our duties to 42.6 percent and 34 percent,  
17 respectively. This increase in our cost of goods  
18 will decrease our gross margin by an additional  
19 14 percent. The financial impact for our small  
20 business would be devastating.

21 We would not hit profitability for  
22 many more years. We would not be able to hire

1 the 10 additional people that we'd planned, and  
2 while we used to double our business year after  
3 year, we would be lucky if we were able to  
4 achieve double digit growth.

5 This also assumes that we'd be able to  
6 shift our manufacturing to another country over  
7 the next 12 to 18 months. Many less-established  
8 brands would easily shut down.

9 Additionally, we would have to  
10 increase retail prices, which would make it  
11 unaffordable for our customer base and cause us  
12 to lose our competitive positioning.

13 I want to reiterate that a brand like  
14 ours and a product like ours has market demand  
15 from around the world and it is only offered from  
16 the United States.

17 As such, this tariff would also likely  
18 lead to a decrease in U.S. exports.

19 Additionally, I also want to highlight that our  
20 bags are a low-tech product that require an  
21 immense amount of manual labor that does not  
22 currently exist in the U.S.

1 Working with Chinese manufacturers as  
2 allowed us to build a high-growth American brand  
3 and the ability to work with Chinese  
4 manufacturers is what continues to support and  
5 grow the \$12 billion U.S. handbag market and  
6 retail and consumer goods overall.

7 Retailers and customers rely on fresh  
8 new brands like us to drive innovation and  
9 handbag market growth.

10 This tariff would put us, other  
11 growing handbag brands, large and small  
12 retailers, and the future of the U.S. handbag and  
13 accessories market in jeopardy.

14 In short, since there are no relevant  
15 U.S. manufacturing options for businesses like  
16 ours at our stage of growth, this tariff purely  
17 decreases margin, strangling growing U.S. handbag  
18 brands, potentially increasing price points for  
19 U.S. consumers and all without increasing U.S.  
20 jobs.

21 As such, a 301 tariff on the handbag  
22 sector does not support the tariff's stated

1 intent of boosting and protecting U.S. innovation  
2 and economic growth.

3 For all the reasons I presented, Dagne  
4 Dover respectfully requests that the application  
5 of the proposed Section 301 tariffs to the 4202  
6 HTS codes be removed from Section 301  
7 applicability.

8 Thank you for your time and I welcome  
9 any questions you may have.

10 MR. BISHOP: Thank you, Ms. Mash.

11 Our next witness is Karen Giberson  
12 with the Accessories Council.

13 Ms. Giberson, you have five minutes.

14 MS. GIBERSON: Good morning. My name  
15 is Karen Giberson. I am the president of the  
16 Accessories Council, which is a not for profit  
17 trade association established in 1994.

18 Our mission is to promote consumer  
19 awareness and demand for accessories. We have  
20 about 300 companies that participate in our  
21 organization.

22 I am also a sourcing expert in leather

1 goods, having worked with many countries over the  
2 last 30 years, and I can tell you for sure it's  
3 not an easy category to move into other places.

4 I am also here speaking on behalf of  
5 the Council of Fashion Designers of America, the  
6 CFDA, a not for profit trade association founded  
7 in 1962 whose membership consists of over 500  
8 high-profile American accessories, women's wear,  
9 men's wear and jewelry designers.

10 The majority of goods imported by our  
11 members are already dutiable at a high tariff  
12 rate ranging from 16 to 20 percent of the  
13 imported value.

14 The additional tariff will create a  
15 cumulative tariff rate that exceeds 30 percent  
16 and could go as high as 45 percent. This would  
17 subject handbags and luggage items to the highest  
18 tariff rates of any product imported into the  
19 United States.

20 In fact, these rates would be on par  
21 or higher than goods from countries that do not  
22 have normal trade relation, or NTR, status such



1 as Cuba or North Korea.

2 The U.S. industry and consumers simply  
3 cannot absorb this significant increase. The  
4 products covered by the tariff provisions listed  
5 in Exhibit A consist of fashion accessory items  
6 as luggage, handbags, backpacks, wallets, purses,  
7 hats, belts and similar items.

8 These products simply do not in any  
9 way relate to the acts, policies or practices  
10 covered in the USTR's report of March 22nd, 2018.

11 These are low-tech, or dumb, products,  
12 which do not involve the sharing of U.S. research  
13 and development or intellectual property rights  
14 with Chinese producers.

15 These products are not produced in any  
16 of the 10 sectors identified and made in China's  
17 2025 initiative.

18 Our industry will be  
19 disproportionately harmed by the imposition of  
20 these additional tariffs. The U.S. retail  
21 industry for accessories is already under  
22 financial stress as sales have been down to flat

1 for the last two years and many of our larger  
2 retailers have consolidated or closed locations.

3 An additional tariff on these goods  
4 would result in further contraction. A  
5 significant number of the council's members  
6 consist of startup businesses as well as  
7 companies that have been in operation for less  
8 than five years.

9 These small and medium-sized  
10 businesses will be severely impacted by this  
11 action. Moreover, many of the council's  
12 companies have annual sales of \$2 million or  
13 less, are led by women and minority-owned  
14 businesses.

15 These businesses have limited  
16 financial resources and do not have the budgets  
17 to find alternative manufacturing sources, let  
18 alone switch production in a timely manner that  
19 could potentially minimize the impact of this  
20 action.

21 Many of our members have entered into  
22 licensing agreements with leading brand names.

1       These agreements typically incorporate guaranteed  
2       minimum royalties, clauses that require the  
3       licensee to pay a minimum royalty even if the  
4       licensee's sales did not cover the minimum.

5               It is anticipated that many companies  
6       will no longer be able to meet these minimums due  
7       to decreased sales resulting from the tariffs.  
8       However, the licensees will continue to be bound  
9       by these clauses in a higher per unit cost of  
10      goods.

11             If the additional tariff takes place  
12      in the third or fourth quarter this year, it will  
13      greatly impact our holiday deliveries.

14             For most of the affected goods,  
15      holiday sales represent the most important time  
16      of year when the bulk of the goods are shipped  
17      and sold in the United States.

18             Many members sell to the U.S. value  
19      retailers and off-price stores. A tariff  
20      increase would dramatically impact the already  
21      slim margin on these goods. Many of these  
22      products are already subject to high duty rates

1 and the tariff could raise the effective duty  
2 rate, again, between 34 to 45 percent of the  
3 value of the goods.

4 Moreover, the vast majority of our  
5 members' products produced in China are intended  
6 for middle to lower income consumers who will be  
7 directly impacted by price increases resulting  
8 from these tariffs.

9 The average retail prices of these  
10 goods range from \$10 to \$100. The effect on  
11 businesses and consumers will be dramatic as it's  
12 estimated the long-term impact of these tariffs  
13 could result in a 50 percent reduction in sales.

14 China possesses an experienced  
15 manufacturing industry for these products with  
16 the capacity to meet the demands of the U.S.  
17 market.

18 Significantly, there are no other  
19 alternative manufacturing locations that can  
20 compete with or replace China with respect to  
21 accessories production.

22 For example, I have been working

1 extensively in India for the last three and a  
2 half years regarding leather sourcing for bags  
3 and small accessory items.

4 We anticipate that certain other  
5 countries as India will be eventually an  
6 alternative to China for leather.

7 However, they do not yet possess the  
8 resources, trained workforce, infrastructure, or  
9 capability to absorb the volume of product  
10 currently produced in China at the same quality  
11 and competitive prices.

12 Finally, there are no U.S.  
13 manufacturing alternatives for these goods.

14 CHAIR BUSIS: Ms. Giberson, could you  
15 please finish up, as your time has expired?

16 MS. GIBERSON: Yeah. The only other  
17 comment I would make is that we are subject to  
18 many testing regulations to assure our products  
19 meet consumer safety standards and factories  
20 outside are not - are not prepared.

21 MR. BISHOP: Thank you, Ms. Giberson.  
22 Our next witness is Dave Kiersznowski

1 with DEMDACO. Mr. Kiersznowski, you have five  
2 minutes.

3 MR. KIERSZNOWSKI: Thank you,  
4 Chairman, and members of the committee.

5 My name is David Kiersznowski. My  
6 wife, Demi, and I founded DEMDACO, a Leawood,  
7 Kansas-based gift company, 27 years ago. I am  
8 accompanied today by Ms. Melanie Miller, global  
9 supply chain director for DEMDACO.

10 DEMDACO employs 168 people in the  
11 United States and supports a sales force of 74  
12 people who work only for DEMDACO through a third-  
13 party sales organization.

14 We have offices in three states and  
15 showrooms in three other states and strive to  
16 improve the quality of life in communities where  
17 we do business and elsewhere as part of our  
18 company mission.

19 I am here to request the removal of  
20 HTS Code 6810.99.00, encompassing articles of  
21 cement, of concrete or artificial stone from the  
22 proposed tariff list. This code impacts a

1 significant number of DEMDACO products.

2 Placing a tariff on these products  
3 will not benefit the strategic interests of the  
4 U.S. or China but could pose a serious threat to  
5 DEMDACO's employees, its many business partners,  
6 those who buy and receive our products, and the  
7 communities we serve.

8 Principally, DEMDACO designs,  
9 produces, sells and distributes a selection of  
10 artisan works for home decor, entertaining,  
11 fashion, baby, holidays and the outdoors.

12 These giftable products can be found  
13 in more than 14,000 gift shops around the world  
14 including 76 percent of all Hallmark stores and  
15 hospital gift shops, even here in D.C. at the  
16 Walter Reed National Military Medical Center  
17 flower shop and the Army and Air Force Exchange  
18 Service.

19 We strive to lift the spirit in  
20 consumers, in each other, and in the communities  
21 that we work in. It's something we take  
22 seriously and pursue each day to the best of our

1 abilities.

2 DEMDACO products made in China consist  
3 of figurines, photo frames, ornaments, and other  
4 types of gifts and home decor. A significant  
5 portion of these products would be categorized  
6 under the HTS subheading as articles of  
7 artificial stone such that the tariffs would  
8 affect approximately half of our annual sales and  
9 critically reduce profits.

10 These products are largely handmade,  
11 use no intellectual property and require very  
12 little technology or even electricity to produce.

13 Inclusion of this tariff category is  
14 overly broad and counterproductive. It will  
15 create negative consequences for American  
16 businesses like DEMDACO and do little to reduce  
17 the effect of China's acts, policies and  
18 practices concerning intellectual property or  
19 curb its industrial expansion in industries  
20 outlined in it's Made in China 2025 initiative.

21 In fact, this type of artisanal  
22 production is the exact opposite of what China



1 seeks to promote through its 2025 initiative.

2 The manually intensive process of  
3 producing these items requires highly-trained  
4 skilled artisans and a workforce infrastructure  
5 that is not readily available or feasible outside  
6 of China, including the United States.

7 Investments made by DEMDACO and other  
8 importers have created an efficient and difficult  
9 to replicate production ecosystem built to  
10 produce specialized goods at the scale demanded  
11 by U.S. and foreign consumers.

12 The financial effect of this tariff  
13 increase could also limit our ability to sustain  
14 the high-quality jobs we provide U.S. citizens,  
15 inhibit local economic growth and reduce the ways  
16 our company gives back to the community.

17 Our business is not simply a financial  
18 endeavor. It's first and foremost a human  
19 endeavor. During the past 10 years, DEMDACO and  
20 my family have been deeply blessed with the  
21 ability to provide considerable charitable  
22 support to organizations that do good work for

1 others - support that's made possible in part  
2 from the competitive advantage DEMDACO enjoys  
3 while operating in the U.S.

4           Additionally, many of our customers  
5 are brick and mortar mom-and-pop gift shops  
6 trying to navigate rapidly evolving retail  
7 changes.

8           Any tariff pass-through costs from  
9 DEMDACO could hurt them and our many other  
10 business partners up and down the supply chain,  
11 eventually affecting consumers directly.

12           Higher prices will likely result in  
13 lower sales volumes for DEMDACO and other small  
14 businesses like us, fueling a severe ripple  
15 effect that would be felt across other industries  
16 and sectors of the economy.

17           For example, DEMDACO spends nearly \$4  
18 million annually with ocean carriers, railways,  
19 small parcel delivery, trucking, and customs  
20 brokerage firms. They would all be impacted by  
21 the tariffs.

22           Also, if tariffs are set at 25 percent

1 they could affect our federal and state income  
2 tax receipts by upwards of \$1 million.

3 The reality is that we are a small  
4 family-owned gift company that produces small  
5 figurines and angels that bring joy and comfort  
6 to people all around the world.

7 Our small gift products and the  
8 processes used to manufacture them currently pose  
9 no threat to the U.S. economy or its trade  
10 interests.

11 Placing businesses like DEMDACO at a  
12 financial disadvantage will not help to  
13 accomplish the strategic objectives of the  
14 tariffs.

15 Thank you for your time and for this  
16 opportunity to tell you about DEMDACO, a company  
17 that strives to lift the spirit of others through  
18 our work.

19 We welcome and appreciate suggestions  
20 on how to proceed with efforts to remove our  
21 products from the list of proposed tariffs.

22 Thank you.

1 MR. BISHOP: Thank you, Mr.  
2 Kiersznowski.

3 Our next witness is Stephen Lamar with  
4 the American Apparel & Footwear Association.

5 Mr. Lamar, you have five minutes.

6 MR. LAMAR: One of our member  
7 companies makes and imports this diaper bag, an  
8 everyday consumer product used by millions of  
9 young U.S. families that will be subject to the  
10 proposed 25 percent tax.

11 They can't just relocate the  
12 production of these products to factories outside  
13 of China for at least two reasons. First, they  
14 invest significant time and money with the  
15 factories to develop molds and other tools that  
16 are used to produce their products and that  
17 investment is not readily portable to another  
18 factory.

19 Second, their sourcing efforts are  
20 focused on China, and diversifying to other  
21 countries that have factories with the  
22 necessarily know-how and quality will take years.

1                   Another member, who is appearing later  
2 today, makes this gray fabric in their own  
3 factory in China out of U.S. yarns. That fabric  
4 is then imported into the U.S. where it is  
5 manufactured into a variety of finished home  
6 textile products in their U.S.-based facilities  
7 and then sold throughout the U.S. and exported.

8                   Not only does the proposal charge a 25  
9 percent tax on their imports, a tax on a sale  
10 from one part of the company to another, but the  
11 U.S. tariff threats have triggered proposals by  
12 China to tax the U.S. yarn they buy.

13                   They can't move the grey fabric  
14 production out of China because of the  
15 prohibitive cost and because they don't want to  
16 source a facility that is not their own.

17                   These added taxes create a perverse  
18 incentive for them to move production out of the  
19 U.S. and buy non-U.S. yarns to stay competitive  
20 with suppliers in other countries who will not  
21 face these added costs, resulting in the  
22 elimination of 400 textile manufacturing jobs.

1                   Another company, a manufacturer of  
2 magnetic fasteners in Connecticut, now faces  
3 several problems. The rare earth magnet  
4 components they use for fasteners made in the  
5 U.S. and sold to the automotive and medical  
6 industries can only be sourced in China.

7                   So the extra 25 percent tariff on the  
8 magnetic components represents a direct and  
9 unavoidable tax on their U.S. manufacturing.

10                   Their sister company makes snaps here  
11 in the U.S. that they then export to China for  
12 use in handbags and medical products that are  
13 assembled there. Most of the finished handbags  
14 and medical devices are brought back to the U.S.

15                   The supply chain will now get hit  
16 twice. The proposed 25 percent tax on handbags  
17 leaves their customers scrambling to find cheaper  
18 alternative imports while the Chinese retaliatory  
19 25 percent tax on the exports of snaps to China  
20 makes the companies' exports even more expensive  
21 to the handbag manufacturer.

22                   And don't forget, these companies are

1 already facing higher U.S. costs under domestic  
2 steel purchases because of the inflationary  
3 impact from the 232 tariffs.

4 The strong incentive to retain  
5 customers and keep costs in check is to move  
6 production offshore. Most of the headwear  
7 purchased in the U.S. is imported and about 80  
8 percent of these imports come from China.

9 No other country and certainly not the  
10 U.S. has the capacity to make the scope and  
11 variety of these products on a commercial scale.

12 This means that the 25 percent  
13 headwear tax would hit U.S. consumers in the form  
14 of higher prices.

15 Because China has such a dominant  
16 position in the market, a tax on imports from  
17 China will inevitably lead to higher prices from  
18 other countries as well.

19 Since headwear is often a  
20 discretionary purchase where consumers won't  
21 easily tolerate higher prices, this tax will  
22 likely fall hardest on the U.S. companies and

1 their workers that make, market and import these  
2 products.

3 These are just four of the hundreds of  
4 examples we have heard from our members about how  
5 the proposed tariffs would harm them and their  
6 U.S. workers, consumers and communities.

7 Thank you for providing an opportunity  
8 for us to testify on behalf of these four  
9 companies and the more than 300 members of the  
10 American Apparel and Footwear Association.

11 My goals is to convey three key points  
12 this morning but we also intend to follow up with  
13 a longer statement for the record.

14 First, we strongly support your  
15 combined efforts to seek swift and meaningful  
16 resolution of the underlying disputes with China.

17 But as we have testified previously,  
18 tariffs on our legitimate intellectual property  
19 won't do this and will, perversely, leave the  
20 field open for those bad actors who do steal U.S.  
21 fashion IP through online counterfeiting.

22 Second, we are pleased the



1 administration did not include any items in  
2 Chapter 61 through 64 - wearing apparel, home  
3 textiles, and footwear - on this list.

4 We are strongly opposed to any effort  
5 to add these items. As an industry, we paid 51  
6 percent of all of America's tariff receipts, even  
7 though we account for only 6 percent of all the  
8 items that are imported.

9 We are already heavily taxed and we  
10 cannot afford further costs that would  
11 arbitrarily - that would be arbitrarily imposed  
12 on our industry and on the American consumer.

13 Third, we are strongly opposed to any  
14 additional tariffs on the textiles, travel goods,  
15 hats, accessories and related product categories  
16 that we have included in Attachment A.

17 We ask that these lines be removed  
18 from consideration for tariffs. As noted in the  
19 examples above, an extra tax in these categories,  
20 many of which are already heavily taxed, would  
21 only hurt U.S. interests.

22 They would be a hidden tax on U.S.

1 consumers, especially on the many consumer  
2 products that are included, harm our U.S.  
3 manufacturing base, adding a tax to the basic  
4 tools that we use to make products in the U.S.A.,  
5 tax U.S. global value chains and the millions of  
6 American workers they employ because China is the  
7 dominant or only source of these categories, and  
8 trigger continued retaliation by China, further  
9 eroding U.S. manufacturing opportunities by  
10 taxing U.S. exports.

11 In summary, we are truly pleased to  
12 see the administration has started a dialogue  
13 with China. Well, let's make sure this dialogue  
14 helps and does not come at the expense of U.S.  
15 workers, companies, consumers and communities.

16 Thanks for your consideration of these  
17 views and I'd be happy to take any questions.

18 MR. BISHOP: Thank you, Mr. Lamar.

19 Our next witness is David Mathison  
20 with Leather Miracles, LLC.

21 Mr. Mathison, you have five minutes.

22 MR. MATHISON: Thank you very much.

1 Thank you very much.

2 I am here to ask for the removal of  
3 the HTS Codes 4107.11.50 9401.90.50.

4 My partner and I started Leather  
5 Miracles in the year 2000. We employ 50 people -

6 MR. BISHOP: Could you pull your mic  
7 a little bit closer, please?

8 MR. MATHISON: - in Hickory, North  
9 Carolina, which is the home of the furniture  
10 industry in the South.

11 Our company was built on the idea of  
12 exporting U.S. hides to China to make product  
13 that we used to make in our former company that  
14 was closed in the first part of the year 2000.

15 The company's success was based on  
16 using high-quality U.S. rawhides in turn to  
17 produce high-quality furniture leather.

18 However, due to the changing times and  
19 business landscape, leather manufacturing in the  
20 United States is virtually nonexistent.

21 These same hides represent 31 million  
22 that are exported annually out of the United

1 States and this is a fact, not rhetoric is that  
2 this is one of the few places where you can  
3 clearly see that the U.S. has an advantage in its  
4 trading relationship with China because China has  
5 not standing herd and depends greatly on U.S. raw  
6 material as well as raw material found in South  
7 America.

8 Producing leather in the United States  
9 is still an option but - is still not an option  
10 so these hides are going to China and then we  
11 partner with Chinese tanneries to make products  
12 to our specification, which are all handcrafted  
13 leathers.

14 These are not made by machines. They  
15 are made by people, and this is an idea that was  
16 built at the Lackawanna Leather Company, which  
17 was in existence for over a hundred years making  
18 leather by hand, and it can't be done anywhere  
19 else in the world or we'd be doing it there, and  
20 the labor force in China has adapted to some very  
21 high-quality specifications and have made scores  
22 of U.S. furniture manufacturers a lot of

1 profitable upper end business.

2 And today, we see more and more of  
3 these factories - furniture factories going out  
4 of business and without products like this, the  
5 one specified - hand crafting - it leaves for  
6 more chances for them to be leaving our customer  
7 base.

8 I want to point out that the Chinese  
9 import about - they are in the top five but they  
10 are woefully behind some of the much larger  
11 importers of upholstery leather, and when I  
12 mention these numbers is that Italy dwarves the  
13 number coming from China. Brazil does as well.

14 Mexico used to, and a little country  
15 like Uruguay, and how this affects us it almost  
16 affects Leather Miracles exclusively because  
17 there are very few companies like us that import  
18 upholstery leather from China and we have almost  
19 been singled out exclusively in this tariff in  
20 the leather category.

21 And so it seems terribly unfair, given  
22 the fact that there is no leather upholstery

1 business in the U.S. anymore - none. And if any  
2 one of you have been to a leather tannery lately  
3 - a whole hide leather tannery - please let me  
4 know. I would like to represent them.

5 I appreciate the opportunity to be  
6 here and I would like to think that these are not  
7 punitive or just arbitrary. But our category  
8 seems to be like it was swept up into this crisis  
9 for no explicable reason.

10 Thank you for your time.

11 MR. BISHOP: Thank you, Mr. Mathison.

12 Our final witness on this panel is  
13 Stephen Lang with the American Bridal & Prom  
14 Industry Association, Incorporated.

15 Mr. Lang, you have five minutes.

16 MR. LANG: Thank you for this  
17 opportunity. I am the president of the American  
18 Bridal & Prom Industry Association, a nonprofit  
19 national trade association comprised of hundreds  
20 of members at every level of the formal industry  
21 - designers, manufacturers, retailers, and so  
22 forth.

1                   These entities employ thousands of  
2 individuals throughout our nation. Our goals are  
3 simple - one, to take any and all appropriate  
4 lawful action against the marketing and sale of  
5 counterfeit formalwear products.

6                   In the last five years, working with  
7 several senators, we have taken 25 million images  
8 off the internet and closed 2,500 websites.

9                   The only industry - we are second to  
10 only one industry in the United States and that's  
11 the recording and motion picture industry in  
12 closing counterfeiters.

13                   Counterfeiters is a billion-dollar  
14 industry worldwide, about \$400 million of which -  
15 \$400 billion of which hit the United States, much  
16 greater than the duties and tariffs we are  
17 talking about here today.

18                   The recent issues about counterfeiting  
19 from China and now these duties coming from  
20 China, we are lucky that the 6204 category has  
21 not been identified.

22                   But the sheer fact - and I am going to

1 off print here - you've got my statement - is  
2 that we can't make wedding gowns and prom dresses  
3 in the United States.

4 Nobody wants to do this work, and the  
5 reason it went offshore 30 years ago is the  
6 increasingly difficult issue of trying to make  
7 dresses for people with all the thousands of  
8 hand-sewn beads they want and not have to pay  
9 \$10,000.

10 So the industry started to bleed and  
11 go offshore. We started 807. We tried  
12 everything possible. You can't make wedding  
13 gowns in the United States and prices have  
14 actually dropped for wedding apparel over the  
15 last 30 years.

16 I've made 64 trips to China in 30  
17 years. There is every factor you can imagine  
18 I've been in. It is impossible. We can't even  
19 get the materials in this country to make this  
20 clothing.

21 And the issue here at hand is to  
22 China, their labor is like oil to the rest of the



1 world. They own a lot of oil, even though there  
2 is a labor shortage there.

3 You can't suddenly turn around and hit  
4 the United States consumer with a 25 percent tax  
5 and expect that not to upset the food cart.

6 I already pay more in duties and taxes  
7 to the United States government than I profit  
8 myself.

9 I pay over \$3 million a year in duties  
10 to the United States and I can't possibly throw  
11 25 percent on top of that, which would run our  
12 duties up anywhere to 41 to 53 percent. Some of  
13 our categories are already 28 percent duty.

14 I am already working till Thursday  
15 morning for the government and not for myself or  
16 my partners and my 100 employees.

17 So I think some of the intent of what  
18 this administration wants to do is bittersweet  
19 and it's correct. I've been fighting this war  
20 for five years on anti-counterfeiting with almost  
21 no help from the government.

22 I do it myself with eight federal

1 lawsuits and then working together with Senators  
2 Booker, Menendez, Hatch and Schumer's office to  
3 finally get some traction on people that would  
4 listen.

5 Yet, I turn around and my own  
6 government now is going to try to put some of my  
7 peers out of business if this hits our category.  
8 It's unconscionable.

9 I started my company in 1991. We sell  
10 to 75 countries. I employ lots of people. We  
11 will do \$100 million this year.

12 Even my bank, who's been with me for  
13 10 years - Chase - we just had to change banks  
14 because they are afraid of the pending 25 percent  
15 royalties - duties that are coming - tariffs -  
16 and they were afraid that we would be a bad risk,  
17 and we will be if these tariffs go into place.

18 I should not be put out of business  
19 because of an ill-placed attempt to balance the  
20 books between these two countries. There are  
21 other ways to negotiate and bring people to heel  
22 other than putting good people, as you see

1 sitting here, out of business and that's exactly  
2 what's going to happen to our industry if we are  
3 hit by these tariffs in the future.

4 And I can tell you very frankly many  
5 of these people are telling you the truth. You  
6 cannot make these goods in the United States.

7 I can't find people that will do hand  
8 beading. I can't make goods in Mexico. In our  
9 industry, \$50 billion worth of volume comes out  
10 of China in terms of clothing - in Vietnam, \$8  
11 billion; Indonesia, less than \$4 billion; India,  
12 less than \$4 billion; Italy, \$1.8 billion. If  
13 there were options to go outside of China, the  
14 entire world would.

15 What we need to have done here you  
16 cannot - China's the only place in town, and if  
17 they have the oil in the world - they have the  
18 labor - how could the American consumer afford to  
19 pay 40 percent taxes on top of oil? There would  
20 be mutinies. You're going to see a lot of people  
21 go out of business if these duties and tariffs  
22 are put into place.

1 I thank you very much for listening.  
2 I went off script, but I think it's more  
3 important that you hear it from the heart. A lot  
4 of people are going to get hurt.

5 Thank you for listening and I  
6 appreciate taking time to hear my spiel.

7 MR. BISHOP: Thank you, Mr. Lang.

8 Mr. Chairman, that concludes direct  
9 testimony from this panel.

10 CHAIR BUSIS: Okay. Panel, thank you  
11 for your excellent testimony. We will take a 15-  
12 second break and we will start our questions.

13 [Pause.]

14 MR. MITCHELL: This is a question for  
15 Mr. Bishop. Who are your competitors in the  
16 high-end segment of your product? Do any of them  
17 include Chinese firms?

18 MR. ROSS BISHOP: They are - all my  
19 competitors in the aviation flight bag industry  
20 are companies like Jeppesen and ASA and these  
21 companies are all making products that range from  
22 \$39 to \$79.

1                   There is nobody making a bag that's  
2 average price is close to \$200 in my industry or  
3 in my next industry, which is going to be the  
4 range bag market.

5                   So there are no American companies  
6 doing what I do.

7                   MR. STEPHENS: This is a question for  
8 Mr. Day. You described some of the factors that  
9 affect your ability to source outside of China.

10                  Can you describe efforts that you've  
11 taken to review other potential suppliers outside  
12 of China?

13                  MR. DAY: We, in fact, do import from  
14 manufacturers outside of China. However, the  
15 quality and their capacity to achieve what we  
16 need to meet the market needs is not there.

17                  MS. BONNER: This question is for Ms.  
18 Mash. Could you help us by characterizing by the  
19 U.S. value added in your products that you import  
20 to the U.S.? Is there U.S. content?

21                  MS. MASH: I am sorry. Can you  
22 specify by - when you say value added?

1 MS. BONNER: What sort of jobs are  
2 being supported here in the U.S.? What sort of  
3 categories? What are - is there IT? Is there -

4 MS. MASH: Sure. Sure.

5 So our product doesn't require IP.  
6 It's very hard to, you know, protect fashion. In  
7 terms of the size of our company, we are 14  
8 today. We intend to be 24 next year.

9 Beyond just our own team, though,  
10 there are many retailers both large and small  
11 that we directly impact and we are truly the  
12 future of, you know, particular retailers handbag  
13 floors.

14 Additionally, we are in a handful - we  
15 are in about seven different retailers today. We  
16 intend to be in many more next year and things  
17 are in place for that as well.

18 So this is not something that just  
19 impacts us and just our customers but it's a  
20 whole chain of different retailers and consumers  
21 internationally as well.

22 CHAIR BUSIS: Follow up - I think you

1 said that you believe tariff on Chinese handbags  
2 would reduce U.S. exports.

3 MS. MASH: Yes.

4 CHAIR BUSIS: Could you explain how  
5 that would occur?

6 MS. MASH: Yes. So our distribution  
7 is based here in the U.S. Given that we are  
8 digitally native brand founded in the U.S. and  
9 mostly focus on domestically sales, everything is  
10 imported to the U.S. before it gets sent out to  
11 other countries.

12 We also ship internationally from our  
13 own website and we have plans for international  
14 expansion in particular next year.

15 But this year we are also shipping  
16 everywhere.

17 MR. JACKSON: This question is for Ms.  
18 Giberson. You noted in your testimony that China  
19 is the dominant supplier for the products that  
20 are imported by your member companies.

21 Have you noticed any shift in  
22 production out of China in recent years, for

1 example, as the result of the addition of travel  
2 goods to eligibility under the generalized system  
3 of preferences?

4 MS. GIBERSON: I think there has been  
5 a curiosity in diversifying the supply chain.  
6 What I've seen firsthand is it's very difficult,  
7 particular in nonleather nylon bags, bags that  
8 are made of nonleather products.

9 Even in other countries they are not  
10 as set up to make the quality, the quantity or  
11 have the right certifications to assure that  
12 workers' rights are protected and that the  
13 environment is protected along the way.

14 So we are - you know, we are always  
15 looking for new places but we don't have a lot of  
16 great options.

17 MS. PETTIS: Here's a question for Mr.  
18 Kiersznowski. Pardon me. Oh sorry.

19 This is for Mr. Lamar of the American  
20 Apparel & Footwear Association. Is there any  
21 product area in which AAFA believes higher  
22 tariffs on imports from China might improve U.S.



1 competitiveness?

2 MR. LAMAR: Absolutely not.

3 MS. PETTIS: Quick response.

4 MR. LAMAR: I can elaborate if you  
5 want. But for purposes of time, absolutely not.

6 As I pointed out, we already pay a  
7 lot of tariffs. I mean, we import 6 percent of  
8 the goods.

9 We pay 51 percent of the tariffs that  
10 are collected and a lot of our members make the  
11 same comments that Mr. Lang made, which is they -  
12 you know, they are working until  
13 Wednesday/Thursday for the government in terms of  
14 tariffs before they start then being able to  
15 return a profit themselves.

16 I mean, the tariff burden we face is  
17 already extraordinarily high. Adding a 25  
18 percent tariff on top of that would be  
19 unconscionable.

20 MR. MITCHELL: This is a question for  
21 Mr. Mathison. Could you clarify the nature of  
22 the U.S. value added in the products that you

1 import and sell in the United States? That is,  
2 what part of it is U.S. content?

3 MR. MATHISON: I am going to get the  
4 hang of this pretty soon.

5 The hides that are used that  
6 represents over 50 percent of the cost - easily  
7 over 50 percent of the cost, and it is what makes  
8 the leather more valuable to our customers  
9 because this type of volume they are much better  
10 quality than hides found in South America and the  
11 added value is obvious because they yield better  
12 and better quality leathers can be made from raw  
13 material.

14 MR. MITCHELL: You had mentioned some  
15 other countries that supply including Italy,  
16 Brazil and Uruguay. Could you compare what  
17 percentage of that is U.S. content versus content  
18 from those other suppliers.

19 MR. MATHISON: Most of the content  
20 would be from South American racehorses but in -  
21 as it relates to upholstery leather, it could be  
22 South America, any number of places. But the two

1 largest producers are Brazil and Argentina.

2 Another source of the raw material  
3 could be Australia. But Brazil has the largest  
4 standing herd in the world and most of it comes  
5 from there.

6 MR. MITCHELL: Thank you, sir.

7 CHAIR BUSIS: A follow-up question is  
8 would it be an option if the importing finished  
9 leather from China was more expensive to use the  
10 tanning capacity in these other countries in  
11 Uruguay or Brazil to tan the U.S. hides?

12 MR. MATHISON: One of the - I think,  
13 you know, the theme it repeats itself with every  
14 speaker, but the quality of the workmanship, the  
15 labor, in China is better than anyplace else in  
16 the world.

17 We do business in other countries  
18 beyond China. We buy a lot of and bring a lot of  
19 leather from Italy. We bring a lot of leather  
20 from Brazil. We bring a lot of leather from  
21 places like India. But we have looked in many  
22 different places to make the handcrafted leathers

1 that I mentioned earlier.

2 But Chinese labor is way better and  
3 there is no comparison, and I would say if I was  
4 going to put together a team of labor it would -  
5 first, second, third, fourth and fifth choice  
6 would be China and nowhere else.

7 MR. LANG: If I could add a comment to  
8 that. A lot of factories that go outside of  
9 China - Vietnam and so forth - they bring in  
10 Chinese management because the domestic people in  
11 some of those other countries can't run the  
12 factories.

13 They have to actually bring in Chinese  
14 technicians to show them how to make the  
15 products.

16 MR. SULEWSKI: Good morning this  
17 question is for Mr. Lang. As I understand it,  
18 dresses and other apparel have already been  
19 excluded from the lists of products subject to  
20 the additional duties.

21 Are there other products on the list  
22 that are of concern to you?

1 MR. LANG: Well, my industry is really  
2 just dresses. That's really all we make - prom  
3 dresses, Quinceanera, wedding dresses. So that's  
4 my prime focus.

5 But I can see the potential damage to  
6 our economy as this has spread to more clothing  
7 categories because it's not high technology.  
8 It's so labor driven that - you know, my focus is  
9 the area that I know.

10 But I have sympathies for other people  
11 who are facing, you know, grave prospects of what  
12 it does to their supply chain and to their  
13 economics.

14 MR. SULBY: Last question is for Mr.  
15 Kiersznowski from DEMDACO. In your testimony you  
16 note that China is seeking to move away from  
17 production of these types of products.

18 Does this suggest that despite  
19 whatever we end up doing as part of this review  
20 that market forces will eliminate China as a  
21 source of supply for these products?

22 MR. KIERSZNOWSKI: Thank you for the

1 question. I don't believe that it will result in  
2 that. What's happening is that our factories are  
3 being asked to move further and further inland in  
4 China so that the governments can have the  
5 coastal properties for high tech.

6 China doesn't really like the type of  
7 manufacturing that we do because it is very low  
8 tech, very labor intensive, very artisanal.

9 So but the factories that make it we  
10 have tried to source in Thailand. We have tried  
11 to source in Philippines.

12 We have tried to source in Sri Lanka,  
13 and nobody has the ecosystem to produce the  
14 quantities or the qualities that we need.

15 So I think while it will remain in  
16 China, it will move further and further inland  
17 over time. All of our factories are being asked  
18 to move to make room for high-tech manufacturing  
19 along the coast.

20 MR. LANG: Mr. Chairman, may I add one  
21 comment - final comment?

22 CHAIR BUSIS: Yes.

1 MR. LANG: Because we have been so  
2 involved for five years with fighting  
3 counterfeiting, this is the clear and present  
4 danger that doesn't - it flies below the radar.

5 I could very easily put up a warehouse  
6 in Hong Kong and ship all over the world to the  
7 75 countries I sell to right now and not pay a  
8 single penny in duties.

9 Why do I say this? Because our  
10 government cannot track all the packages coming  
11 in to this country that are sent in as gifts.

12 I could very easily send right to my  
13 consumers. I'd make a lot more money, never  
14 bring the goods into the United States, never use  
15 the freight companies, never use all the  
16 facilities who I pay millions of dollars to, and  
17 everybody would lose.

18 Furthermore, China is still going to  
19 sell to other countries - into Spain, into Italy,  
20 into - all over Europe, South America.

21 Those people who have established  
22 wedding gown companies, for example, could very

1 easily put the U.S. companies out of business by  
2 doing a little bit of value added and shipping it  
3 as made in their country and we wouldn't have the  
4 auspices to check it in this country.

5 I have spent so much time in  
6 Washington with different departments, some of  
7 your departments. We are like a sieve in this  
8 country. There are millions of packages coming  
9 in.

10 What's very insolent is for somebody  
11 who makes a widget in Shanghai, ships it to Hong  
12 Kong, ships it directly to a consumer for 75  
13 cents and our post office picks it up in  
14 California and delivers it through reciprocity  
15 with no duties paid.

16 If I brought a button into this  
17 country or let alone a garment mislabeled, the  
18 duties - the penalty fees start at \$50,000. It's  
19 a comedy of errors, the - some of the obstacles  
20 we face and many people aren't aware of it.

21 But to us, we are front seat to this.  
22 This counterfeiting situation is only going to



1 get worse. If these tariffs go in place, these  
2 counterfeiters will see greater opportunity to  
3 steal from the Americans and we don't have the  
4 horsepower. Customs does not have the horsepower  
5 to stop it.

6 We are actually going to make a bigger  
7 hurdle for ourselves to overcome the billions of  
8 dollars in counterfeit products that come into  
9 this country every day.

10 CHAIR BUSIS: Thank you, Mr. Lang.

11 This concludes our Panel 1. Thank  
12 you.

13 MR. BISHOP: We release this panel  
14 with our thanks and we invite the members of  
15 Panel 2 to please come forward and be seated, and  
16 we ask that the members of Panel 3 please come  
17 forward to the witness holding area.

18 Will the room please come to order?  
19 Madam Chairman, our first witness on this Panel  
20 is William Alexander with 5N Plus Semiconductors.  
21 Mr. Alexander, you have five minutes.

22 MR. ALEXANDER: Mr. Chairman and

1 Members of the Committee, I'm William Broxton  
2 Alexander, senior director of corporate  
3 development and innovation management for 5N Plus  
4 Semiconductors, LLC.

5 I'm here to request the removal of  
6 unwrought germanium imported from China and  
7 classified under the harmonized tariff schedule  
8 of the United States, subheading 8112.92.60, on  
9 the list of products that would be subject to a  
10 proposed 25 percent tariff.

11 In addition, germanium is also subject  
12 to regular duties at the rate of 2.6 percent.  
13 Cumulatively, a significant higher tariff of  
14 almost 28 percent would trigger national security  
15 and other significant consequences.

16 For this and other reasons I will  
17 discuss, ready and unabated access to this  
18 critical raw material should be a key factor to  
19 the USTR's final determination.

20 As a background, 5N is a wholly owned  
21 subsidiary of 5N Plus Incorporated. Our primary  
22 manufacturing facility is located in St. George,

1 Utah.

2 Over the past seven years, our company  
3 has made substantial investments in capital  
4 equipment and building improvements among other  
5 projects. 5N is a leading U.S. producer of  
6 semiconductor wafers for solar cells used to  
7 power satellites.

8 While 5N produces the semiconductor  
9 wafers for both defense and commercial  
10 applications, the U.S. government is the largest  
11 end user. 5N is the sole U.S. domestic space  
12 qualified supplier of these articles to national  
13 security space customers.

14 In 2012, 5N made a significant  
15 investment in a government funded project to  
16 develop the supply chain for germanium substrates  
17 for satellite. Customers including the U.S. Air  
18 Force and Space Missile System Center.

19 In 2012, the Defense Logistics Agency  
20 awarded 5N a contract to produce and store  
21 germanium substrates. This space critical  
22 technology working group has identified germanium

1 substrates as a concern for national security  
2 space.

3 In addition, 5N is the only, one of  
4 only two, and the only U.S., national defense  
5 stockpile qualified germanium wafer supplier  
6 worldwide. By way of background, the DLA awarded  
7 a contract to 5N in January of this year making  
8 our company the sole provider and manager of this  
9 strategic stockpile.

10 Pursuant to that contract, 5N is  
11 responsible for upgrading a portion of the  
12 existing high purity germanium inventory, to  
13 include unfinished germanium wafers. Which are  
14 needed for various national security space  
15 applications.

16 5N also produces germanium wafers for  
17 use in commercial space satellites such as those  
18 used for scientific research or  
19 telecommunications.

20 For a number of years, there have been  
21 no germanium mines operating to scale in the  
22 United States. To support its U.S. manufacturing

1 operations, 5N sources unwrought germanium from  
2 China.

3 It is important to note that China  
4 produces and supplies the majority of the global  
5 germanium market needs. In 2017, China produced  
6 more than 65 percent of the worlds totaled  
7 refined germanium of which the United States  
8 acquired 20 percent of that amount.

9 While there are sources outside of  
10 China, even in the aggregate, those sources in  
11 Europe and Canada do not have the capacity to  
12 produce the level of germanium required by 5N or  
13 the U.S. governments national security stockpile.

14 Additionally, these foreign suppliers  
15 sell germanium primarily to 5N's main competitor,  
16 who is headquartered in Europe. Even then our  
17 European competitor is not able to satisfy its  
18 total germanium needs relying solely on European  
19 sources. Rather, our competitor also sources a  
20 significant amount of this critical raw material  
21 from China.

22 Due to the unavailability of purified

1       germanium outside China, the proposed 25 percent  
2       tariff would severely impact 5Ns ability to  
3       manufacture germanium wafers in the United  
4       States. As a result, the high tariff would  
5       seriously threat not only the U.S. Governments  
6       national defense stockpile, but also, its  
7       commercial contracts for government wafers.

8                 Further, 5N's long-term contract with  
9       the DLA is subject to a best price requirement.  
10       Meaning, that the contract will not allow  
11       flexibility in sourcing or pricing.

12                Saddled with an added 25 percent  
13       tariff 5N could not compete against this European  
14       competitor who would not be subject to the  
15       significant added cost.

16                5N does not believe the intent of the  
17       Section 301 tariff is to harm a U.S. producer and  
18       bestow on our foreign competitor the opportunity  
19       to reduce our hard-won U.S. market share and  
20       undercut our pricing. Perhaps a more effective  
21       tariff would be to penalize on the finished  
22       product, the finished wafers, coming from Europe

1 or China.

2 Competitive pricing is key in the  
3 satellite industry as the margins are very slim.  
4 Those circumstances, plus the opposition of a 25  
5 percent tariff, would pose severe economic  
6 hardship to the company and ultimately to its  
7 U.S. employees and U.S. manufacturing operations.

8 In summary, 5N manufactures germanium  
9 into semiconductor wafers in the United States  
10 for use on satellites and solar panels for mostly  
11 U.S. Defense projects and systems. For 5N to  
12 remain competitive and continue its operations  
13 unabated, the company must have access to a  
14 reliable source of consistently produced high  
15 purity germanium.

16 With no such U.S. or foreign sources  
17 or mines for this raw material, placing a 25  
18 percent tariff on Chinese sourced germanium could  
19 have a severe national security implications as  
20 well as negative commercial repercussions.

21 Further, the additional costs would  
22 have adverse impact on 5N's ability to compete in

1 the United States against its foreign competitor.  
2 Accordingly, 5N respectfully requests the removal  
3 of unwrought germanium from the annex to the STR  
4 notices. Thank you for your attention, I'll  
5 welcome any questions you may have.

6 MR. BISHOP: Thank you, Mr. Alexander.  
7 Our next witness is Tom Cove with the Sports and  
8 Fitness Industry Association. Mr. Cove, you have  
9 five minutes.

10 MR. COVE: Thank you. I am the  
11 president and CEO of the Sports and Fitness  
12 Industry Association. Our members include more  
13 than 300 companies, 750 brands who manufacture  
14 and sell sports and fitness products.

15 We were started in 1906. We have a  
16 global economic, our members have a global  
17 impact, estimated at more than \$75 billion  
18 annually.

19 SFIA supports President Trump's  
20 objectives regarding China's compliance with  
21 international intellectual property laws.  
22 However, we strongly opposed the proposed



1 tariffs, which will disrupt business models and  
2 cause lasting economic harm to American sports  
3 companies and to the millions of American  
4 consumers who look to play sports and be active  
5 every day.

6 Specific to this morning, 20 companies  
7 will be participating in 35 SFIA petitions  
8 requesting relief from the proposed tariffs on  
9 ball caps, sports bags, backpacks, baseball,  
10 softball, hockey, lacrosse gloves, batting  
11 gloves, golf bags. We also oppose increased  
12 tariffs on components, like fitness equipment  
13 generators, face masks and chin straps.

14 It's worth noting that these  
15 components are used in manufacturing of high end  
16 fitness equipment and critical sports protective  
17 gear, in American factories and facilities.

18 So all these products require specific  
19 production facilities and at present, there is  
20 not sufficient capacity outside of China to  
21 accommodate our member's needs. Domestic  
22 manufacturing in the industry is very small,

1 generally not cost effective.

2 Our members have taken steps to  
3 diversify sourcing and we commend USTR for  
4 expanding programs like GSB to encourage sourcing  
5 outside of China, thank you. But it can take,  
6 and we're learning it can take, years to find  
7 alternative production options, train workforce,  
8 develop infrastructure and build a retrofit  
9 manufacturing facilities.

10 As of now, China remains a vital and  
11 not easily replaceable link in our industry  
12 supply chain. Shifting manufacturing to other  
13 countries is simply not feasible in real time or  
14 at scale.

15 I'll take a moment just to talk about  
16 tariffs causing higher prices in our industry.  
17 Specific issue for the sports industry.

18 We make products that make people  
19 physically active, healthy. According to CDC,  
20 the average per capita health care spending for  
21 inactive American is \$1,437 more than for an  
22 active American.

1           So it makes no sense to drive up the  
2 price of products that otherwise contribute to  
3 lowering the national expenditure on health care,  
4 which we know is a national priority.

5           And we also know, from our business,  
6 the youth sports in American today are  
7 increasingly expensive. And those of you who  
8 have children know, travel, sports and all that  
9 sort of thing.

10           Research from the University of  
11 Michigan's Children Hospital identified cost as a  
12 special barrier to sports participation. So let  
13 me give one example relevant to this hearing.

14           These tariffs would raise the cost of  
15 a plastic youth baseball glove. That's the kind  
16 of glove that's basic, it's low end, it's  
17 designed for a young child when she or he is  
18 starting to play ball.

19           Adding an additional ten, 25 percent  
20 tariff to the cost of such a glove would only  
21 raise the cost barrier. We want to encourage  
22 young kids to play and this moves us in the wrong

1 direction.

2 We do believe that China should be  
3 held accountable to uphold intellectual property  
4 rights. But as was mentioned earlier, tariffs on  
5 our products may have the unintended and perverse  
6 effect of harming business partners of U.S.  
7 companies while incentivizing counterfeiters and  
8 other criminal enterprises who don't play by the  
9 rules.

10 Our companies, our American companies,  
11 have invested significant time, money and  
12 personal capital to establish viable business  
13 relationships with reputable Chinese  
14 manufacturers. They work to ensure IP  
15 protections, labor rights and other business  
16 practices are built into their agreements and  
17 supply chain operations.

18 Counterfeiters and criminal  
19 syndicates, by definition, avoid legitimate  
20 business relationships and do everything they can  
21 to smuggle outside official channels. They don't  
22 and won't pay tariffs.

1           The impact of these tariffs then will  
2 be to harm those who follow the law and who work  
3 cooperatively with American companies and  
4 agencies, but not at all reach the root of the  
5 problem.

6           So we do have a serious challenge  
7 protecting our trademarks, designs, and brands  
8 and, again, we thank you for your interests in  
9 supporting that, but we believe we should target  
10 punitive actions against those with the greatest  
11 disregard for intellectual property laws. We  
12 believe in the multilateral approach.

13           And at the policy level SFIA  
14 encourages the administration to work with our  
15 trading partners to build an international  
16 coalition to contest China's intellectual  
17 property rights policies at the WTO.

18           China is a formidable global  
19 manufacturing source and our members have  
20 invested significant time and resources  
21 developing a supply chain using Chinese capacity.  
22 Many SFIA members will not survive an extended

1 period of higher tariffs long enough to find  
2 sourcing options outside of China.

3 This is especially true for small and  
4 medium sized enterprises. Our biggest brands,  
5 the Nike's, et cetera, they're out there, they  
6 can handle a lot of this. It will hurt the small  
7 and medium size folks the most when they have to  
8 shift in such fast and sort of unintended plan.

9 So, with that, we thank you. I know  
10 my time is up, but thank you for the opportunity  
11 to appear, happy to answer any questions.

12 MR. BISHOP: Thank you, Mr. Davis.  
13 I'm sorry, Mr. Cove.

14 Our next witness is Jonathan Davis  
15 with SEMI. Mr. Davis, you have five minutes.

16 MR. DAVIS: Well, thank you very much  
17 for the opportunity to present testimony today.  
18 My name is Jonathan Davis and I'm the global vice  
19 president for industry advocacy at SEMI, the  
20 global electronics manufacturing industry  
21 association.

22 With more than 2,000 member companies

1 worldwide, including more than 400 American  
2 companies, SEMI represents the full range of U.S.  
3 semiconductor technology. Including chip  
4 designers, equipment makers, materials producers  
5 and subcomponent suppliers.

6 Our member companies are the  
7 foundation of the \$1.5 trillion electronics  
8 industry. And the vital supply chain employees  
9 350,000 high skilled, high waged jobs across the  
10 united states.

11 Semiconductors are essentially the  
12 brains of all electronic systems making possible  
13 countless products on which we rely for business,  
14 communication, transportation, health care,  
15 entertainment and virtually all activities of  
16 modern human endeavor, and I'm guessing an  
17 increasing amount of fitness products as well.

18 These products have boosted economic  
19 growth and enhanced productivity. And with the  
20 advent of emerging technologies, such as  
21 artificial intelligence, autonomous driving and  
22 the internet of things ecosystem, this industry

1 will continue to be central to U.S. growth and  
2 prosperity.

3 All of this is enabled by  
4 sophisticated intellectual property. And SEMI  
5 supports efforts to better protect our valuable  
6 IP.

7 U.S. is a global leader in  
8 semiconductor manufacturing technology holding  
9 more than 40 percent of the global producer  
10 share, U.S. companies in this sector export on  
11 average more than 80 percent of what is produced  
12 domestically. As a result, the United States has  
13 long held a trade surplus on semiconductor  
14 equipment.

15 And trade has ensured that the United  
16 States has remained a global leader in the  
17 semiconductor industry.

18 In this industry, trade and innovation  
19 are intrinsically intertwined by allowing  
20 companies to better tap into foreign markets and  
21 suppliers, trade has enabled greater research and  
22 development. Which fuels innovation and growth.



1                   Indeed, to change either effects the  
2 other. Without trade opportunities, innovations  
3 dries up. And without innovation, opportunities  
4 to export slows.

5                   With that in mind, we believe that the  
6 imposition of 25 percent tariffs could be  
7 extremely harmful to the U.S. semiconductor  
8 manufacturing supply chain. Nearly 100 total  
9 tariff lines in the proposed Section 301 tariff  
10 list, directly impact the semiconductor supply  
11 chain.

12                   These tariff lines include products  
13 that effectively enable the industry and we  
14 request that these tariff lines be removed from  
15 the proposed Section 301 action.

16                   Estimates from our U.S. based  
17 companies suggest that these tariffs, if  
18 implemented as proposed, will cost millions of  
19 dollars annually in additional taxes and lost  
20 revenue, owing to reduced exports.

21                   We also worry that these tariffs will  
22 impact U.S. competitiveness. The net impact of

1 the straight action will be that non-U.S. firms  
2 receive an advantage.

3 Further, these tariffs impact many  
4 items that are not widely available in terms of  
5 quality and cost, from domestic sources, as well  
6 as foreign non-Chinese sources. Companies in our  
7 industry rely on certain products that are  
8 produced, often by U.S. companies and China.

9 Companies in the semiconductor supply  
10 chain have spent years developing cost effective  
11 and highly qualified suppliers across the globe.  
12 Our tools are extremely complex, precise and  
13 difficult to manufacture.

14 And it's not reasonable to simply  
15 replace a component that we have systematically  
16 designed into our tool with a component from  
17 another source. This action will stifle  
18 innovation, endanger U.S. leadership in a sector  
19 and put thousands of U.S. jobs at risk.

20 We also believe that this will  
21 threaten future growth and it will not solve our  
22 legitimate longstanding concerns with China. Of

1 course, this is on top of other tariffs which are  
2 in force or under consideration.

3 In closing, we support efforts to  
4 ensure that we compete on a level playing field.  
5 We can't simply cut off our ability to tap into  
6 foreign markets however.

7 Trade is critically important to the  
8 continued success of the semiconductor industry.  
9 These tariffs will inflict unintended damage,  
10 stifle American innovation, increase prices,  
11 threaten longstanding U.S. leadership and a  
12 critical technology capability and also threaten  
13 thousands of U.S. jobs. I look forward to  
14 answering your questions and I thank you.

15 MR. BISHOP: Thank you, Mr. Davis.  
16 Our next witness is Jen Harned with Bell Sports,  
17 Incorporated. Ms. Harned, you have five minutes.

18 MR. HARNED: Good morning. My name is  
19 Jennifer Harned, I am the president and general  
20 manager of Bell Sports, Inc., a subsidiary of  
21 Vista Outdoor, Inc.

22 Our other brands include Giro, Bolle,

1 Cebe, Blackburn, Co-Pilot, Raskullz, and Krash.  
2 Collectively, we are designers, producers and  
3 sellers of a variety of consumer products that  
4 provide motorcycle, bicycle, skateboard, skiing  
5 and snow board consumers with a safe and  
6 comfortable riding experience.

7 We employ over 500 people in the  
8 United States with a quarter of that workforce  
9 located in our foreign trade zone in Rantoul,  
10 Illinois.

11 The products included on the proposed  
12 tariff list capture our entire line of helmets,  
13 including the padding, fit systems and straps, we  
14 use to assemble helmets like this in the United  
15 States.

16 The list also includes other bicycle  
17 safety products, such as lights, mirrors and  
18 child and pet trailers, and maintenance products  
19 such as hand and foot pumps, saddles, inner tubes  
20 and tires and pedals.

21 The appendix to my testimony will  
22 provide a comprehensive list of our impacted

1 products and their corresponding harmonized  
2 tariff system subheadings.

3 The premise of the proposed ten to 25  
4 percent tariffs on these products is that it will  
5 incentivize China to change its discriminatory  
6 practices. However, the tariff on these products  
7 will have no impact on China's behavior because  
8 these products are not the high technology  
9 products China is targeting with its Made in  
10 China 2025 program.

11 In reality, these tariffs will have to  
12 be passed along to consumers in the form of  
13 retail price increases, ultimately jeopardizing  
14 the safety of ordinary Americans.

15 Because consumer behavior is dictated  
16 by price. And if faced with higher prices, we  
17 fear the nation's bicyclists, motorcyclists,  
18 skateboarders, skiers, snow boarders and the  
19 parents of participants in these activities will  
20 choose to use formerly owed, damaged or inferior  
21 products.

22 If prices go up, perhaps someone rides

1 their bike on bald tires and gets in an accident  
2 as a result or does not replace their helmet  
3 after an impact, as they should. Even worse, we  
4 fear consumers could forego utilizing these  
5 products all together.

6 Choosing to ignore safety laws,  
7 perhaps by not buying a bike light and getting  
8 hit by a car because a driver does not see them.  
9 Or not wearing a helmet and dying from an impact  
10 to their skull.

11 Many of our products are sold through  
12 retail outlets to price sensitive consumers. We  
13 are always in pursuit of the highest quality at  
14 the most competitive production costs possible in  
15 order to meet these retail pricing requirements.

16 To date, we have yet to find an  
17 alternative location that provides the  
18 infrastructure, the know-how, and the cost  
19 structure making it a viable option to China.

20 Further, many of our products are  
21 required to pass various state and/or federal  
22 certification standards in order to ensure the

1 safety of consumers. Making production quality  
2 critical and the cost of moving production  
3 prohibitive.

4 If the cost to import our products  
5 from China were to increase ten to 25 fold, our  
6 ability to invest in U.S. jobs, our Rantoul  
7 operation, and the research and development  
8 designed to enhance consumer safety and consumer  
9 experiences will be annihilated.

10 We are the company who made kids want  
11 to wear helmets by embracing the 3D trend. After  
12 all, who isn't cool in a mohawk.

13 Simply put, maintenance of bicycles  
14 saves lives. Bicycle mirrors, lights and child  
15 trailers saves lives and helmets of all kinds  
16 saves lives.

17 We have extensive communication from  
18 users of our products demonstrating these facts.  
19 As one person recently shared with us, I  
20 sustained a fractured left arm, a shattered  
21 pelvis, a broken fibula in my right leg along  
22 with assorted internal traumas. The doctors and

1 nurses were amazed that I was able to escape with  
2 my head completely unscathed and I give all the  
3 credit to your company.

4 Behind the representatives from Labor  
5 and SBA, our examples of helmets that have saved  
6 people's lives. I ask that you pass them around  
7 and see, for yourself, what these do.

8 We applaud the administration's  
9 efforts to address China's discriminatory  
10 practices towards intellectual property rights.  
11 However, we do not believe these tariffs on these  
12 products for which there are limited  
13 opportunities to source outside of China, will  
14 influence China's behavior.

15 Further, we have serious concerns this  
16 could incentivize our current Chinese  
17 manufacturers, who today, do not sell directly to  
18 American consumers. To begin to do so, as a  
19 result of a deterioration in our volumes, further  
20 eroding sales of American businesses.

21 We implore you to remove helmets and  
22 bicycle safety and accessory products from the



1 proposed tariff list. Our written comments to be  
2 submitted prior to September 6th will provide  
3 substantial detail of the implications of the  
4 proposed 301 tariffs, on our products.

5 We thank you for listening to our  
6 concerns and appreciate your consideration of our  
7 requests.

8 MR. BISHOP: Thank you, Ms. Harned.  
9 Our next witness is Bob Margevicius with the  
10 Bicycle Suppliers Association and Specialized  
11 Bicycle Components. Mr. Margevicius, you have  
12 five minutes.

13 MR. MARGEVICIUS: Do you remember how  
14 exciting it was when you got your first bicycle?

15 Do you remember that day you could hop  
16 on, you could ride to the convenience store, get  
17 a candy bar, you could visit your friends, you  
18 could go to the park and enjoy some time  
19 together?

20 It was much more than just metal and  
21 two wheels, it was a source of freedom and an  
22 entry point into adulthood. For many who can't

1 afford the expense of a bike, of a car, it was  
2 their primary source of transportation. While  
3 for others, it's a prescription to a healthy  
4 life. This is at risk today.

5 JFK is credited with saying, nothing  
6 compares to the simple pleasure of riding a  
7 bicycle. Today I'm testifying to preserve this  
8 simple pleasure from becoming collateral damage  
9 in a trade dispute.

10 My name is Bob Margevicius. I'm  
11 executive vice president of Specialized Bicycle  
12 Components.

13 We're a California bicycle company  
14 that employs over 1,100 people here in the  
15 United States. We service independent retailers  
16 with Specialized branded bicycles and bicycle  
17 related products.

18 I also serve on the Board of Directors  
19 of the BPSA and chair the BPSA Safety Committee.  
20 The BPSA is a 501(c)(6) trade association  
21 committed to improving the business environment  
22 for companies that manufacture, assemble, produce

1 or supply bicycles and bicycle products.

2 I'm here representing specialized, the  
3 bicycle industry and cyclists. There are an  
4 estimated 18 million bicycles sold in the year.  
5 Eclipsing the number of automobiles sold annually  
6 with more than 100 million in active use.

7 The proposed Section 301 tariffs apply  
8 to the categories of complete bicycles, bicycle  
9 components and bicycle safety accessories  
10 imported from China, into the United States.

11 So let's look at each of these three  
12 categories. Complete bicycles. Approximately 94  
13 percent of the 18 million bicycles, or 15  
14 million, are imported into the United States from  
15 China.

16 Annual bicycle imports from China are  
17 over \$1.1 billion. With less than 500,000  
18 bicycles assembled locally here in the United  
19 States.

20 Shifting to another country where  
21 manufacturing in the United States requires time,  
22 economies of scale, significant capital

1 investment. On top of that, the potential  
2 additional 25 percent tariff on bicycle  
3 components makes this unthinkable.

4 Even a partial shift to another  
5 country would take years to implement as any one  
6 bicycle, much like an automobile, has over 200  
7 unique components, with China being the major  
8 manufacturing cluster.

9 Bicycle components, second item. Over  
10 300 million bicycle components are imported from  
11 China. This represents about 60 percent of the  
12 total bicycle imports, component imports.

13 It includes such things as tires,  
14 tubes, seats, handlebars, et cetera. All are  
15 essential for assembly repair, maintenance for  
16 the over 100 million bicycles in use, here in the  
17 United States.

18 There are no significant domestic  
19 production of these components. With the  
20 remaining 40 percent, are high valued performance  
21 oriented components from countries like Japan or  
22 Europe.

1                   Bicycle safety accessories, third  
2 category. The majority of important bicycle  
3 safety accessories, like helmets, lights, baby  
4 trailers, about a hundred million are from China  
5 and on the Section 301 tariff list.

6                   They serve to protect bicyclists from  
7 unforeseen situations today. Including  
8 distracted drivers.

9                   There is no significant domestic  
10 production of bicycle safety accessories to  
11 scale. Supply sources from other countries  
12 provide high value performance oriented  
13 components.

14                   The proposed additional 25 percent  
15 tariff on these three categories will have a  
16 catastrophic consequence for the bicycle market.  
17 Our industry supports tens of thousands of jobs -  
18 -

19                   CHAIR GRIMBALL: Mr. Margevicius,  
20 please conclude.

21                   MR. MARGEVICIUS: What?

22                   CHAIR GRIMBALL: Your time has

1 expired.

2 MR. MARGEVICIUS: Pardon me?

3 CHAIR GRIMBALL: Just please conclude,  
4 your time has expired.

5 MR. MARGEVICIUS: Oh. So, the request  
6 is for you, you hold the key to our children's  
7 future, healthier lives, who rely on bicycles as  
8 their mode of transportation. We trust you will  
9 take this into consideration in your decision.

10 And thank you for the opportunity to  
11 be here.

12 MR. BISHOP: Thank you, Mr.  
13 Margevicius. Our next witness is Matt Moore with  
14 the Quality Bicycle Products, Incorporated. Mr.  
15 Moore, you have five minutes.

16 MR. MOORE: Thank you, Chair and  
17 Committee Members. My name is Matt Moore, I'm  
18 the general council for Quality Bicycle Products.

19 We are the largest wholesale  
20 distributor of bicycle parts and accessories in  
21 the United States. We're actually a global  
22 company, as we export from the U.S. as well.

1           We were founded in 1986 in our owner's  
2 garage in response to the movement of bicycle  
3 manufacturing from the United States,  
4 specifically to Japan at that time. So our whole  
5 business model was to source repair parts for the  
6 bicycles being imported into the United States so  
7 that those were readily available.

8           Currently we have over 700 employees  
9 in four states with distribution centers in  
10 multiple states in the United States.

11           I also serve as the chair of the  
12 Legislative and Legal Monitoring Committee for  
13 the Bicycle Product Suppliers Association and  
14 work with government regulatory matters,  
15 especially with the Consumer Product Safety  
16 Commission.

17           I would also like to talk about bikes.  
18 I like to talk about bikes as often as I can.  
19 Everyone has a story, a memory of when they were  
20 a kid and took their first bike ride. But those  
21 memories are in jeopardy.

22           And the reason is, is that 97 percent

1 of children's bikes sold in the United States are  
2 imported from China. That is a huge volume of  
3 bicycles that represents about 80 percent of the  
4 total tariff achieved in bicycle categories.

5 Those bikes are already subject to an  
6 11 percent tariff. Currently, many of those  
7 bikes are in production because many of them are  
8 sold at the holiday season.

9 It's going to be extremely difficult  
10 if prices change dramatically over the next few  
11 months for retailers to absorb that. And the  
12 results will be that prices will increase.

13 This will hit America's retailers of  
14 bicycles extremely hard. They will see lost  
15 sales, they will see parents deciding to buy some  
16 other gift for, at the holidays.

17 American's bicycle retailers, there  
18 have been some high-profile bankruptcies. Toys  
19 "R" Us was a big bicycle seller. They're no  
20 longer around.

21 America's retailers have struggled  
22 against foreign competition. Especially with



1 imports that come in under the \$800 de minimis  
2 amount.

3 So you can order a complete bicycle  
4 from China, it will show up at your door. What  
5 you won't get is a certificate that that product  
6 complies with CPSC standards for bicycles because  
7 that paperwork is not required for that type of  
8 entry.

9 The same is true of bicycle  
10 components, tires, tubes, helmets that are sold  
11 by online retailers located in other parts of the  
12 world, especially Europe but also China. That  
13 can ship to the United States with impunity, do  
14 not have to pay sales tax, income tax in the  
15 United States or any of the current duties that  
16 are levied on bicycle parts and accessories,  
17 which are generally ten percent and among the  
18 highest.

19 Technology. If you want to see the  
20 latest in bicycle technology you can go to the  
21 Smithsonian Museum, the Air and Space Museum and  
22 see a 1903 Wright brother's bicycle that is, in

1 essence, what is being produced in China today.  
2 The same technology.

3 There aren't any semiconductor chips  
4 in the bicycles imported from China. They are  
5 very basic machines, much as they were developed  
6 in the 1890's. There isn't any technology theft  
7 by the Chinese manufacturers of those bikes,  
8 they're simply making them an affordable price.

9 Helmets. Helmets are extremely  
10 important piece of safety equipment. They were  
11 the first product that was regulated by the CPSC.

12 I'm speaking to you today because I  
13 was wearing a bicycle helmet when I was hit by a  
14 distracted driver three years ago. Although I  
15 suffered extensive injuries, I do most of my work  
16 above the shoulders and fortunately the helmet,  
17 which was designed in Belgian, made in China and  
18 sold by my company in Minnesota, did its job.

19 Twenty-two states, and the District of  
20 Columbia, require children to wear bicycle  
21 helmets. There should not be a 25 or ten percent  
22 duty on bicycle helmets, helmets should be duty

1 free, as they are now.

2 I thank you for your consideration of  
3 my comments and I welcome any questions.

4 MR. BISHOP: Thank you, Mr. Moore.

5 Our next witness is Patrick Cunnane with  
6 PeopleForBikes and the American Sports  
7 Enterprise. Mr. Cunnane, you have five minutes.

8 MR. CUNNANE: Thank you for allowing  
9 me to testify today.

10 (Off microphone comment)

11 MR. CUNNANE: Sure, how's that? Good?

12 (Off microphone comment)

13 MR. CUNNANE: Great. My name is Pat  
14 Cunnane, I'm the CEO of Advanced Sports  
15 Enterprises, the parent company of Performance  
16 Bicycle, the largest specialty bicycle retailer  
17 in the United States and the owner of bicycle  
18 brands Fuji, Kestrel, Breezer and SE. And I'm on  
19 the board of PeopleForBikes an industry  
20 association.

21 And I'm testifying out of concern for  
22 my employees, my business and our entire

1 industry. Over the proposed tariffs on bicycles,  
2 parts, and accessories.

3 Additionally, I'd like to offer a  
4 solution. ASI's global headquarters is in  
5 Philadelphia. We employ nearly 2,000 Americans  
6 and sell to more than 1,500 specialty bicycle  
7 retailers in the United States and in more than  
8 80 countries worldwide.

9 Performance Bicycle operates 104  
10 stores in 23 states, and we sell in all 50  
11 states. Our annual revenue is over \$250 million.

12 Simply put, we anticipate a serious  
13 and harmful effect to our industry if these  
14 tariffs are approved. Our industry will see  
15 tariffs increased by more than a quarter billion  
16 dollars if the 25 percent tariff is approved.  
17 Fewer sales and less secure jobs.

18 As a manufacturer of bicycles and  
19 parts, and as a retailer, ASE is involved in  
20 almost every facet of the bicycle industry.  
21 Relatively few bicycles, as you heard, are made  
22 in the United States. Ninety-four percent of

1 complete bicycles are made in China, 97 percent  
2 of children's bicycles are made in China.

3 I understand that tariffs are intended  
4 to protect domestic manufacturing, but in the  
5 case of the bicycle industry, that's not  
6 realistic, and pretending otherwise is dangerous  
7 to our business.

8 In addition, as you've heard, to  
9 complete bicycles the tariffs will affect bicycle  
10 parts and helmets. Bicycle helmets.

11 Bicycle helmets are mandatory for  
12 children in many states. The proposed tariff on  
13 helmets would make compliance to these laws more  
14 expensive for parents.

15 I appreciate and support the USTR's  
16 commitment to protecting U.S. companies from  
17 unfair trade practices. In the case of bicycles,  
18 we don't see intellectual property theft or anti-  
19 competitor practices the 301 investigation hopes  
20 to counter.

21 Therefore, we ask that you remove  
22 bicycles and bicycle products from the list of

1 items that will be subject to these tariffs. I'd  
2 refer you to our written comments.

3 Now, I know, as well as everyone, that  
4 China cheats. And some companies are under  
5 serious threat due to China's practices. I  
6 respect the President's, and your desire, to hold  
7 them accountable.

8 For the bicycle industry, there's a  
9 better way to stop counterfeiting and the unfair  
10 advantage that China and other foreign businesses  
11 have that currently harms my business and the  
12 bicycle industry.

13 The solution is to reduce the de  
14 minimis threshold that China currently takes  
15 advantage of for shipments under \$800. We  
16 suggest, I suggest, that you reduce that to \$50.

17 Impose a minimum fee for shipments  
18 into the United States that have a value of more  
19 than \$50. Understand also that these  
20 international sellers do not collect sales tax,  
21 providing an additional benefit over American  
22 retailers.

1                   The minimum tariff could be \$50 for  
2 orders between \$50 and \$200, 20 percent of the  
3 value for orders between \$200 and \$1,000 and then  
4 normal duty over \$1,000.

5                   Note that the de minimis charge into  
6 China, if you ship into China, is 60 RMB or about  
7 \$10. Eighty times lower than the rate for  
8 shipments from China into the United States.

9                   This action would eliminate the unfair  
10 advantage that non-U.S. retailers have. It would  
11 reduce fraud and counterfeit products produced by  
12 unsuspecting web stores based in China and  
13 companies that sell consumer direct, that are not  
14 subject to the tariffs and the scrutiny that  
15 importers are, like me.

16                   Under the current de minimis of \$800,  
17 businesses, like mine, lose business to foreign  
18 retailers. The current de minimis is death by  
19 1,000 cuts.

20                   Excluding imports of less than \$800  
21 from the proposed 25 percent tariff, products  
22 Made in China and sold by foreign retailers will

1 get an even bigger advantage.

2 We would be supporting by this tariff  
3 Alibaba and other foreign retailers who already  
4 have an advantage over main street and U.S. based  
5 internet retailers. Thank you for your time.

6 MR. BISHOP: Thank you Mr. Cunnane.  
7 Our final witness on this Panel is Vishak  
8 Sankaran of Bushnell Holdings, Inc. Mr.  
9 Sankaran, you have five minutes.

10 MR. SANKARAN: Good morning. My name  
11 is Vishak Sankaran and I'm the president of  
12 Bushnell Holdings, Incorporated, a subsidiary of  
13 Vista Outdoor.

14 I'm also here today representing our  
15 other potentially impacted businesses in our  
16 industry segment, Primos and RCBS.

17 I would first like to thank and begin  
18 by appreciating your positive consideration of  
19 our previous request for exempting rifle scopes  
20 from the prior list of products that went into  
21 effect on July 6th. Your decision is very much  
22 appreciated by all the sportsmen and sportswomen



1 who rely upon our products.

2           However, we now face a similar  
3 situation, a range of other products, that are  
4 included in the \$200 billion list.

5           Imposing a ten or 25 percent tariff on  
6 these products is going to severely impact  
7 everyday folks who rely on these products for  
8 their outdoor recreational activity. These  
9 products that are now in consideration are gun  
10 cases and holsters, cleaning rods, red dot  
11 optics, range finders, hunting calls, electronic  
12 scales and trail camera boxes that are on this  
13 list.

14           The specific HTS classifications that  
15 these fall under are elaborated in our appendix  
16 to our written testimony.

17           I respectfully suggest that imposing  
18 punitive tariffs on these products is in no way  
19 going to provide leverage against China, its IPR  
20 practices or industry and polices. Quite  
21 frankly, it will only lead to higher costs for  
22 hunters and sportsmen.

1           If the ten to 25 percent tariffs were  
2 to be enacted, they would significantly increase  
3 the price of our products to unsustainable  
4 levels. Our consumers are avid enthusiasts and  
5 outdoors men.

6           But even small price increases can be  
7 very, very painful to the most dearest of hearts  
8 and dedicated of hearts. Without a doubt, this  
9 cost will negatively impact the demand for our  
10 products and in turn, will impact our business  
11 negatively leading to a further increase in cost  
12 and an escalating spiral of further deduction in  
13 demand.

14           This, will no question, seriously  
15 impact our ability and our future plans for  
16 investments in the United States at our various  
17 facilities in Kansas, in Montana, in California  
18 and in Mississippi. To be frank, our company  
19 cannot absorb these significant cost increases  
20 and stay in business.

21           Since the eight digit HTS  
22 classifications cover a wide range of products,

1 we do not believe that the USTR intentionally  
2 captured our products or intended to capture  
3 these products. We believe that the products  
4 were simply covered because of their HTS codes  
5 and classifications they fall under, which  
6 include a variety of other products that are not  
7 consumer goods.

8 We hope that you will be able to  
9 remove the entire HTS classification. However,  
10 if that is not the case, we'll be gladly willing  
11 to offer definitions so that you can specifically  
12 exempt the products you did not intend to capture  
13 in this process.

14 Unlike some of the other products in  
15 our HTS tariff line, Bushnell has very limited  
16 options to source these products. And the vast  
17 majority of those producers are in China.

18 While we have explored options, we do  
19 source products from other countries, we cannot  
20 meet the value propositions that our consumers  
21 demand, by sourcing outside of China.

22 Shifting production will lead to

1 substantial increase in lead times as we seek to  
2 identify new options. And by all indications,  
3 would lead to substantially higher prices even if  
4 sufficient capacity were to exist.

5 At the end of the day, these tariffs  
6 are going to cause damaging price increases for  
7 everyday consumers, hunters and sportsmen.

8 We absolutely agree the administration  
9 should address China's discriminatory practices  
10 towards intellectual property rights, however, we  
11 do not believe that imposing punitive tariffs on  
12 consumer hunting products will convince China to  
13 change its behavior. In this case, we believe  
14 more harm will befall American consumers than  
15 would the Chinese government.

16 We thank you for your consideration of  
17 our request to testify on such an important  
18 matter and I look forward to answering your  
19 questions.

20 MR. BISHOP: Thank you, Mr. Sankaran.  
21 Madam Chairman, that concludes direct testimony  
22 from this Panel.

1 CHAIR GRIMBALL: Thank you. We'll  
2 start with questions in a few moments.

3 Thank you. We're ready to proceed  
4 with the first question.

5 MS. SALZMAN: This is for Mr.  
6 Alexander. What percentage of 5N's business can  
7 the European market support?

8 MR. ALEXANDER: It can support, the  
9 competitor that's in Europe can support the  
10 global market. So we have about, roughly, 20 to  
11 25 percent market share, and they have the  
12 majority of the share, they could easily support  
13 the market.

14 It's more important that it's critical  
15 to the technology based in the U.S. We want to  
16 be able to power national security satellites and  
17 so by losing that supply chain of that  
18 technology, it would be critical.

19 MS. SALZMAN: Yes. Pardon, if I can  
20 clarify. It's more that if you can no longer  
21 source from China, but you said that there are  
22 sources in Europe, how much of your business can

1 you source from Europe?

2 MR. ALEXANDER: Today we cannot source  
3 it from Europe because of the capability of the  
4 material that we get in the long qualification  
5 cycles. Once we qualify into the vendors, it can  
6 take 18 months to re-qualify a new vendor.

7 And so with short notice, it's very  
8 difficult. But if there was a long-term plan, it  
9 would be possible to develop another source. And  
10 so you could find that eventually.

11 MR. STEPHENS: This question is for  
12 Mr. Cove. How many members of the sports and  
13 fitness association are you aware of that have  
14 complained about intellectual property theft in  
15 China?

16 MR. COVE: Well, we've been dealing  
17 with this for a long, long time and frankly,  
18 we've been dealing with the threat of tariffs. I  
19 mean, 20 years ago they were talking about 100  
20 percent tariffs on footwear coming in. We've  
21 made great progress since then.

22 So, the question sort of is, lately or

1 what we have now much more confidence in the  
2 ability to take action in China, which is part of  
3 the process. We have literally working, as you  
4 probably know, we have a history of counterfeit  
5 seizures, we've had great co-operations with  
6 customs.

7 It used to be that the Chinese  
8 government wasn't very supportive, now they are  
9 much more opened to actually sharing information,  
10 taking enforcement action. In fact, taking a  
11 deliberate penalty against us.

12 Having said that, a good number of our  
13 folks are still considered about intellectual  
14 property enforcement, that's a fact.

15 CHAIR GRIMBALL: One follow-up  
16 question for Mr. Cove. I don't think you  
17 identified specific HTS codes in your testimony,  
18 did you identify them in your summary?

19 MR. COVE: Yes, we can absolutely  
20 provide that if we didn't in our summary. I  
21 think we did, but if we didn't, we can have that  
22 to you exactly.

1 CHAIR GRIMBALL: Okay, thank you.

2 MR. COVE: Thank you.

3 MR. STEPHENS: And then, it would  
4 obviously vary by product, but what percentage of  
5 the fitness industry supply chain depends on  
6 manufacturing in China?

7 MR. COVE: Again, that's a double-edge  
8 question. There are some kind of, a fair amount  
9 of product is produced in China at the lower end,  
10 in terms of the consumer market. And then as we  
11 move up the food chain, up the price point in the  
12 technology, where some of that is produced here  
13 in the United States, components thereof are.

14 So in the case of the lower end  
15 product that would be sold, say for \$500, \$600  
16 treadmill, which is about as of a low price as  
17 you can get, that would be almost exclusively  
18 produced in China.

19 And secondly, China, and Taiwan also  
20 perhaps. But as you move up to a, let's say a  
21 \$4,000 or \$5,000 treadmill that would be used in  
22 a club, a higher end product, you have that



1 component with a motor which is under tariff  
2 proposal here, would be sourced in China.

3 MR. STEPHENS: Thanks.

4 MS. BONNER: This question is for Mr.  
5 Davis. It's two part.

6 Are you aware of any complaints by  
7 your member companies of IP theft in China?

8 And second, can you give us more of an  
9 idea, of what percentage of manufacturing is  
10 performed in and/or materials exported from  
11 China, relative to the global supply of the  
12 supply chain for semiconductors? The global  
13 supply chain.

14 MR. DAVIS: Thank you. Well, since  
15 the dawn of the commercial microelectronics  
16 industry 60 years ago, intellectual property has  
17 been a primary concern and one that our members  
18 bring up often. And China has been often cited.

19 Several years ago, SEMI performed a IP  
20 study in which we identified something on the  
21 order of \$4 billion annually in lost revenue and  
22 sales due to IP theft from all sources. China

1 most notable among them. As are many other  
2 countries, including sources in the United  
3 States.

4 So, it is a noted and persistent  
5 problem. I will also note that our member  
6 companies, over the many years of doing business  
7 in this global industry, have developed very  
8 sophisticated management practices.

9 And by and large feel comfortable that  
10 they know how to manage their intellectual  
11 property activities. And are far more concerned  
12 about disruptions to the supply chain and their  
13 business flows than they are the intellectual  
14 property theft.

15 It's extremely hard for other entities  
16 to catchup to U.S. manufacturers in the  
17 intellectual property.

18 In terms of the percentage of supply  
19 coming from China, which I think is your second  
20 question, I don't have specific figures. I'm  
21 very happy to query, do another member survey,  
22 and provide that estimate in a follow-up

1 testimony.

2           What I do know is that some of the  
3 smaller companies, I get a lot of anecdotes and a  
4 little bit of data. Some of the anecdotes, for  
5 instance, a small materials reclaim company based  
6 in California, 12 employees, \$8 million in  
7 revenue, they will go out of business if they  
8 cannot import materials from China. That's real  
9 families, real jobs lost.

10           There are other instances where the  
11 retaliatory tariffs will result in companies  
12 reconsidering the location of their U.S.  
13 manufacturing and put manufacturing in China, if  
14 those go through.

15           So there are truly sobering  
16 implications to the tariffs, and the retaliatory  
17 tariffs, to that supply chain. But to your point  
18 of the percentage, I'll try to get you an  
19 estimate.

20           MR. SULBY: My question is for Ms.  
21 Harned. In your testimony you talk about both  
22 bike helmets as well as other products sold by

1 Bell, could you please give a relative percentage  
2 of what percent of business is bike helmets  
3 versus other products?

4 And then secondly, could you discuss  
5 whether there are Chinese competitors exporting  
6 directly to U.S. consumers, in competition with  
7 Bell?

8 MS. HARNED: So, there are products  
9 that we sale that are excluded from the Proposed  
10 301 tariffs in this round, but from a percentage  
11 perspective, helmets are the vast majority of our  
12 business because we have helmets under the Bell  
13 brand, the Giro brand, the Raskullz brand and the  
14 Krash brand. As well as Bolle and Cebe.

15 So, from a total business perspective  
16 we're looking at a significant portion of our  
17 business. I would say fairly close to 60 to 70  
18 percent of our business, more depending on the  
19 brand.

20 In terms of Chinese competitors, the  
21 reality is that the bulk of the competitors, in  
22 our space, both in mass market retail, customers

1 like Walmart, Target, et cetera, as well as the  
2 independent specialty bike shops as well as  
3 independent snow shops, motorcycle shops, et  
4 cetera, the vast majority of those are either  
5 American brands that are also manufacturing in  
6 China, such as some of my neighbors here, or  
7 European brands.

8           There are, on the motorcycle space, a  
9 few Japanese or Korean brands. They might have  
10 owned manufacturing, but from a helmet  
11 perspective, the vast majority of all competitors  
12 across all price points are American or European  
13 brands.

14           If there are Chinese brands coming in,  
15 most of it is coming across, as has been alluded  
16 to by the rest of the Panel, via online channels.  
17 Not necessarily in retail.

18           MR. STEPHENS: Just following up on  
19 your mention of online retailers, we've heard  
20 from other witnesses about online, foreign online  
21 retailing, sending directly to United States on  
22 bicycles, and also the previous Panel on apparel

1 and related goods. We would be interested in  
2 learning more about that competition in the post-  
3 hearing briefs.

4 And particularly, are there, what  
5 methods of transport and are any preferential  
6 rates of U.S. Postal Service being used.

7 MS. HARNED: Okay. Noted. We'll make  
8 sure to follow-up. Thank you.

9 MR. SULEWSKI: This is for Mr.  
10 Margevicius. Would the proposed tariffs impact  
11 the sale of specialty bikes, like light-weight  
12 carbon-based bikes or electric bicycles,  
13 differently than the sale of entry level price  
14 point bikes?

15 MR. MARGEVICIUS: The proposed tariff  
16 would have an impact primarily on lower valued  
17 bikes. Higher valued bikes, composite bikes,  
18 right now the majority of them are being produced  
19 in Taiwan or other countries. Sometimes in  
20 Europe. So, primarily the impact would be on  
21 lower valued, less performance oriented products.

22 MS. SALZMAN: This question is for Mr.

1 Moore. It's three parts.

2 First is, are there alternative  
3 markets, other than China, for any of the bicycle  
4 components and accessories that you've discussed  
5 today?

6 Second is, can you give us just a  
7 general idea of the type of bicycle components  
8 that might be produced and manufactured in the  
9 United States?

10 And finally, what percentage of your  
11 company's inputs are sourced from companies  
12 located within the U.S.? Thank you.

13 MR. MOORE: Thank you. The first  
14 question I believe was alternative markets. So  
15 with respect to inner tubes, about 67 percent of  
16 production of bicycle inner tubes is in China.  
17 That's not a particularly pleasant industry to  
18 have in your backyard. I hope no one from the  
19 rubber industry is here.

20 The production of bicycle tires is  
21 also dominated by China. Bicycle tires are  
22 basically the same as making a car tire. You

1 need a large machine to vulcanize the rubber, a  
2 tire model specific mold, tooling that's very  
3 expensive.

4 And that is all difficult to move from  
5 China to somewhere else. There are, with respect  
6 to tires, also sources in Japan and Thailand and  
7 India, I believe.

8 A lot of the components that you would  
9 use on a, you know, the type of bike that most  
10 Americans ride, the average price point is \$500  
11 to \$600, to keep that price point, most of those  
12 parts are made in China.

13 In some cases, you'll have a supplier  
14 in Taiwan that in order to hit your price point  
15 they'll move some production or open a factory in  
16 China. It's actually a Taiwanese company but  
17 they're producing parts in China.

18 What is made in the U.S. This was a  
19 good question. We have about, import our self,  
20 excuse me, about 40,000, 42,000 different SKUs of  
21 bicycle parts, accessories of all kinds.  
22 Including footwear and bags that have been



1 discussed earlier.

2           Some of that we buy domestically from  
3 U.S. suppliers, but it has country of origin of  
4 China. So it was approximately ten to 15 percent  
5 of our overall product mix, in terms of dollar  
6 volume was China or domestic, but country of  
7 origin of China.

8           And then what is made in the U.S. The  
9 high-end specialty manufacturing is still in the  
10 U.S. We sell to about three to 400 bicycle frame  
11 builders who are a small operations that build  
12 them just like the Wright Brothers did. So we  
13 supply the parts and components they need to  
14 build their frames into complete bicycles.

15           Again, that is a shoestring industry  
16 with low margins and would definitely suffer if  
17 the components they needed were to be more  
18 costly.

19           What you do see in the U.S. is  
20 specialty parts made using CNC production. And  
21 there is some emerging carbon frame production  
22 and assembly in South Carolina. But again, the

1 numbers are low in the hundreds of thousands of  
2 units versus the millions that we see from China.

3 CHAIR GRIMBALL: Just a follow-up  
4 question Mr. Moore. You mentioned that bicycle  
5 tires, to some extent, are produced in other  
6 countries, Japan, Thailand and India.

7 Has your company explored options for  
8 moving production of that particular input to any  
9 of those countries?

10 Have you been encountering any --

11 MR. MOORE: With respect to our  
12 company, we pioneered the fat bike trend, and to  
13 make the casing wide enough to make a tire that  
14 had a large volume, we designed, our  
15 manufacturing partner in China, designed a  
16 machine to weaver that casing wide enough for a  
17 bicycle tire. So that's kind of proprietary  
18 technology that we have in China.

19 We have started, separate from the  
20 tariff, just looking for other suppliers to both  
21 meet the production needs we have, because it's a  
22 specialized product, as well as to provide some

1 resiliency in our supply chain. So we had  
2 already started that search but, again, you can't  
3 move the entire factory overnight.

4 MS. PETTIS: All right, this is a  
5 question for Mr. Cunnane. Can you further  
6 elaborate on how your proposal to reduce the de  
7 minimis threshold for tariff exemptions and would  
8 further discourage counterfeiting?

9 And second part, could you further  
10 elaborate on your minimum duty proposal.

11 MR. CUNNANE: I didn't hear the last  
12 part.

13 MS. PETTIS: I'm sorry. Could you  
14 further elaborate on your minimum duty proposal  
15 also?

16 MR. CUNNANE: The de minimis proposal?  
17 So, currently in 2016 the de minimis, for U.S.,  
18 de minimis is what is not charged for imports  
19 that come from retailers, international retailers  
20 normally, from \$200 to \$800.

21 That immediately had a negative effect  
22 on our business. Both our brick and mortar

1 business as well as our two online brands who  
2 sell consumer direct.

3 The counterfeits that we see are  
4 shipped one at a time from a foreign, mostly  
5 Chinese retailer, to a consumer. So, they're  
6 under the radar. The sellers of these products  
7 are often, they come and they go, they're very  
8 hard to prosecute and find.

9 And consumers, because they often end  
10 up in our retail stores, are frustrated because  
11 they're branded products that come in, they have  
12 warrant issues with them, quality issues with  
13 them, safety issues with them. And the  
14 manufacturers in the United States don't stand  
15 behind that product.

16 So it's incredibly disruptive to the  
17 market and floods, not floods, puts a lot of  
18 products in the market that are not safe, with  
19 brand names on them that consumers rely on.

20 The thought is that if the de minimis  
21 was lowered to \$50 and a flat rate applied, that  
22 took into account the cost to collect the money

1 plus the idea that a U.S. retailer pays all sorts  
2 of local, state, federal taxes, tariffs and has  
3 the burden to collect sales tax, raising this or  
4 charging the right amount to make it fair for  
5 U.S. retailers to compete with foreign retailers,  
6 would be terrifically important for the economy  
7 and it would absolutely reduce a lot of the  
8 counterfeit products that come in.

9 I want to take the opportunity to say  
10 that e-bikes have already been imposed at 25  
11 percent tariffs beginning on the 23rd. And we  
12 had shipments on the water that we now are paying  
13 25 percent more than we had originally planned  
14 because of the quick and efficient application of  
15 that tariff.

16 Did that answer your question?

17 MS. PETTIS: Yes, thank you.

18 MR. CUNNANE: Thank you.

19 MS. BONNER: This question is for  
20 Bushnell Holdings. Are there any substitute  
21 products of U.S. or non-Chinese origin that could  
22 be substituted for the hunting accessories

1 discussed in your testimony today?

2 MR. SANKARAN: So, we constantly are  
3 looking for and trying to source projects or  
4 substitutes from markets around the globe. That  
5 is something we seek to do.

6 However, and to be frank, there are  
7 some very high end specific products in, models  
8 of the products, that we are able to source from  
9 other markets. But, when you look at the vast  
10 majority of our product range, and being consumer  
11 products like we would expect in any consumer  
12 industry, the majority of the price points we  
13 serve, the vast majority of them cannot be  
14 satisfied from sources outside of China.

15 For a couple of reasons. Namely one  
16 being, it's just there is a lack of sufficient  
17 infrastructure and supply chain capacity for  
18 these kind of products outside of China.

19 And having been and looking for these  
20 sources in other parts of the world, the price  
21 points that we can get from the other markets are  
22 just substantially too high. With very limited

1 capacity.

2 So those two create significant  
3 challenges for us being consumer product, the  
4 kind of volumes that we need to serve the needs  
5 of a customer substantially high. And that is  
6 the biggest piece of the challenge we have.

7 CHAIR GRIMBALL: That concludes the  
8 questions, thank you.

9 MR. BISHOP: We release this Panel  
10 with our thanks and we invite the members of  
11 Panel 3 to come forward and be seated.

12 Will the room please come to order?

13 Madam Chairman, our first witness on  
14 this panel is Stuart Feldstein of Albaugh, LLC.

15 Mr. Feldstein, you have five minutes.

16 MR. FELDSTEIN: Well, thank you very  
17 much, and good morning.

18 We appreciate the opportunity to  
19 address the Commission on the USTR's proposed  
20 modification of action, pursuant to Section 301.

21 My name is Stuart Feldstein, and I'm  
22 the Executive Vice President of Albaugh, LLC, a

1 company headquartered in Ankeny, Iowa, just  
2 outside of Des Moines.

3           Founded in 1979, Albaugh today is the  
4 largest privately-held producer in the USA of  
5 post-patent crop protection products, including  
6 herbicides, fungicides, and insecticides for  
7 agricultural use. Albaugh's products are sold  
8 coast to coast and used by farmers in large row  
9 crop, fruit and vegetable, turf and ornamental,  
10 pasture, and other applications.

11           Albaugh today employs approximately  
12 290 people in the USA, about 240 of whom are  
13 based in St. Joseph, Missouri, at our production  
14 facility.

15           The products that Albaugh sells are  
16 for use by farmers in protecting the health of  
17 their crops and improving their yields.  
18 Moreover, Albaugh's products are, by and large,  
19 off-patent, which means that they are sold at  
20 lower price points than name brands, which  
21 enables farmers to lower their cost of  
22 production.



1           Albaugh has been filling and expanding  
2 upon this role in the American farm economy since  
3 its founding. Next year will be our 40th year in  
4 business.

5           The importance of this tariff issue,  
6 not only to our business, but to American  
7 agriculture generally, cannot be overstated,  
8 which is why we decided to do something we don't  
9 typically do; namely, to travel to D.C. and speak  
10 to you directly today.

11           We agree with the Administration that  
12 there are aspects of our trading relationship  
13 with China that need to be addressed, but we  
14 believe that the imposition of punitive import  
15 tariffs, even if intended to be only temporary,  
16 is going to cause more harm than good. And this  
17 is certainly true in our case.

18           The very long list, frequently  
19 referred to as List 3, of goods on which the USTR  
20 is proposing to levy a new import duty of 10  
21 percent, which the President is suggesting be  
22 raised to 25 percent, as a remedy for the

1 findings of unfair trade practices, pursuant to  
2 the USTR's investigation, includes a substantial  
3 number of chemical ingredients that Albaugh  
4 requires in order to produce its products. Many  
5 of these products are not available in the United  
6 States or from countries other than China.

7 The products of concern to us are  
8 contained in HTS Chapters 29 and 38. The items  
9 on List 3 that Albaugh imports go into products  
10 that made up more than half of our U.S. sales in  
11 2017. For some of our products, the only  
12 available source for these critical inputs is  
13 China. We don't have an option. We cannot  
14 source these inputs from the United States.

15 The proposed import duties, whether at  
16 the 10 or 25 percent level, would cause a very  
17 substantial reduction in our margins, and in the  
18 case of some products, the impact of these  
19 tariffs would eliminate all profit. According to  
20 our analysis, in general, we would have to raise  
21 prices anywhere from 17 to 72 percent to recover  
22 the impact of these tariffs. In some cases, even

1 doubling prices would not mitigate the impact.

2 As a company that sells its products  
3 to hard-working farm families with limited  
4 budgets, Albaugh cannot raise its prices without  
5 hurting many of those farmers. Moreover, as a  
6 post-patent company selling products for which  
7 there are many competitors, Albaugh cannot  
8 unilaterally raise prices.

9 Yet, the tariffs are likely to prop  
10 the crop protection chemical market to increase  
11 prices to cover the higher cost of List 3 inputs.  
12 These price increases will affect farmers. For  
13 the affected products in Albaugh's portfolio  
14 alone, we believe that the total impact of such  
15 price increases, if they occur, could be at least  
16 a quarter of a billion dollars, up to as much as  
17 a billion dollars or more -- a billion dollars in  
18 additional costs to U.S. farmers. And those  
19 products are just a subset of the products that  
20 farmers use that are included on the List 3.

21 Farmers simply aren't positioned to  
22 absorb the price increases of this magnitude.

1 Before these tariffs were proposed, our farmers  
2 already have been struggling to make ends meet in  
3 a low commodity price and international trade  
4 constrained environment. It seems inevitable  
5 that farmers will reduce their purchases of goods  
6 affected by List 3 tariffs, and if no non-Chinese  
7 sources exist, try to do without. This places  
8 farmers in a no-win situation: pay higher cost  
9 for crop inputs that they can't afford or reduce  
10 the usage of such inputs, which will lower their  
11 yields and, hence, their income opportunity.

12 I want to tell you a little bit more  
13 about our facility where we produce our products  
14 for use from coast to coast. Albaugh's flagship  
15 manufacturing facility is located in St. Joseph,  
16 Missouri. Since we acquired the plant in 1991,  
17 Albaugh has invested in excess of \$50 million in  
18 expanding and improving that facility.

19 We have an excellent record for  
20 quality and safety for our people and our  
21 community. When we purchased the plant in 1991,  
22 it employed around 20 people. Today we employ 12

1 times that number, much of it skilled labor,  
2 adding substantial domestic value to the  
3 materials that we import from China.

4 The imposition of a 10 percent tariff  
5 on our imports, let alone 25 percent, would  
6 simply destroy the value that we have built in  
7 this production facility over the last 15 years,  
8 threatening skilled jobs and creating family  
9 hardships, not to mention our company's  
10 profitability.

11 We are extremely concerned that these  
12 tariff actions are going to cause a lot of harm  
13 from which it will be difficult or impossible to  
14 recover, not only to us, but our workers and  
15 their families and the entire U.S. economy.

16 We urge the Commission, the USTR, and  
17 the Administration to say enough is enough; we  
18 need to try something else in the negotiation  
19 strategy with China and other trading partners.  
20 Stop placing these very significant burdens on  
21 farmers, on workers, and on manufacturers and  
22 other employers before damage is done that can't

1 be undone.

2 I added it on the fly.

3 Thank you.

4 MR. BISHOP: Thank you, Mr. Feldstein.

5 Our next witness is Mike Massey with

6 Ragan & Massey, Incorporated.

7 Mr. Massey, you have five minutes.

8 MR. MASSEY: Good morning.

9 I'm a 50 percent owner of Ragan &  
10 Massey, Incorporated.

11 MR. BISHOP: Push your microphone  
12 button, please, and pull your mic a little  
13 closer.

14 MR. MASSEY: Okay. My name is Mike  
15 Massey. I'm a 50 percent owner of Ragan &  
16 Massey, Incorporated.

17 We're a manufacturer and marketer of  
18 various herbicides containing the salt of  
19 glyphosate acid. We ask the Trade Representative  
20 to drop the tariff on HTS 2931.90.9051,  
21 specifically the commodity 95-98 percent  
22 glyphosate Tc, from the list of proposed tariffs.

1           We use this acid as an intermediate in  
2 the manufacturing of isopropylamine salt or  
3 glyphosate acid. As proposed, this new 25  
4 percent tariff will bring the total tariffs on  
5 this commodity to 28.7 percent.

6           According to the U.S. Trade Census  
7 data, in 2017, the aggregate imports of this HTS  
8 were \$143,225,633. We believe glyphosate acid  
9 and some of the salts of glyphosate acid are  
10 imported by other companies under different  
11 Harmonic Codes.

12           Tariffs on glyphosate acid will do  
13 little to accomplish the stated goals of the U.S.  
14 Trade Representative to obtain the elimination of  
15 any harmful acts, policies, and practices by the  
16 Chinese related to technology transfer,  
17 intellectual property, and innovation. There is  
18 simply no technology or intellectual property  
19 issues involved with this commodity. This  
20 product is not a part of the Made in China 2025  
21 Industry Policy Program.

22           The various salts of glyphosate acid

1 are the most widely used herbicides in the United  
2 States and are a significant cause for farmers  
3 engaged in almost any agronomic production. The  
4 proposed tariff would add significantly to their  
5 cost.

6           Glyphosate acid in the dry form is not  
7 available from U.S. sources, and it is not  
8 available in any other country. As an importer,  
9 we must import only from manufacturers that have  
10 registered their plants with the United States  
11 Environmental Protection Agency and have  
12 submitted various tests and quality reports to  
13 qualify as a source of glyphosate acid, in  
14 compliance with our EPA-issued Technical  
15 Registration. There are no sources outside of  
16 China that meet this criteria.

17           Monsanto in the United States was the  
18 original patent holder and is the basic  
19 manufacturer, but they do not offer dry acid to  
20 their competitors. And as such, they are not in  
21 an approved source of acid by the EPA for our  
22 Technical EPA Registration.



1                   The barriers to entry in the United  
2 States for potential manufacturers of glyphosate  
3 acid are very large, due to the state  
4 environmental regulations and the various  
5 regulations arising out of the Clean Water Act.  
6 We have investigated what it would take to build  
7 a plant here, and estimate the investment in new  
8 technology to clean the water contaminated by the  
9 process to be prohibitive, and the time to  
10 engineer and construct such a plant would be at  
11 least three years. We know of no company  
12 currently planning to invest in such a plant  
13 today.

14                   Our company processes the imported  
15 acid into various concentrations of water-soluble  
16 salts of glyphosate and sells those salts  
17 throughout the United States through various  
18 retail distribution chains to farmers, to land  
19 maintenance service companies, and to homeowners.  
20 We are a small business, as defined by the SBA,  
21 and employ approximately 40 people. Our sales  
22 are approximately \$40 million, and glyphosate

1 acid imports are about \$16 million per year.

2 This tariff represents a serious  
3 threat to the viability of our business and to  
4 our ability to maintain employment at present  
5 levels. Recently, we invested \$6.5 million in a  
6 plant to convert the acid to the salt, and this  
7 tariff will certainly curtail our future  
8 investments in such plants.

9 We know that it's hard to estimate  
10 what the actual costs of farmers and agronomic  
11 producers across the United States are, but, as  
12 Stuart says, it's generally a given in the  
13 industry that those costs will be substantial.

14 Thank you very much.

15 MR. BISHOP: Thank you, Mr. Massey.

16 Our next witness is Andrew Taylor with  
17 the Juice Products Association.

18 Mr. Taylor, you have five minutes.

19 MR. TAYLOR: Good morning. Or good  
20 afternoon. I think we're right on the cusp.

21 My name is Andrew Taylor. I'm the  
22 Senior Vice President and Chief Financial Officer

1 of Peace River Citrus Products, but I'm here  
2 today, though, on behalf of the Juice Products  
3 Association, where I currently serve as their  
4 Chairman.

5 And I'm joined today by Trade Counsel  
6 Paul Rosenthal and Jennifer McCadney of Killey  
7 Drye & Warren. I would like to recognize them as  
8 well. They asked me to recognize them. So,  
9 there we go. We got that out of the way.

10 Okay. So, the JPA is a trade  
11 association whose membership consists of major  
12 juice processors, packers, distributors, member  
13 companies located throughout the United States  
14 and abroad. The Association represents a  
15 significant majority of the juice producers in  
16 the United States.

17 So, in addition to processing domestic  
18 fruit into juice, many of our member companies  
19 buy imported concentrates, particularly those  
20 that are not made in sufficient quantity in the  
21 United States. This provides a year-round stable  
22 supply of important ingredients for U.S.

1 production.

2           So, I'm here today to ask that certain  
3 juice products not be included on the most recent  
4 list of products for which the U.S. Trade  
5 Representative has proposed applying an  
6 additional 10 or 25 percent potential duty. The  
7 tariff numbers of that products are set forth in  
8 our written comments and include specifically  
9 apple juice concentrates and pear juice  
10 concentrates. And imposing tariffs on these  
11 juices at any amount will cause harm to both  
12 domestic consumers and domestic producers of  
13 these juice products.

14           The JPA does support the  
15 Administration's objective to combat China's  
16 unfair intellectual property practices, but the  
17 Association is concerned that the present  
18 approach will have unintended consequences for  
19 member companies and their workers. Many of our  
20 member companies import products in the absence  
21 of substitutable domestic product or where  
22 domestic production falls short of demand, and

1 the proposed tariffs would limit access to these  
2 crucial supplies or result in significant cost  
3 increases that would be harmful to domestic  
4 producers.

5           So, the industry has long relied on  
6 imports to supplement domestic production for a  
7 variety of reasons, including availability,  
8 seasonal production, and the development of  
9 custom-flavored blends. In the case of apple and  
10 pear concentrate, they are not produced in  
11 sufficient quantities in the United States to  
12 meet demand. Domestically-grown apples and pears  
13 are produced and sold in the higher-value fresh  
14 fruit market, and the only processed apple and  
15 pear juices that are made here are made from  
16 fruit that can't be sold as fresh. So, what does  
17 get juiced from U.S. production represents only a  
18 fraction of the total demand for apple and pear  
19 concentrate. Hence, there is always a need for  
20 imports to meet the demand.

21           And overwhelmingly, China is the  
22 supplier of those imports. In 2017, U.S. imports

1 of apple concentrate were 1.4 billion liters. It  
2 was about 73 percent of all of the imports of  
3 apple into the country. Similarly, on pear, 122  
4 million liters imported, about 76 percent of all  
5 pear imports. There is simply not enough volume  
6 from domestic sources or any other import source  
7 combined to cover this current level of demand.

8           Moreover, apple and pear concentrate  
9 are not easy to substitute, if, for example, the  
10 blend is proprietary or the manufacturer has a  
11 longstanding relationship with a supplier to  
12 ensure consistent quality and taste. Under such  
13 circumstances, even if there was an alternative,  
14 non-Chinese source for these juices, producers  
15 would need one to two years and multiple crop  
16 cycles to ensure that the substitute was  
17 comparable.

18           So, a tariff on one component will  
19 make domestic manufacturer blends relatively more  
20 expensive, which will not only harm domestic  
21 sales, but also U.S. exports of manufactured  
22 juices here to other countries, where our juice

1 products are also facing increased costs. JPA  
2 members are already feeling the impact of  
3 retaliatory duties being applied by U.S. trading  
4 partners, including Canada and the EU.

5 So, for the industry as a whole, the  
6 situation is concerning. Importing juice  
7 components to support our blending operations has  
8 enabled our industry to remain competitive, to  
9 hire workers, to provide affordable products.  
10 Juice is highly price-sensitive. A recent study  
11 indicated that a 10 percent increase in juice  
12 would reduce consumption by 8 to 10 percent. So,  
13 the harm caused by these proposed tariff  
14 increases could be potentially irreparable. Many  
15 of our member organizations are smaller  
16 businesses; they're family-run. they've been in  
17 the country for generations, and they're not in a  
18 position to absorb these cost increases.

19 The proposed tariff could also have  
20 serious negative consequences for the  
21 manufacturing sector that supports the juice  
22 industry, as well as consumers, particularly

1 those in low-income households. Apple juice, for  
2 example, is a WIC-approved juice that is consumed  
3 across all demographics. So, any cost increase  
4 of this product is likely to be felt hardest by  
5 low-income consumers. So, without a reliable  
6 competitive supply of juice products or open  
7 competitive export markets for domestic products,  
8 the U.S. industry and consumers will suffer.

9 So, in conclusion, we respectfully  
10 urge the Administration to remove apple and pear  
11 concentrates from the list of proposed increased  
12 tariffs because the harm will be felt  
13 disproportionately by U.S. producers and not  
14 create the desire leverage to encourage China to  
15 modify its unfair trading practices.

16 On behalf of the Juice Products  
17 Association, I thank you for your time, and I'd  
18 be delighted to answer any questions.

19 MR. BISHOP: Thank you, Mr. Taylor.

20 Our next witness is Michael Huff with  
21 Ascensus Specialties, LLC.

22 Mr. Huff, you have five minutes.



1 MR. HUFF: Thank you for the  
2 opportunity to address the Section 301 Committee.

3 My name is Michael Huff. I'm the  
4 President and CEO of Ascensus Specialties. We  
5 are a specialty chemicals provider based in  
6 Bellevue, Washington.

7 Ascensus is a U.S. company that has  
8 grown over the course of over 60 years to become  
9 a global leader in specialty chemicals and one of  
10 the world's leading providers to a variety of  
11 industries. Ascensus is proud to manufacture our  
12 products in the great State of Washington, where  
13 we employ 84 people, including 10 new-hires this  
14 year, at our headquarters office in Bellevue and  
15 our plant site in Elma, Washington.

16 We are also investing capital in  
17 expanding the plant site with a 15 percent  
18 capacity of expansion of our dry sodium  
19 borohydride product that will be completed in the  
20 fourth quarter of this year.

21 Among our most important products is  
22 sodium borohydride. We're the global leader in

1 this technology, which includes both liquid  
2 solution form as well as dry powder form. Sodium  
3 borohydride is used in a wide variety of  
4 industries, including paper as a bleaching agent,  
5 including pharma for the production of active  
6 pharmaceutical, ingredients that go into  
7 antiretroviral or HIV medications, go into  
8 antibiotics for both human and veterinary  
9 purposes, antidepressants, cough medicines, crop  
10 fungicides, and so forth.

11 We are also used in many specialty  
12 industrial applications, including for the  
13 reduction of heavy metals from wastewater,  
14 maintenance of oil and gas equipment, as well as  
15 production of fuel cells, and purification and  
16 deodorization of various chemical process  
17 streams.

18 Essential to the production of sodium  
19 borohydride, our primary raw material is sodium  
20 metal, which is cited on the current proposed  
21 list. We cannot produce sodium borohydride in  
22 large commercial quantities without the

1 importation of sodium metal from Chinese sources.  
2 This is because sodium is only produced in  
3 commercial quantities in two locations, Lantai in  
4 Inner Mongolia and a company called MSSA, which  
5 is based in France. We currently buy from both  
6 those sources. About 80 percent of our needs are  
7 supplied by the Chinese source.

8 It's important to note there are no  
9 U.S. suppliers of sodium metal. So, the benefit  
10 to U.S. manufacturers of this proposed action  
11 would not apply.

12 We estimate the negative consequences  
13 of a 10 percent tariff would be over \$1.5 million  
14 to our business, and at the 25 percent level, it  
15 would be almost \$4 million per year. For a small  
16 business such as Ascensus, these consequences  
17 would be extremely damaging.

18 Due to the competitive nature of our  
19 business and our customer contracts, we would not  
20 be able to pass along these enormous cost  
21 increases to our customers. The result of that  
22 could be making certainly our business less

1 competitive. We currently export two-thirds of  
2 our products to both Europe and to Asia. And so,  
3 we would be at a particular disadvantage versus  
4 Chinese competitors, as we export to Asia.

5 It could cause a decline in our  
6 employment level, and would certainly inhibit  
7 future capital investments. We are now  
8 considering a second expansion for 2019 at our  
9 site.

10 We do agree with the Administration  
11 that China is a problematic trading partner; no  
12 question. And we take significant steps  
13 internally to safeguard our intellectual property  
14 in the relationships that we have.

15 Because there are no domestic sources  
16 of sodium metal, and because there is  
17 insufficient capacity to meet demand in other  
18 countries, a tariff on Chinese-origin sodium  
19 metal would provide no benefit or advantages for  
20 U.S. businesses. To the contrary, it would  
21 negatively impact U.S. companies like Ascensus  
22 and the myriad of companies that we supply with

1 sodium borohydride.

2 For these reasons, Ascensus strongly  
3 urges the Committee to remove sodium,  
4 HTSUS 2805.11.00, from the list of products  
5 subject to the Section 301 duties.

6 I look forward to any questions the  
7 Committee may have, and I thank you for the  
8 opportunity to speak today.

9 MR. BISHOP: Thank you, Mr. Huff.

10 Our next witness is Nicole Vasilaros  
11 with the National Marine Manufacturers  
12 Association.

13 Ms. Vasilaros, you have five minutes.

14 MS. VASILAROS: Thank you for the  
15 opportunity to appear before you today.

16 My name is Nicole Vasilaros, and I'm  
17 the Senior Vice President for the National Marine  
18 Manufacturers Association.

19 NMMA is the largest marine industry  
20 trade association in the world. Our 1300 North  
21 American members represent boat, engine,  
22 accessory, and trailer manufacturers, and make up

1 nearly 85 percent of the marine products sold in  
2 the United States.

3 Boating significantly contributes to  
4 the U.S. economy, with \$39 billion in annual  
5 sales, supporting 650,000 jobs and 35,000 U.S.  
6 marine businesses. Our industry provides a  
7 uniquely American-made product. Ninety-five  
8 percent of the boats sold in the U.S. are made in  
9 the U.S. The U.S. marine manufacturing industry  
10 relies on a competitive global market rooted in  
11 free and fair trade to deliver the world's best  
12 marine products to consumers at home and abroad.

13 While we recognize and support the  
14 need to deal with China's unfair trade practices,  
15 the Administration's proposals to levy tariffs on  
16 \$200 billion worth of imports will increase the  
17 harm U.S. manufacturers are already experiencing  
18 due to misguided trade policy. U.S.  
19 manufacturing will continue to suffer the  
20 consequences as American businesses are subjected  
21 to compounding tariffs that disrupt global supply  
22 chains and increase cost.

1                   I urge this Committee and the  
2 Administration to cease the implementation of  
3 tariffs on U.S. manufacturers, work with our  
4 allies instead, and focus on negotiating a deal  
5 with the Government of China that is in the best  
6 interest of American consumers, workers, and  
7 businesses.

8                   From tariffs on raw materials and  
9 components to retaliatory tariffs that have  
10 frozen international markets for U.S. marine  
11 exports, the recreational boating industry  
12 continues to bear the brunt of the  
13 Administration's trade policies. China is now  
14 the fourth country to retaliate against U.S.-made  
15 boats, joining Canada, Mexico, and the European  
16 Union, three markets that make up 70 percent of  
17 U.S. marine exports.

18                   Compounding tariffs have led to the  
19 cancellation of millions of dollars of orders for  
20 new boats being built in American factories by  
21 American workers, resulting in employment  
22 changes, cancelled expansion plans, and halted

1 growth.

2 Nearly 350 marine-related products are  
3 being hit by this Committee's Section 301  
4 actions. The Section 301 tariffs have already  
5 increased the cost of smaller vessels by upwards  
6 of \$2 to \$5 thousand, which for an elastic  
7 product like a boat has negative consequences.

8 The enacted tariffs on marine products  
9 hurt the U.S. more than China by disrupting the  
10 profitability of U.S. businesses, employment  
11 opportunities, and the affordability for American  
12 consumers.

13 The scope of products included on the  
14 list far exceeds the stated goals, and rhetoric  
15 by the President to place a tariff on all Chinese  
16 imports demonstrates a hacksaw method, rather  
17 than calculated and targeted attempts to truly  
18 address intellectual property transfer.

19 Thousands of products on this list, and the two  
20 previous, are old technology and/or products  
21 without the risk of transfer.

22 The currently-proposed list includes



1 such items as boats, inflatable vessels, marine  
2 parts, trailer tires, and fiberglass. Our U.S.  
3 marine manufacturers utilize the global supply  
4 chain to achieve economies of scale and deliver  
5 high-quality, affordable products to the 62  
6 percent of the boat owners with a household  
7 income of less than \$100,000.

8 Furthermore, 95 percent of the boats  
9 in the U.S. are small, towable boats under 26  
10 feet. Hard-working, middle-class Americans tow  
11 their boats to the water every day. And the  
12 proposed tariffs on this list will make that  
13 experience significantly more expensive,  
14 targeting entry-level vessels and their  
15 transportation methods.

16 Fifty-six percent of boats made in the  
17 U.S. use fiberglass as their main building  
18 material. The proposed tariff on fiberglass  
19 increases the cost of manufacturing these boats,  
20 ultimately increasing the cost paid by the  
21 consumer. With small net margins and compounding  
22 tariffs, marine manufacturers are simply not able

1 to absorb these costs.

2 Not only does the list propose tariffs  
3 on trailer tires, it also includes all components  
4 for use on trailers. A trailer manufacturer in  
5 Florida with 170 employees has indicated that, if  
6 this next round of tariffs goes into effect,  
7 material costs will rise between 4 and 10  
8 percent. These tariffs would layer on the  
9 increased costs they're already experiencing due  
10 to domestic steel and aluminum tariffs.

11 Our manufacturers have spent  
12 significant time and resources to establish  
13 supply chains that provide the highest-quality  
14 materials, components, and accessories for U.S.  
15 workers to build and sell the world's best boats.

16 As another example, a family boat  
17 business in Long Island, New York, with 30  
18 employees, would be significantly impacted by the  
19 imposition of these tariffs. This business has  
20 utilized a global supply chain to send small,  
21 inflatable fishing boats from China to the U.S.  
22 for final assembly, and sell them to consumers at

1 an affordable price point. The business provides  
2 their employees with health care at no cost and  
3 prides itself on delivering high-quality  
4 products. Unfortunately, there is not nearly  
5 enough U.S. capacity to meet the demand for  
6 domestic fabrication.

7 The remainder of my comments outlining  
8 the specific HTS Codes are included in my written  
9 testimony. Thank you.

10 MR. BISHOP: Thank you, Ms. Vasilaros.

11 Our final witness on this panel is Sam  
12 Cobb with Real Wood Floors.

13 Mr. Cobb, you have five minutes.

14 MR. COBB: Good morning.

15 My name is Sam Cobb, and I'm the CEO  
16 and Managing Partner for Real Wood Floors, a wood  
17 floor designer and manufacturer.

18 Our group of companies comprise the  
19 second-largest employer in the poorest county in  
20 Missouri, and we manufacturing flooring in both  
21 the U.S. and abroad, and sell throughout the  
22 United States. Additionally, we produce lumber

1 which is exported to China for use in their  
2 domestic markets.

3 I am here seeking the removal of solid  
4 and engineered wood flooring from the proposed  
5 list of items subject to Section 301 tariffs for  
6 four compelling reasons.

7 First and foremost, for the past seven  
8 years, imports of flooring from China have been  
9 subject to antidumping and countervailing duty  
10 orders. These orders already impose duties as  
11 high as 25 percent on imports from China under a  
12 retrospective assessment system, which means we  
13 import product and sell it without knowing our  
14 real cost until several years later.

15 The volume of imports of Chinese  
16 flooring has greatly diminished, as many  
17 companies develop sources from other countries.  
18 However, for many products, we continue to import  
19 from China because we have no other option,  
20 American or foreign, and we just cannot be  
21 burdened with an additional 25 percent duty under  
22 Section 301 and survive.

1                   Secondly, it seems to me, if this  
2                   Committee's concern is the growth of U.S.  
3                   manufacturing, then you must understand these  
4                   import tariffs will cripple the domestic U.S.  
5                   hardwood lumber industry. The United States is  
6                   the world's largest exporter of hardwood lumber,  
7                   while China is the world's largest importer of  
8                   hardwood lumber. Exported lumber is both  
9                   utilized for value-added goods which are imported  
10                  back to the U.S. and, as well, for the domestic  
11                  Chinese market. And this is not a simple  
12                  outsourcing practice.

13                  According to a recent study produced  
14                  by the American Hardwood Export Council, in  
15                  conjunction with the China Timber Import  
16                  Association, in the year 2000, 85 percent of the  
17                  hardwood lumber imported into China was sent back  
18                  out. But, in 2016, 80 percent of the hardwood  
19                  imported into China stayed in China.

20                  Additionally, a quick study of  
21                  hardwood prices related to housing starts in the  
22                  U.S. show an interesting trend. From the end of

1 World War II to 2009, these factors closely  
2 mirrored one another, but in the past decade the  
3 two have diverged greatly. Hardwood lumber  
4 prices have risen even during times of soft  
5 demand in our housing sector. This divergence is  
6 due to increasing demand for hardwood exports.

7 Our company was responsible for  
8 approximately 12 percent of all the hickory  
9 lumber exported to China last year. We have a  
10 symbiotic relationship with a manufacturer where  
11 we send in the lumber and process it, in  
12 cooperation with the producer. Part of that  
13 lumber is sold into the domestic Chinese market,  
14 and the remainder is shipped back to us in the  
15 U.S. for flooring for our U.S. customers. If it  
16 weren't for the processing trade that balances  
17 exports and imports, we wouldn't have the same  
18 ability to export our hickory.

19 On the other hand, look at red oak,  
20 our largest hardwood export. After the  
21 announcement of the impending tariff, we saw red  
22 oak export prices fall 30 percent in just a few

1 days. After the Chinese Government announced a  
2 potential 25 percent tariff on our oak lumber  
3 inbound, all of our export orders were cancelled.  
4 The only option now for this lumber is to offer  
5 it out domestically at a lower cost, and it will  
6 quickly drop hardwood lumber prices in the U.S.

7 U.S. hardwood lumber exports represent  
8 a hard-fought win in our trading relationship  
9 with China, but you have to understand the  
10 complex relationship between our exports of  
11 lumber and our imports of flooring. These  
12 tariffs will harm the U.S. hardwood lumber  
13 industry deeply.

14 Thirdly, I know you want to know why  
15 we produce flooring in China. There are certain  
16 products that are produced in China that simply  
17 can't be produced elsewhere. It's patently  
18 unfair and unrealistic to group all products that  
19 are classified as engineered wood flooring into a  
20 single product category. There's a wide  
21 discrepancy in cost, durability, construction  
22 methods, and, most significantly, surface

1 treatments like staining, finishing, and  
2 texturing.

3           There is large-scale production of  
4 engineered flooring in America, but it is almost  
5 entirely low-end commodity production. Further,  
6 a substantial volume of what is identified as  
7 American-made engineered flooring is produced  
8 using prison labor. And while I appreciate what  
9 good prison industry programs accomplish, the  
10 fact that subsidized labor is a necessary  
11 component of U.S. flooring manufacturing gives a  
12 clue as to why products continue to be made  
13 elsewhere.

14           Additionally, for the small amount of  
15 high-end engineered floors that are made in this  
16 country, the vast majority are produced with  
17 imported plywood cores, generally Baltic birch  
18 plywood. This plywood is imported from Russia  
19 and comprises 60 to 70 percent of the raw  
20 material that goes into the product. So, even  
21 the few U.S. companies that are able to make  
22 small amounts of high-end specs can't produce the



1 product without imported components.

2 My last reason for requesting  
3 exemption is that our currently strong housing  
4 market will be negatively impacted if building  
5 materials like hardwood flooring are included on  
6 this list. You'll get statistics from others.  
7 Let me give you two examples.

8 Our company worked for 18 months to  
9 secure a high-end, multi-family residential  
10 building project in Brooklyn. We signed that  
11 contract two months ago. I'm not bonded and  
12 obligated to provide a half a million feet of  
13 flooring at a price we quoted last year. If you  
14 place these tariffs on our imports, that project  
15 changes from a great win to a painful loss. We  
16 will honor our contract, as a failure to complete  
17 would damage our reputation far more. But I'm  
18 sure I'm not the only one staggering under the  
19 burden of being locked into these kind of  
20 commitments.

21 And what about future projects? We're  
22 just about to sign a contract to supply a quarter

1 million feet to a project in downtown Los  
2 Angeles. The news of the proposed tariff broke,  
3 and we began discussing the impact with the  
4 developer. In his estimation, this \$1 billion  
5 project will likely be put on hold, as they have  
6 no way to adjust for this kind of increase in  
7 cost of materials. Again, that's a billion  
8 dollar project set to break down after years of  
9 planning because of an abrupt and arbitrary  
10 tariff addition.

11 Thank you for your time. I look  
12 forward to your questions.

13 MR. BISHOP: Thank you, Mr. Cobb.

14 Madam Chairman, that concludes direct  
15 testimony from this panel.

16 MR. STEPHENS: I'm from USDA, and I  
17 have questions for Mr. Feldstein and Mr. Massey.

18 Mr. Massey, you said that there is no  
19 source outside of China for the glyphosate salts?

20 MR. MASSEY: That's correct. The  
21 glyphosate acids. I'm sorry.

22 MR. STEPHENS: Yes.

1 MR. MASSEY: There is a glyphosate  
2 salts problem, but --

3 MR. STEPHENS: And I guess the  
4 question for Mr. Feldstein, is it the same, that  
5 there are no other sources for the chemicals that  
6 you import?

7 MR. FELDSTEIN: We import a variety of  
8 chemicals. There's several different molecules  
9 that we're involved with that are on this list.  
10 Glyphosate is one of them. And for many of them,  
11 there's no other place to go to purchase them  
12 other than China. That's correct.

13 MR. STEPHENS: Okay. And, Mr.  
14 Feldstein, you did not indicate -- you just said  
15 two-digit codes. Maybe you could provide more  
16 detail in your post-hearing brief?

17 MR. FELDSTEIN: I definitely will.  
18 It's a rather lengthy list. So, we didn't  
19 include it in the written testimony, but we'll  
20 include it in our post-hearing submission.

21 MR. STEPHENS: And just to circle back  
22 for both of you, you say these products are not

1 available elsewhere than China. So, that means  
2 all herbicide production in the entire world is  
3 dependent on China or you're just not sourcing  
4 from other than China?

5 MR. FELDSTEIN: No, several other  
6 herbicides that we deal with are available from  
7 other places. We source some of our products  
8 domestically. We source some of our products  
9 from India. We also have a plant in Argentina  
10 that produces products which we could draw from,  
11 if it made sense to do so. We don't do that  
12 today, but that could be something that we call  
13 upon.

14 But we have approximately, I would  
15 say, 40 products that we sell in the United  
16 States. I'd say 75 percent of them, we're  
17 dependent on a Chinese source.

18 MR. STEPHENS: I see.

19 MR. MASSEY: Glyphosate acid is the  
20 primary thing we deal with, and it is available  
21 in other parts of the world. But the barrier to  
22 entry that's created by the EPA prevents it. I

1 know of no glyphosate dry acid producer outside  
2 of China that has an approved plant by the EPA.

3 MR. STEPHENS: Thank you.

4 CHAIR GRIMBALL: I just have a  
5 followup question. Could you give us an idea of  
6 -- I don't know -- how long that EPA approval  
7 process generally takes? So, if your company  
8 were to look to these other countries that do  
9 produce this acid, can we get an idea of what  
10 that period would be?

11 MR. MASSEY: Well, first off, it would  
12 have to be a plant that the EPA had approved in  
13 another country.

14 CHAIR GRIMBALL: Okay.

15 MR. MASSEY: So, that plant would have  
16 to apply to the EPA for an establishment number.

17 CHAIR GRIMBALL: Okay.

18 MR. MASSEY: That process varies based  
19 on the information they get from the plant. I'm  
20 sure that that's -- Stuart could probably tell us  
21 -- a several-month process.

22 And then, for them to be approved as

1 a source on our registration, it would take  
2 roughly a year.

3 CHAIR GRIMBALL: So, you have, your  
4 company has its own internal approval process on  
5 top of what the EPA might require?

6 MR. MASSEY: We have that, but the EPA  
7 has one, too.

8 CHAIR GRIMBALL: Okay.

9 MR. MASSEY: So, just because they  
10 became an EPA-approved plant doesn't mean that  
11 they're an EPA-approved source for our company.

12 CHAIR GRIMBALL: Okay. Thank you.

13 MS. PETTIS: This is a question for  
14 Mr. Taylor. Which countries are the largest  
15 juice concentrate producers? And if the proposed  
16 tariffs go into effect, do alternative suppliers  
17 have the capacity to approve this product?

18 MR. TAYLOR: Thank you for your  
19 question.

20 So, China is by far the largest  
21 producer of apple and pear concentrates. And we  
22 also import other juices from China, but there

1 are alternate sources. And so, those juices were  
2 not included in our specific petition.

3 But, with respect to apple and pear,  
4 there are some quantities available from certain  
5 European geographies, but the quality is  
6 different. It's a higher-acid apple. So, that  
7 may not fit with certain flavor formulations.  
8 So, there are quantities available there. The  
9 country of Chile produces apple concentrate, and  
10 Argentina, but the quantities are not even close.  
11 If you added all of them together, it's about 20  
12 percent of the volume that we're importing from  
13 China.

14 In the U.S. market, farmers are  
15 directing their production of fresh apples and  
16 pears principally to the fresh market because  
17 it's a higher-value market. And so, what doesn't  
18 go fresh -- you know, maybe it's misshapen or  
19 blemished -- that fruit will get processed into  
20 juice, perhaps into not from concentrate first,  
21 which is a higher-value proposition for a grower.  
22 Then, any residual juice will be concentrated and

1 utilized in that concentrate market. But that  
2 amount represents about 12 percent of the U.S.  
3 production of fresh apple and pear, and that  
4 amount represents about 18 percent of, as that's  
5 processed, it represents about 18 percent of the  
6 demand for concentrate of apple and pear. So,  
7 it's a very small amount domestically, and there  
8 just aren't other countries, other geographies,  
9 that U.S. manufacturers can look to for these two  
10 particular juices.

11 MS. PETTIS: Okay. Thank you very  
12 much.

13 MR. TAYLOR: Thank you, ma'am.

14 MS. SALZMAN: This is a question for  
15 Mr. Huff. You testified that the only non-  
16 Chinese source of sodium metal is a producer in  
17 France. Does the French supplier have the  
18 capacity to expand its production or, rather,  
19 have the capability to expand its production  
20 capacity? And is it possible for suppliers from  
21 other countries to start production?

22 MR. HUFF: The French supplier is



1 about a third the size of the Chinese supplier  
2 today. Our understanding is they are at  
3 capacity. They've expressed an interest in  
4 potentially expanding that in the future, but  
5 they have not taken that step yet.

6 A bit of background. For many years,  
7 up until 2016, our business sourced the vast  
8 majority of our sodium metal from a U.S. source.  
9 DuPont had a plant in Niagara Falls, New York.  
10 They closed that plant in 2016, and our business  
11 went to significant expense to set up the supply  
12 chain, including iso containers and unloading  
13 facilities to move to the Chinese source.

14 Also, as part of that transition,  
15 apparently, the Chinese producer bought a fair  
16 amount of the equipment from the Niagara Falls  
17 site, and they refurbished it, and they used that  
18 to expand their capacity in China.

19 I would love to have a U.S. source.  
20 That would be great for our business.

21 CHAIR GRIMBALL: One followup  
22 question. Mr. Huff, did you also mention in your

1 testimony that Mongolia was a source for --

2 MR. HUFF: Well, it's China-Mongolia.  
3 The plant is located in Inner Mongolia.

4 CHAIR GRIMBALL: Okay. Thank you.

5 MR. SULEWSKI: Hello. And this  
6 question is for Ms. Vasilaros with the National  
7 Marine Manufacturers Association.

8 Your Association is requesting the  
9 removal of approximately 48 HTS tariff lines. To  
10 clarify, is it that there are no alternative non-  
11 China sources? Do none exist for all the  
12 products classified under these 48 HTS tariff  
13 lines?

14 MS. VASILAROS: No, there are some  
15 alternative sources. For example, one of the  
16 requests that we're making is for boats. We  
17 represent the U.S. boating industry and U.S. boat  
18 manufacturers. But our philosophy is simple:  
19 tariffs anywhere are bad for manufacturers here.

20 We see some of the products that we've  
21 requested are entry-level vessels. A lot of them  
22 are component parts. Think of a boat as a house.

1 It has thousands of parts on there.

2 So, there would be a different answer  
3 for each of the components, but for some of the  
4 lower price point vessels they are primarily  
5 sourced in China. Some of the critical component  
6 types, like tires and fiberglass, primarily  
7 sourced from China at the quality and the  
8 capacity that's needed for our industry.

9 MS. BONNER: This question is for Mr.  
10 Cobb.

11 Mr. Cobb, if the proposed tariffs on  
12 solid and engineered wood flooring did go into  
13 effect, could or would consumers likely shift to  
14 comparable or substitute flooring products?

15 MR. COBB: Well, the answer, again,  
16 it's a wide product spectrum that we've lumped a  
17 lot of things into. So, there are some low-end  
18 specs that are made in the United States. There  
19 are some wood-like products; there is crossover  
20 into. But, for the mid- to high-end products,  
21 no, there's not.

22 CHAIR GRIMBALL: Thank you, Witnesses.

1 That concludes the questioning period.

2 At this point, we're going to take a  
3 35-minute break for lunch, and that will put us  
4 at about 1:05.

5 Thank you.

6 (Whereupon, the above-entitled matter  
7 went off the record for lunch at 12:28 p.m. and  
8 resumed at 1:05 p.m.)

9 CHAIR TSAO: Hi, Mr. Bishop. Before  
10 you introduce the new panel, we have some new  
11 members to the 301 Committee, and I would ask the  
12 members each to introduce themselves.

13 MR. SULEWSKI: Hello. Adam Sulewski  
14 with U.S. Department of Homeland Security.

15 MS. SALZMAN: Rachel Salzman,  
16 Department of Commerce.

17 MR. MCCARTIN: Good afternoon. Terry  
18 McCartin, Acting Assistant U.S. Trade  
19 Representative for China Affairs.

20 CHAIR TSAO: Arthur Tsao, USTR.

21 MS. KNISLEY: Shelbi Knisley, USDA.

22 MS. PETTIS: Maureen Pettis,

1 Department of Labor.

2 MS. BONNER: Sarah Bonner, U.S. Small  
3 Business Administration.

4 MR. BISHOP: Mr. Chairman, our first  
5 witness on this panel is Edward Brzytwa with the  
6 American Chemistry Council. Mr. Brzytwa, you  
7 have five minutes.

8 MR. BRZYTWA: Good afternoon. Thank  
9 you again for the opportunity to testify here  
10 today. Third time is a charm. American  
11 Chemistry Council appreciates the opportunity to  
12 testify in the administration's proposed  
13 modification of action against the People's  
14 Republic Of China under Section 301 of the Trade  
15 Act of 1974.

16 On behalf of chemical manufacturers  
17 producing goods in the United States, we  
18 respectfully request that the administration  
19 remove all the chemicals and plastics products  
20 from the U.S. List 3, which includes a  
21 significant number of products in HTS Chapters 27  
22 to 29 and 31 to 39, equating to \$16.4 billion in

1 imports from China.

2 Before I explain the impact of these  
3 tariffs and China's retaliation on our industry  
4 and the supply chains that underpin U.S.  
5 manufacturing, I would like to note ACC's  
6 disappointment that the administration did not  
7 heed our request in July to remove approximately  
8 \$2.2 billion in Chinese imports of chemicals and  
9 plastics from U.S. List 2. Previously, we  
10 notified the administration that the tariffs on  
11 List 2 substances would hurt our industry's  
12 ability to do business in the United States. We  
13 cautioned that they would jeopardize nearly half  
14 of the \$194 billion in announced investments and  
15 chemicals manufacturing that have been announced  
16 over the past decade, and we explained that the  
17 cost in the United States will go up not just for  
18 our member companies but also the downstream  
19 industries that buy U.S. made chemicals,  
20 including farmers and manufacturers.

21 If tariffs on \$2.2 billion in  
22 chemicals and plastics imports that appeared on

1 List 2 would weaken the competitiveness of the  
2 U.S. chemicals industry, then the \$16.4 billion  
3 in tariffs on additional products of chemistry in  
4 List 3 would have a potentially irreparable  
5 impact on our industry's economic structure and  
6 supply chain.

7 Manufacturing supply chains do not  
8 exist in a vacuum but move with ebb and flow of  
9 market forces. They are complex and intricate  
10 and rely on interconnected networks and channels  
11 that work together as one to bring finished  
12 products to market. That is what makes supply  
13 chains vulnerable to the disruptive effects that  
14 tariff and non-tariff barriers to trade can have  
15 in the global marketplace.

16 Supply chains are not plug and play.  
17 They cannot easily be reconfigured to meet the  
18 whims of U.S. trade policy. Forcing companies to  
19 reconfigure their supply chains would threaten  
20 the viability of their businesses.

21 We reiterate in the strongest possible  
22 terms the best way to preserve the interests of

1 the U.S. chemicals industry and indeed the entire  
2 manufacturing sector is by removing chemicals  
3 from the front lines of this trade war. China is  
4 retaliating in response to these tariffs that  
5 will retaliate against \$2 billion in U.S. exports  
6 to China in response to U.S. List 2. Its new \$60  
7 billion product lists issued in response to U.S.  
8 List 3 include 987 chemicals and plastics  
9 products. These tariffs will close off China's  
10 market to U.S. exports just when our industry was  
11 ready to supply China's large and growing demand  
12 for chemicals.

13 Trade flows between the U.S. and China  
14 will contract as tariffs are imposed on each  
15 side. Tariffs raise the price of imports and, as  
16 a result, quantity demanded will decline. How  
17 much demand falls off for each product impacted  
18 will be directly related to the availability of  
19 substitutes and alternative suppliers of the  
20 right quality, quantity, and specifications.  
21 Chinese customers may have alternatives more  
22 readily available, given their position within



1 the Asian manufacturing hub. If that's the case,  
2 the negative impact from tariffs on the Chinese  
3 side will be less severe. Still, both sides lose  
4 when tariffs are introduced and supply chains are  
5 interrupted.

6 A surprising proportion of  
7 international trade is actually intra-company  
8 transfers. Imported inputs to the U.S. from  
9 China keep American firms competitive in the  
10 United States and in the global marketplace.  
11 Tariffs would erode the competitive of U.S.  
12 manufacturers and incentivize offshoring and  
13 trade diversion. If U.S. manufacturers are less  
14 competitive, then they're unlikely to be in a  
15 position where they could increase domestic sales  
16 or exports to China or Europe or anywhere else.

17 We share the administration's concerns  
18 about China's inadequate protections of  
19 intellectual property and forced technology  
20 transfer practices. Instead of taking a  
21 unilateral enforcement approach, we urge the  
22 administration to work closely with like-minded

1 allies to change China's behavior and practices.  
2 However, a trade war will neither achieve a more  
3 balanced trading relationship between the U.S.  
4 and China, nor advance the interests of the U.S.  
5 economy, manufacturers and consumers.

6 Furthermore, imposing increased duties  
7 on the products on List 3 would not be  
8 practicable or effective to obtain the  
9 elimination of China's acts, policies, and  
10 practices. In fact, these duties, if applied,  
11 would cause disproportionate economic harm to  
12 U.S. interests, including the small and medium-  
13 sized enterprises, farmers, manufacturers, and  
14 consumers.

15 We, therefore, strongly urge the U.S.  
16 government to rescind and avoid the imposition of  
17 tariffs and, therefore, preempt additional  
18 retaliation by China. Thank you.

19 MR. BISHOP: Thank you, Mr. Brzytwa.  
20 Our next witness is Jessica Fegan with Connection  
21 Chemical, LP. Ms. Fegan, you have five minutes.

22 MS. FEGAN: Good afternoon. My name

1 is Jessica Fegan. I'm the Director of Quality  
2 and Operations at Connection Chemical, LP. Thank  
3 you to the Section 301 Committee for the  
4 opportunity to testify.

5 Today, I will provide an overview of  
6 the impact of the proposed tariffs on the 23  
7 harmonized tariff codes provided in my original  
8 written testimony and public comments could have  
9 on our company, the chemical distribution  
10 industry, our customers, and American consumers.  
11 Specific examples of potential injury will be  
12 given for the HTS Codes 2809.20.00 and  
13 2835.39.50, which pertain to phosphoric acid and  
14 pyrophosphates respectfully.

15 Connection Chemical, LP, is a leading  
16 chemical distributor in North America. We  
17 distribute raw materials to a variety of markets,  
18 including agriculture and feed, industrial and  
19 institutional, food and beverage, oil field and  
20 energy, and water treatment, all of which are  
21 major contributors to the U.S. economy.

22 Established in 2010, Connection has

1 rapidly grown to a \$76 million company employing  
2 23 people nationwide. We use significant  
3 resources to source products from many countries,  
4 including China. Our business and continued  
5 growth depends on chemical imports to meet the  
6 demands of our U.S. customer base, as many of the  
7 chemicals we import are either not produced in  
8 the United States or current U.S. manufacturing  
9 capacity is not able to meet U.S. demand,  
10 rendering the U.S. a net importer of the  
11 substance.

12           Smaller business, like Connection,  
13 would be especially injured by the additional  
14 tariffs. Identifying and developing  
15 relationships with new suppliers, domestic or  
16 foreign, is incredibly onerous and costly and  
17 customer qualification of new material requires  
18 expensive and lengthy testing.

19           As a proud member of the National  
20 Association of Chemical Distributors, NACD, we  
21 are committed to responsible distribution. The  
22 Association's third-party verified environmental,

1 health, safety, and security program. Our  
2 longstanding relationships with trusted suppliers  
3 ensure quality product that safely complies with  
4 U.S. regulatory requirements.

5 While an additional ten percent tariff  
6 on these items will be costly and burdensome, a  
7 25 percent tariff has the ability to be  
8 devastating and irreparable to certain industries  
9 and businesses. By adding unnecessary costs to  
10 the manufacturing process, these additional  
11 tariffs will undermine the growth this  
12 administration promised, industry has been  
13 yearning for and just recently began  
14 experiencing.

15 Twenty-six percent of Connection  
16 Chemical sales will be impacted by the proposed  
17 tariffs. Product we are able to source outside  
18 of China will be at a cost to the consumer.  
19 Approximately 35 percent of this 26 percent will  
20 be lost sales directly related to HTS Codes  
21 2809.20.00 and 2935.39.50, as we will be at  
22 economic disadvantage and will no longer be

1 competitive in the U.S. phosphoric and  
2 pyrophosphate market. As a result, our company  
3 will suffer a direct loss of ten percent in sales  
4 and profits, slowing our history year-over-year  
5 growth, impacting our strategic plan, and  
6 postponing the hiring of two additional  
7 employees.

8 Based on economic data compiled with  
9 John Dunham & Associates for NACD, a 25 percent  
10 tariff would equate to an increased cost to  
11 chemical distributors of \$101.3 million that will  
12 be passed down from the manufacturing to the  
13 distributor and ultimately to the final consumer  
14 of the various chemicals. The impact is a  
15 reduction of about 1.07 percent in chemical  
16 distributor sales overall. Lower sales volumes  
17 will put more than 530 jobs at risk, as  
18 distributors need fewer truck drivers, clerks,  
19 and warehouse staff. There will also be a  
20 decrease in jobs for longshoremen, freight  
21 forwarders, and other positions that make global  
22 supply framework possible.

1                   When including businesses that supply  
2 chemical distributors and those who depend on re-  
3 sponding by direct and supplier firm employees, a  
4 total of nearly 2500 lost jobs and \$147.7 million  
5 in lost wages are at stake. The costs to the  
6 American economy in the chemical distribution  
7 industry could be nearly \$453.6 million.

8                   Due to the direct impact upon  
9 Connection Chemical, LP, the potential effect on  
10 the availability of critical raw materials to  
11 U.S. manufacturing companies and the enormous  
12 impact that the tariffs could have upon the U.S.  
13 economy overall, Connection Chemical, LP,  
14 strongly recommends that USTR find alternate  
15 approaches to address China's actions related to  
16 American intellectual property rights,  
17 innovation, or technology development.

18                   Thank you again to the Section 301  
19 Committee for the opportunity to testify. I hope  
20 I have provided you a helpful perspective on the  
21 impact upon our business as you select the HTS  
22 codes to include in your final determination. I

1 look forward to answering questions you may have.  
2 Thank you.

3 MR. BISHOP: Thank you, Ms. Fegan.  
4 Our next witness is Joseph Gruchacz of Canaxy  
5 USA, Incorporated. Mr. Gruchacz, you have five  
6 minutes.

7 MR. GRUCHACZ: Yes. Thank you for  
8 having me. My company is Canaxy USA, and this  
9 will be a sample of a very small company taking  
10 advantage of the opportunity you gave me to  
11 speak.

12 The product, the HTS I'd ask to be  
13 exempt from the tariff is 2933.69.6015. The  
14 product is an isocyanate which is used for  
15 treatment and sanitization of water. These  
16 chemicals kill harmful bacteria, hence are  
17 helpful to America's health, primarily used in  
18 the pool and spa industry with some drinking  
19 water applications.

20 Isos come in from China in two forms:  
21 2200-pound super sacks of granular which are then  
22 processed in U.S. factories, U.S.-owned



1 factories, and also some come in for consumer  
2 use. No product is sold directly by us or our  
3 supplier directly to consumers. It all goes  
4 through distributors and retailers here in the  
5 U.S.

6 Why I'm here today is because there is  
7 only one manufacturer in China shipping to, one  
8 manufacturing of this item shipping to the USA,  
9 and that's Heze Huayi Chemical of China. My  
10 company is under exclusive contract for several  
11 years now to take care of their business affairs,  
12 including selling. We probably made a mistake  
13 doing this, but we let this activity become 80  
14 percent of our business, so we have an interest.

15 What I plan to do right now is just  
16 discuss the environment, what's going on with  
17 this product, and maybe there will be  
18 justification for exempting it. There are three  
19 domestic producers, Occidental, KIK, and Clearon.  
20 Clearon is Chinese-owned. They are in very good  
21 shape. The senior executive from one of them  
22 told me in February they were sold out for the

1 year.

2           There's also other countries, there's  
3 seven countries in the world that produce this  
4 product that I know of, U.S., Japan, Mexico,  
5 India, Spain, Italy, and China. In 2017, all six  
6 foreign countries exported to the USA. In 2018,  
7 only five exported to the USA, and one of those  
8 five is Italy, which their exports to the U.S.  
9 are down 98 percent.

10           In my information I submitted, I got  
11 data, and it's in page two of my document, from  
12 the Census Bureau of actual trade data coming in.  
13 And what I'd like to show here is that China,  
14 although China issues need to be addressed by our  
15 government, we've been trying to be good  
16 citizens. And you'll see in 2018 we're, by far,  
17 bringing in product at the highest declared  
18 value. Now, that's FOB that's going through  
19 Customs. Freight is taken off. But the only  
20 point I'm trying to make from this is that we've  
21 been trying to work to be good trading citizens  
22 in the community.

1           Some comments about the data. The  
2 Chinese product imported is valued 7 to 18  
3 percent higher than other origins, and I must  
4 stop to say, one shortcoming of the data, it  
5 doesn't say the package, so it could be a super  
6 back, pails tend to be more, but that's something  
7 I was not able to find but I want to make sure  
8 everybody is aware.

9           Japanese product imports are valued at  
10 12.4 percent less than Chinese products. Spain  
11 has ceased shipping to the U.S. altogether, and  
12 Italy is down 98.4 percent. India started  
13 shipping last year, but they did shipments in  
14 January and they've ceased since, and I get that  
15 information from the same database in the monthly  
16 data to see what they've done.

17           Using my estimate of the 2018 total  
18 year estimate being 26 million pounds, imports  
19 represent 8.5 percent of the domestic production  
20 capacity, which is 306 million pounds.

21           Duties. Currently, there's 22.4  
22 percent duties on this product. One of the main

1 drivers is that the three domestic petitioners,  
2 three domestic companies petitioned the  
3 Department of Commerce via the antidumping  
4 process. Mexico has been used as a surrogate  
5 country for several years now, resulting in this  
6 year 16.06 percent antidumping duty.

7 The only reason I want to mention  
8 Mexico is, if you look at the trade data, China's  
9 products are coming in at a higher price than  
10 Mexico and, by no means, am here today to discuss  
11 the antidumping process, which is law. But the  
12 only point I want to make is the Chinese product  
13 is coming in higher than the Mexico product, but  
14 when they used Mexico to say what should the  
15 Chinese product cost be, they said it should be  
16 16 percent higher. So we struggle on how we  
17 could overcome this in a proper way, but we're  
18 learning.

19 Down below are the duties, the 2018  
20 duties were 22.04. The preliminary antidumping  
21 for next year is 23.29. So we're up to 29.63.  
22 Adding that 25 percent, my livelihood in this

1 business will be over. These duties are being  
2 added to the already highest import price, China  
3 being the highest import price.

4 A final note. Heze Huayi Chemical  
5 cooperates fully with the Department of Commerce  
6 on antidumping reviews with the antidumping  
7 reviewers.

8 So my request is possibly, because of  
9 some of the information above here and the U.S.  
10 already aggressively managing Heze Huayi's  
11 product coming into the U.S. through the  
12 antidumping process, consider keeping the 25  
13 percent off to allow us to continue to try to be  
14 better citizens. Again, the Chinese product is  
15 coming in at a higher price than anyone else  
16 importing into the U.S. The three producers are  
17 very strong. Spain and India have ceased  
18 shipping to the U.S., and Italy is only two  
19 percent of what they did the previous year. And  
20 the use of Mexico as a surrogate economy in the  
21 antidumping process, you know, may have resulted  
22 in --

1                   CHAIR TSAO:  Sir, can you wrap it up,  
2 please?  Thank you.

3                   MR. GRUCHACZ:  Sure.  And that's all  
4 I have to say.  Thank you for having me, and I  
5 hope you just consider our situation.

6                   MR. BISHOP:  Thank you, Mr. Gruchacz.  
7 Our next witness is Douglas Heffner on behalf of  
8 Dole Packaged Food.  Mr. Heffner, you have five  
9 minutes.

10                  MR. HEFFNER:  Thank you.  Members of  
11 the Subcommittee, thank you for your time today.  
12 I'm Douglas Heffner of Drinker, Biddle & Reath,  
13 counsel to Dole Packaged Foods.  I'm here to  
14 request that USTR remove satsuma mandarins from  
15 the list of products subject to proposed  
16 additional tariffs.  The top of my written  
17 testimony contains the HTS U.S. subheadings at  
18 issue.  Dole will more fully present its reasons  
19 for the opposition in its written comments due on  
20 the 6th.

21                                 Together with its affiliated  
22 companies, Dole is a global leader in sourcing,

1 processing, distributing, and marketing fruit  
2 products throughout the world. The company  
3 sources fruit from both the Northern and Southern  
4 Hemispheres to ensure a year-round supply and  
5 markets a full line of canned, jarred, cup,  
6 frozen, and dried fruit products in the United  
7 States. Dole has been a leader and innovator in  
8 new forms of packaging and processing for fruit  
9 products, and the company takes pride in its role  
10 of delivering nutritious snacks to consumers  
11 throughout the United States.

12 The Dole brand was first introduced in  
13 1933 and one of the most recognized brands in the  
14 world. The company currently owns and farms  
15 approximately 1,050 acres of peach orchards in  
16 California and owns and operates a plant in  
17 Atwater, California that produces individually  
18 quick-frozen fruit with a second production  
19 facility in Decatur, Michigan. Company  
20 affiliates operate pineapple plantations,  
21 canneries, and production facilities in both the  
22 Philippines and Thailand.

1           Dole and its affiliates source satsuma  
2 mandarins for sale as fruit bowls, canned fruit,  
3 jarred fruit, and frozen fruit products. In some  
4 instances, satsuma mandarins are the only fruit  
5 in the product. In other cases, the satsuma  
6 mandarins are combined in a fruit blend. Dole  
7 sources satsuma mandarins for their unique taste,  
8 size, and quality that makes them ideal for use  
9 in packaged foods.

10           Unlike other fruits that may be  
11 available in adequate supply in other countries,  
12 Dole believes that more than 90 percent of  
13 processed satsuma mandarins are produced in China  
14 and it's asking for them to be excluded from the  
15 list of products subject to the proposed  
16 additional duties.

17           Although other countries grow some  
18 satsuma mandarins, an adequate supply exists in  
19 other parts of the world to replace Dole's  
20 product demand and current fruit supplies in  
21 China. Given the time necessary to plant and  
22 grow new trees and qualify suppliers according to



1 the company requirements, Dole estimates that it  
2 would take five to eight years to replace satsuma  
3 mandarin fruit production in other countries. In  
4 other words, unlike other fruits that may be more  
5 plentiful around the world, no significant source  
6 exists to replace Chinese satsuma mandarins that  
7 could meet Dole's demand requirements.

8 While there are other orange  
9 varieties, none of them provide the size or the  
10 taste to maintain Dole's production of packaged  
11 fruits. Perhaps most significantly, the proposed  
12 10- to 25 percent additional duties will be borne  
13 substantially by American consumers.

14 Importantly, packaged fruit products, such as  
15 satsuma mandarins, provide nutritious fruit to  
16 lower-income groups across the United States.  
17 Satsuma mandarins will be particularly hard-hit  
18 by the proposed tariff increase as they are the  
19 most popular packaged fruit product purchased  
20 through government benefit programs, such as the  
21 WIC program, a special supplement nutritional  
22 program for women, infant, and children. WIC is

1 a program that provides grants to states for  
2 supplemental foods for women, infants, and  
3 children who are found to be at nutritional risk.  
4 There are an estimated 4.2 million WIC households  
5 in the United States that have Dole satsuma  
6 mandarins authorized for WIC, and these  
7 households will be disproportionately impacted by  
8 a price increase.

9 In conclusion, Dole believes that the  
10 proposed tariffs on Chinese satsuma mandarins  
11 will do nothing to influence the Chinese  
12 government trade policies. Given that Dole  
13 estimates it will take five to eight years to  
14 replace satsuma mandarins grown in China, China  
15 is currently the only viable source of satsuma  
16 mandarins that can meet its demands. As such,  
17 Dole has no choice but to continue sourcing  
18 satsuma from China.

19 Dole believes that imposing a 10 or 25  
20 percent tariff on these fruit products will only  
21 harm U.S. consumers, especially lower-income  
22 consumers and consumers who are at nutritional

1 risk. Therefore, on behalf of Dole, I  
2 respectfully ask that the Subcommittee remove  
3 satsuma mandarin oranges from the list of items  
4 proposed for increased retaliatory tariffs.

5 Thank you.

6 MR. BISHOP: Thank you, Mr. Heffner.  
7 Our next witness is Todd Keske with Foam  
8 Supplies, Incorporated. Mr. Keske, you have five  
9 minutes.

10 MR. KESKE: Thank you. Good  
11 afternoon. My name is Todd Keske, CEO of Foam  
12 Supplies, Incorporated, a privately-run company  
13 headquartered in St. Louis, Missouri. We are an  
14 international manufacturer of polyurethane  
15 technologies and products used in, but not  
16 limited to, appliances, coolers, HVAC, adhesives,  
17 roof and wall insulation for homes and commercial  
18 buildings, and many specialty applications,  
19 including automotive, cold-chain food service,  
20 footwear, marine products, and many others. We  
21 have been in business since 1972.

22 Clearly, tariffs play a significant

1 role in the overall supply-demand balance and,  
2 hence, the economics of any product. This fact  
3 is only emphasized in markets controlled by  
4 oligopolies, like the polyurethane raw material  
5 industry, and will have significant impact on all  
6 downstream markets and, ultimately, consumers.  
7 In short, if the tariff goes through, the price  
8 of most, if not all, products will go up.

9 I will keep the reasons plain and  
10 simple as it relates to the polyurethane  
11 industry. Number one, further restriction of  
12 competition within the U.S. The United States is  
13 a net importer of isocyanates. This hasn't  
14 always been the case but has been the  
15 circumstance for the past few years. There are  
16 four isocyanates suppliers that manufacture in  
17 the U.S. However, the largest producer in the  
18 world is based in Asia with an additional  
19 production unit in Europe. The U.S.-based  
20 manufacturers know the tariffs will further  
21 shorten supply and, on the proposition alone,  
22 have already increased prices.

1                   Isocyanate supply has already been  
2 short due to plant maintenance outages, both  
3 locally and globally; weather, as two plants were  
4 shut down due to storm damages from Hurricane  
5 Harvey; a string of forced mergers and market  
6 consolidation from NMA activity.

7                   Number two, zero, I emphasize zero,  
8 new isocyanate production facilities have been  
9 built for the last 20 years. For many upstream  
10 and midstream bulk commodity manufacturing sites,  
11 it takes years of planning, environmental  
12 reviews, and construction to deliver a new  
13 facility. Huge entry barriers exist, including  
14 billions of dollars of investment. Existing  
15 producers have not added capacity in the U.S. for  
16 20 years, despite having record profits in most  
17 of those years. If a shovel were put to the  
18 ground today, it would take no less than five  
19 years and probably closer to ten before  
20 additional material could be produced stateside.

21                   Number three, unique polyurethane  
22 market challenges. The bottlenecking of existing

1 sites to expand supply capacity are ongoing,  
2 never accelerated, and often delayed. The  
3 bottlenecking rarely, if ever, outpaces demand  
4 and necessary plant maintenance restricts supply.  
5 Usually, the restriction is temporary. Lately,  
6 however, the standard term of temporary has  
7 increased. In all short-supply scenarios, prices  
8 rise. It is becoming more common to hear that  
9 downstream companies have shut down completely  
10 due to lack of supply. These shutdowns are  
11 punishing for all and too often catastrophic for  
12 SMEs.

13           Number four and my personal favorite,  
14 price fixing. Soon after the Department of  
15 Justice and major isocyanate producers agreed to  
16 settlements on price-fixing claims, the DOJ is  
17 readying itself for round two. In the most  
18 recent case, the plaintiff alleges the fixing was  
19 done through coordinated plant outages by the  
20 isocyanate manufacturers, which resulted in  
21 limited isocyanate supply. No one can guarantee  
22 if or how the market dynamics will change

1 specific to how this case plays out. If history  
2 is our teacher, prices will ultimately go up, as  
3 they did after the prior case was settled.

4 Number five, oligopoly. There are  
5 only five isocyanate suppliers in the world  
6 today. It is unlikely additional players will  
7 ever be born. Entry to market is too high, too  
8 risky, and, most important, new players are not  
9 welcome by the current dominating players.

10 Comparatively, competition for oligopolies is not  
11 rigorous. We do not need to make competition  
12 even easier for the elite few by enacting a  
13 tariff.

14 To close, it seems tacit on  
15 polyurethane components will penalize companies,  
16 consumers, and eventually negatively impact the  
17 U.S. market. Prices will rise and, in some  
18 cases, products will become unavailable.  
19 Everyone will hurt.

20 In the spirit to "Make America Great,"  
21 say no to the tariff. Thank you for your time  
22 and consideration.

1 MR. BISHOP: Thank you, Mr. Keske.  
2 Our next witness is Robin McCann with Archroma  
3 US, Incorporated. Ms. McCann, you have five  
4 minutes.

5 MS. MCCANN: Good afternoon. Thank  
6 you, Chairman and members of the Committee, for  
7 your time and the opportunity to present the  
8 concerns of Archroma US. My name is Robin  
9 McCann, and I am the head of packaging and paper  
10 specialties for North America for Archroma.

11 Archroma is a U.S.-owned and -based  
12 specialty chemicals company headquartered in  
13 Charlotte, North Carolina. We employ over 175  
14 people in the U.S. Archroma's facility in  
15 Martin, South Carolina employs over 100 people in  
16 high-paying technical jobs in Allendale County,  
17 an area that has been designated a federal  
18 government Promise Zone where the average income  
19 is less than \$13,000.

20 Archroma produces optical brightening  
21 agents, or OBAs, which are chemicals used to make  
22 paper whiter and brighter. OBAs are made with



1 the chemicals DAST and CYCL that are on the  
2 proposed Section 301 List 3. Archroma agrees  
3 with the intent of the administration in  
4 emphasizing fair trade with China but requests  
5 that you omit DAST and CYCL from List 3.

6 A 25 percent import tariff imposed on  
7 DAST and CYCL would yield the following  
8 unintended consequences: U.S. production of OBA  
9 will be displaced by foreign competition;  
10 domestic OBA production will cease to exist,  
11 impacting 100 highly-valuable jobs in one of  
12 America's poorest counties in the country; and  
13 Chinese-produced DAST and CYCL will continue to  
14 flow into the U.S. without duty via OBAs produced  
15 in Taiwan, Indonesia, and India, completely  
16 defeating the purpose of the Section 301 tariffs.

17 The U.S. paper OBA market is  
18 competitive, including Archroma and two other  
19 U.S. producers, as well as producers in India,  
20 Taiwan, and Indonesia. OBA technology is  
21 substantially fungible between suppliers, and,  
22 because there are many sourcing options,

1 customers leverage volume for lower price. Once  
2 business is won or lost, it generally takes about  
3 two to three years to recapture, and that assumes  
4 it can be recaptured through aggressive price  
5 competition.

6 The cost of a typical OBA is about 90  
7 percent raw material. Based on our analysis  
8 submitted in our written comments, a 25 percent  
9 tariff on DAST and CYCL will increase the cost of  
10 the average OBA more than 10 percent. While  
11 Archroma has devoted significant resources to  
12 optimizing its manufacturing and reining in these  
13 costs, we simply cannot absorb a large cost  
14 increase and maintain our viability.

15 Archroma's OBA margins are currently  
16 at the lowest level we can sustain, and our OBA  
17 business would be caught between a rock and a  
18 hard place. Due to price sensitivity, our  
19 customers will turn to foreign competitors whose  
20 manufacturing costs will not be similarly  
21 affected by these tariffs. Our offshore  
22 competition will gladly undercut our prices by

1 the 10 percent that they will not have to pay in  
2 increased prices and the U.S. OBA market will be  
3 ceded to India, Indonesia, and Taiwan.

4 Archroma has fought for a level  
5 playing field in the U.S. through antidumping  
6 duties on OBA against China that were imposed in  
7 2012 and sunset reviewed in 2017, as well as a  
8 successful GSP petition. The U.S. acknowledged  
9 that the OBA market is challenged with unfair  
10 competition by granting ADD for China and GSP for  
11 India.

12 Those remedies were essential to fight  
13 against unfair competition and proved just how  
14 vulnerable the OBA market in the U.S. is when  
15 imports gain an unfair edge in price. We believe  
16 that the imposition of tariffs on DAST and CYCL  
17 would reverse the actions taken to ensure fair  
18 pricing.

19 Currently, the OBA market remains  
20 robust for offshore competition. However,  
21 tariffs on raw materials to make OBAs will make  
22 Archroma and other U.S. manufacturers

1 uncompetitive in a very price-sensitive industry.  
2 Worse yet, the Chinese manufacturers of DAST and  
3 CYCL will not suffer any penalty with these  
4 tariffs. They will instead supply the Taiwanese  
5 and Indonesian producers who will benefit from  
6 these tariffs.

7 DAST and CYCL are not produced in the  
8 U.S. No domestic industry will be protected if  
9 these chemicals are subjected to the proposed  
10 tariffs. U.S. OBA manufacturers will not be  
11 competitive and foreign suppliers will be  
12 advantaged.

13 The intent of the proposed tariffs is  
14 to level the playing field. Unfortunately, if  
15 DAST and CYCL are included in the final tariff  
16 decision, Taiwan, India, and Indonesian  
17 manufacturers will benefit. Surely, this would  
18 represent an undesirable outcome and one that the  
19 Section 301 action was not meant to inflict.

20 We urge you to omit the chemicals DAST  
21 and CYCL from 301 List 3. Imposing these tariffs  
22 on these chemicals poses an existential threat to

1 the manufacture of OBA in the U.S. and the highly  
2 valuable jobs Archroma provides in Martin, South  
3 Carolina and throughout the U.S.

4 Thank you for your time and  
5 consideration, and I would be happy to answer any  
6 questions.

7 MR. BISHOP: Thank you, Ms. McCann.  
8 Our next witness is Richard Ruzzini with Johnson  
9 Matthey, Incorporated. Mr. Ruzzini, you have  
10 five minutes.

11 MR. RUZZINI: Ladies and gentlemen,  
12 thank you for the opportunity to testify today.  
13 My name is Richard --

14 MR. BISHOP: Pull your mic a little  
15 bit closer, please.

16 MR. RUZZINI: Sure. Ladies and  
17 gentlemen, thank you for the opportunity to  
18 testify today. My name is Richard Ruzzini, and I  
19 am the supply chain director for Johnson Matthey  
20 Inc.'s clean air business, which I'll refer to as  
21 JMI.

22 As we'll present in more detail in the

1        comments that we will submit to USTR in this  
2        proceeding, I'm here to discuss the impact of an  
3        increased tariff of 10 or 25 percent would have  
4        on an important product that JMI imports from  
5        China, a zeolite crystal product classified in  
6        HTS Subheading 3824.99.3900. These materials are  
7        used in trucks and automobiles made in the United  
8        States.

9                    JMI was incorporated in 1909 and based  
10       in Wayne, Pennsylvania. It is a specialty  
11       chemical company involved in the production and  
12       development of emission control technologies,  
13       catalyst, precious metal products, specialty  
14       chemicals, and other products. JMI operates  
15       several manufacturing facilities across the  
16       United States, in Pennsylvania, New Jersey,  
17       Georgia, and California.

18                   JMI's emission control technology  
19       facilities, referred to as clean air, are located  
20       in Wayne and Smithfield, Pennsylvania. JMI  
21       currently employs nearly 3,000 people in the  
22       United States, 1,250 of whom are located in

1 Pennsylvania.

2 At these facilities, JMI develops,  
3 markets, commercializes, and manufactures  
4 technologies that reduce and mitigate various  
5 criteria pollutants and other harmful emissions  
6 from automobiles, medium- and heavy-duty trucks,  
7 and various fossil fuel power generation  
8 applications. As supply chain director, I'm  
9 responsible for the sourcing of our materials and  
10 supply planning for our manufacturing facilities  
11 throughout North and South America.

12 While JMI has several products listed  
13 on the proposed Section 301 supplemental action  
14 list, a tariff of 10 or 25 percent on zeolite  
15 crystals would be particularly problematic to our  
16 company and our customers. As our comments will  
17 explain in greater detail, zeolites are  
18 metastable crystalline materials formed by a  
19 mixture of silica and alumina. These zeolites  
20 are effectively useless as imported. It is only  
21 after JMI imports these zeolites to our  
22 facilities in Pennsylvania that we put them

1 through our unique processes and transform them  
2 into a catalyst washcoat that are sold to many of  
3 the major passenger vehicle, truck, and engine  
4 manufacturers making vehicles in the United  
5 States, in order to reduce harmful pollutants and  
6 improve public health.

7 For JMI's mobile source applications,  
8 JMI takes the imported zeolite, along with other  
9 base metals and chemical constituents,  
10 transforming them into a slurry-like material,  
11 what we call a washcoat, and we then take this  
12 washcoat and apply it to a ceramic substrate.  
13 After installation on a vehicle, exhaust gases  
14 pass over the catalytic substrate where a  
15 chemical reaction converts the exhaust into less  
16 harmful emissions. The entire process, including  
17 the washcoat formulations, applications, and  
18 manufacturing processes are proprietary to JMI.

19 While the zeolite crystals are  
20 imported from China, the upfront research and  
21 development, marketing, commercialization,  
22 engineering, manufacturing, and shipping are all



1 done by our personnel in the United States,  
2 primarily out of our two Pennsylvania facilities.  
3 The zeolite product that we import from China is  
4 only available from sources in China and is the  
5 only viable option that specifically meets our  
6 unique quality, performance, durability, and  
7 customer specifications.

8 While some similar products are  
9 available domestically and from other agent  
10 countries, these products do not meet our quality  
11 and performance specifications and could require  
12 our customers to re-certify platforms with the  
13 EPA, which could take many years and would  
14 require them to dedicate significant resources.  
15 Moreover, these alternatives cannot withstand our  
16 unique milling processes required to produce  
17 adequate particle size for our washcoat.

18 Therefore, we've concluded that there  
19 are no readily available products from the U.S.  
20 or any other countries outside of China to meet  
21 the needs of JMI and our customers. Because of  
22 the quantity and value of this product that we

1 import from China, imposing a tariff of 10 or 25  
2 percent on these zeolite products would cause  
3 extreme economic harm to JMI and to our  
4 operations in Pennsylvania, and any cost would  
5 eventually be passed on to our customers in the  
6 United State who will, in turn, likely have to  
7 increase the price of vehicles that contain our  
8 products that are produced in the United States.

9 While we provide more specific  
10 information on the overall negative impact of the  
11 proposed tariffs on zeolite and other products in  
12 the confidential version of our comments, I can  
13 tell you that the proposed tariffs would have a  
14 meaningful financial impact to JMI's operations  
15 in PA, the majority of which is associated with  
16 one specific zeolite classified in HTS Subheading  
17 3824.99.3900.

18 In addition, the imposition of these  
19 tariffs will not help the United States in its  
20 goal of eliminating China's acts, policies, and  
21 practices that are the subject of the Section 301  
22 investigation and will only cause potential harm

1 to U.S. interests.

2 Thank you for the opportunity to  
3 testify today, and I'm available to answer any  
4 questions you may have.

5 MR. BISHOP: Thank you, Mr. Ruzzini.  
6 Our final witness on this panel is Sadiq Yakoobi  
7 with Bloomage Freda Biopharm USA, Incorporated.  
8 Mr. Yakoobi, you have five minutes.

9 MR. YAKOObI: Good afternoon. My name  
10 is Sadiq Yakoobi, and I'm a sales director of  
11 personal care in North America for Bloomage Freda  
12 Biopharm USA. Thank you to the Committee for the  
13 opportunity to testify today. My testimony will  
14 cover the harmonization code on my written  
15 testimony.

16 Bloomage Freda Biopharm USA is a small  
17 subsidiary company in New Jersey with  
18 manufacturing in China for over 20 years. The  
19 main business activities include the marketing  
20 and sales of sodium hyaluronate, also known as  
21 hyaluronic acid to most, which is a natural  
22 polysaccharide, as well as other ingredients,

1 such as aminobutyric acid coming from a natural  
2 biofermentation to be used as a raw material for  
3 making cosmetics, dietary supplements, and  
4 pharmaceutical finished products. The technology  
5 is derived from natural, green, sustainable  
6 sourcing without any conflict to IP.

7 The company has an annual sales  
8 revenue of around 12 million U.S. dollars, and  
9 the sales target is, roughly, about \$30 million  
10 within the next three to five years based on  
11 current client forecasts and growing market  
12 demand. This has already required an expansion  
13 in personnel by hiring additional employees in  
14 the U.S. Bloomage Freda has recently invested  
15 millions of dollars in the expansion of its  
16 production facilities to meet the increase in  
17 demand.

18 We're requesting an exemption because  
19 of the following potential influences on our  
20 business and on that of our customers: sodium  
21 hyaluronate used in the domestic manufacture of  
22 cosmetic, dietary supplements, and upon sourcing

1 in China because it's the only country which can  
2 handle ingredient sourcing supply on the scale  
3 demanded by finished products manufacturers of  
4 cosmetic and dietary supplements in the U.S.

5 Furthermore, there's no domestic  
6 producer for this raw material in the U.S. and  
7 most of the production capacity is coming from  
8 China supplying 95 percent of the food  
9 supplements industry, despite the existence of HA  
10 over the course of decades now. This has created  
11 an already competitive environment with extremely  
12 small margins. We're the only company to offer  
13 class A refining to meet the highest quality  
14 standards in all of China.

15 With FDA clearances from the Chinese  
16 FDA, we've also been audited by multinational  
17 companies here in the U.S. We get about 20  
18 audits per year. Our mother company, Bloomage  
19 Freda, is the largest supplier of sodium  
20 hyaluronate, with over 350 metric tons capacity  
21 annually. That's six times larger than our  
22 competitors.

1                   Imposing the increased tariff would  
2 result in significant economic harm and financial  
3 impact to our company, partners, distributors,  
4 and our multinational customers. If our  
5 customers were forced to obtain this raw material  
6 from alternate sourcing, which is limited abroad,  
7 most small and some medium sized companies would  
8 be out of business. And if we're able to push by  
9 the customer that digests this cost increase by  
10 ourselves, we'll have much difficulty in reaching  
11 the initial investment and targets to grow our  
12 business, and thus eliminate the need to hire new  
13 employees.

14                   Before our customers start utilizing  
15 our products to make the pharmaceutical finished  
16 products, for example, for intra-articular  
17 injection for osteoarthritis, joint pain,  
18 cataract surgery, eye drops, contact lens  
19 solutions, as well as for anti-skin-cancer drugs,  
20 and so on, they need to invest a lot of money and  
21 time to improve our products. To carry out such  
22 trial production and go through the very long

1 registration process, that can overshadow the  
2 three to five years to get into market. This is  
3 only for the cosmetic end. For pharma, it takes  
4 something like seven to ten years to get it  
5 validated.

6           Increasing of tariff costs would force  
7 them to pay more money and time to approve other  
8 sources from, say, Europe or Japan that would  
9 yield higher costs and burden to our already  
10 existing expensive healthcare system.

11           Imposing the increased tariff on our  
12 products would result in a significant financial  
13 burden for consumers who may bear the increased  
14 costs of finished products of dietary supplements  
15 and cosmetics, as well as reducing product choice  
16 as small and medium sized companies may shut down  
17 their doors. They could cut down operational  
18 costs, lower income by paying less taxes, cut HR,  
19 and ultimately yield higher unemployment rates.

20           Many of our customers in the U.S. are  
21 also coming from contract manufacturers or  
22 providing OEM services. Imposing the increased

1 tariff on our products would cost such domestic  
2 customers to lose the competitive edge in the  
3 global market against the companies running this  
4 kind of business from other countries, say, from  
5 Asia or Europe, where they would benefit from  
6 lower import costs on the raw materials.

7           Sadly, bigger sized companies may  
8 consider moving their facilities out of the U.S.,  
9 which would cause more dramatic consequences.  
10 Customers rely on us to grow and meet market  
11 demands in cosmetics with an aging population,  
12 supplements to promote wellness, and medical  
13 field to improve quality of life.

14           Therefore, I strongly request that the  
15 Committee remove the corresponding codes from  
16 Annex C due to the irreparable harm it would have  
17 upon Bloomage Freda Biopharm USA's ability to  
18 conduct business. Thank you again to the Section  
19 Committee for the opportunity to testify today.

20           MR. BISHOP: Thank you, Mr. Yakoobi.  
21 Mr. Chairman, that concludes direct testimony  
22 from this panel.



1                   MS. SALZMAN: This is a question for  
2 Mr. Brzytwa. In your submission, you argued that  
3 the proposed tariffs would significantly  
4 disadvantage and reduce the competitiveness of  
5 U.S. manufacturers. Has the ACC or any other  
6 organization that you are aware of quantified  
7 your view of the potential impact of the proposed  
8 tariffs on U.S. chemical users?

9                   MR. BRZYTWA: That's a great question.  
10 We did some initial quantification back in April  
11 when we saw the first tariff list issued by USTR.  
12 And at that point in time, our estimate was that  
13 a 25 percent tariff on the products in that list  
14 would cause the loss of about 24,000 jobs. The  
15 successive lists, I'll be honest, it's hard to  
16 keep up with all the lists and do these  
17 quantifications; it takes a lot of detailed  
18 analysis and I think we're still working on that.

19                   But that was a much less -- well,  
20 that's \$50 billion of trade from the initial list  
21 in April. We're talking about a \$200 billion  
22 list of products at a 25 percent tariff or 10

1 percent tariff. I would have to imagine that the  
2 job loss would be greater than 24,000.

3 MS. KNISLEY: Ms. Fegan, you argue  
4 that tariffs would result in significant price  
5 increases for downstream manufacturers and  
6 consumers. For the raw materials you distribute,  
7 do you have a sense of how much that tariff would  
8 be passed down to the consumer? Would it be all  
9 of it, some of it, or a small amount? Because  
10 you refer to 101.3 million in your testimony.

11 MS. FEGAN: So, for the methodologies  
12 done by John Dunham & Associates, I can get that  
13 information over to you. I'm not sure what that  
14 was. But what I can say is that, in general, I  
15 listed 23 HTS codes, and several of those, the 25  
16 percent is just going to be passed straight down  
17 the supply chain. So when I'm selling to one of  
18 ACC's member companies and they're making another  
19 chemical, they're going to have to inherit that  
20 25 percent because no one can afford to basically  
21 just, you know, encapsulate that in their costs.  
22 It has to be passed down through the supply

1 chain.

2 MS. KNISLEY: Okay. But you don't  
3 know how much that is to the consumer?

4 MS. FEGAN: I don't know. You mean  
5 dollar amounts?

6 MS. KNISLEY: Yeah.

7 MS. FEGAN: It's going to depend on  
8 the product, each product.

9 MS. KNISLEY: Okay. Thank you.

10 MS. BONNER: Mr. Gruchacz, in your  
11 testimony you indicated that your company is  
12 under an exclusive agreement to sell Heze Huayi  
13 chemical product in the United States. Does this  
14 mean that your company is unable to import from  
15 other manufacturers in China or elsewhere?

16 MR. GRUCHACZ: Per the agreement, we  
17 don't sell competing products.

18 MS. BONNER: Okay. Thank you.

19 MS. KNISLEY: Mr. Heffner, in your  
20 testimony you argued that it would take years to  
21 establish the necessary fruit trees in a new  
22 country in order to support the company's supply

1 needs. Can you help us better understand why  
2 China is such a significant source of these  
3 fruits? For example, is it the climate? Is it  
4 the supply chain network? And what about the  
5 labor costs?

6 MR. HEFFNER: I don't know the answer  
7 to that off the top of my head. I'll have to get  
8 that for you. But I know that they've been  
9 sourcing there for a long time and that's where  
10 the supply chain developed, and that there's very  
11 few countries that have a large enough supply for  
12 Dole to source from. I know, you know, there are  
13 some countries that produce it. Just like the  
14 Juice Products Association, they were saying a  
15 lot of the products go to fresh fruit. That's  
16 also the case in this, so that's why China is  
17 really the only source available.

18 MS. KNISLEY: Okay, thank you.

19 CHAIR TSAO: Mr. Heffner, I have a  
20 follow-up question. With respect to the satsuma  
21 mandarin used in the canned products, I mean, if  
22 the price were to increase on that, do you expect

1 the consumers to move to a comparable or  
2 substitutable fruit products?

3 MR. HEFFNER: Well, they could go to  
4 apples or whatever. But I can tell you, overall,  
5 fruit products are going to go up because a lot  
6 of the products are on the list. We'll be able  
7 to resource some of it at a higher cost. Prices  
8 will go up overall, but it's only satsuma  
9 mandarins where we have no ability to really re-  
10 source.

11 MR. MCCARTIN: Thank you. My question  
12 is for Mr. Keske. In your written comments, you  
13 note that imports from China have been increasing  
14 and now account for 10 to 20 percent market share  
15 in the United States for the feed stock chemicals  
16 for polyurethane. In your view, what factors are  
17 driving these increases in China's market share  
18 in the U.S.?

19 MR. KESKE: Primarily, I would say  
20 lack of investment within the U.S. The United  
21 States manufacturers have chosen to build their  
22 newest production facilities in China, as well as

1 the fifth largest and newest player to that  
2 oligopoly, which we like to refer to as the  
3 cartel, is only in Asia.

4 MR. MCCARTIN: Thank you.

5 MS. PETTIS: Ms. McCann, in your  
6 testimony you mentioned that Taiwan, India, and  
7 Indonesia produce the raw materials your company  
8 uses. Are there factors that limit your  
9 company's ability to source the chemicals from  
10 those other countries?

11 MS. MCCANN: I'm sorry, perhaps my  
12 testimony was unclear. Taiwan, Indonesia, and  
13 India produce the product that we produce, as  
14 well. So they compete in OBAs with us. China  
15 produces the raw materials.

16 MS. PETTIS: Okay. Thank you.

17 CHAIR TSAO: Quick follow-up. And is  
18 China the only source for the raw materials?

19 MS. MCCANN: China and India produce  
20 the DAST, and then China and Germany produce the  
21 CYCL.

22 CHAIR TSAO: And what's the proportion

1 between the two?

2 MS. MCCANN: India is actually a net  
3 importer of DAST, so China is the largest  
4 producer. India cannot supply world's needs for  
5 DAST. And then on CYCL, I'd have to get back to  
6 you on that.

7 MR. SULEWSKI: Hello. This question  
8 is for Mr. Ruzzini. In your testimony you had  
9 argued that the United States and non-Chinese  
10 suppliers are unable to provide a substitutable  
11 product that meets your company's needs. In your  
12 view, why is this? Is it access to materials?  
13 Is it technical capabilities? Or are their  
14 overall costs too high?

15 MR. RUZZINI: Yeah, there's like two  
16 or three reasons. There is a domestic  
17 manufacturer that we have worked with, but they  
18 have been unable to produce a product that meets  
19 our requirements in terms of our processing needs  
20 and performance needs. There is another supplier  
21 in Asia, not in China, that potentially could  
22 meet those but doesn't have capacity to meet our

1 needs, so we can't get product from them. So  
2 it's a combination of factors.

3 MS. SALZMAN: This is a question for  
4 Mr. Yakoobi. In your testimony, you described  
5 the variety of products into which your chemicals  
6 are used, including contact lens solution, eye  
7 drops, and anti-skin-cancer drugs. For those  
8 finished products, can you give us a sense, an  
9 estimate, or an exact percentage of how much of  
10 your company's inputs are in the final product?  
11 Is it sort of a large proportion of the final  
12 good or a small proportion of the final good?  
13 Thank you.

14 MR. YAKOOBI: The percentage of HA  
15 that's used in the final product is a very small  
16 percentage.

17 MR. BISHOP: We release this panel  
18 with our thanks, and we invite the members of  
19 Panel 5 to come forward and be seated and the  
20 members of Panel 6 to come forward and be seated  
21 in the waiting area. Thank you.

22 Will the room please come to order?



1 CHAIR TSAO: Mr. Bishop, for the  
2 record we have a new member to the Committee.  
3 I'll have her introduce herself.

4 MS. D'ANDREA-YOTHERS: Maria D'Andrea-  
5 Yothers, U.S. Department of Commerce.

6 MR. BISHOP: Mr. Chairman, our first  
7 witness on this panel is Tony Abboud with the  
8 Vapor Technology Association.

9 Mr. Abboud, you have five minutes.

10 MR. ABOUD: Good afternoon. My name  
11 is Tony Abboud. And I am the Executive Director  
12 of the Vapor Technology Association.

13 Today my testimony is in opposition to  
14 the proposed Harmonized Tariff Schedule  
15 subheading 8543.90.88, parts or other.

16 We are opposed to this because it  
17 would adversely affect over ten thousand United  
18 States vapor businesses and over ten million U.S.  
19 consumers of vapor products by placing what will  
20 effectively be a 25 percent tax on consumers.

21 The Vapor Technology Association is  
22 the leading vapor trade association in the United

1 States, whose six hundred member companies are  
2 dedicated to developing and selling high quality  
3 vapor products that provide adult consumers with  
4 a safer alternative to traditional, combustible  
5 cigarettes.

6 We represent the leading manufacturers  
7 of devices, e-liquids, flavorings, components, as  
8 well as the wholesalers, the importers, as well  
9 as the small business from all across the country  
10 that are selling these products.

11 There are five principal reasons why  
12 the proposed tariff on vapor devices should be  
13 altered or removed.

14 First, while ecigarettes are proving  
15 to be a ground-breaking technology for the  
16 purposes of smoking cessation, they do not even  
17 come close to resembling or implicating any of  
18 the industrial, aerospace, computer science, or  
19 artificial intelligence technologies about which  
20 our country is rightly concerned about  
21 protecting.

22 By comparison to these other

1 technologies and products, vapor products are  
2 simply low tech. A vapor device is comprised of  
3 four principal components, which you can see in  
4 the diagram that's on the last page of your  
5 handout.

6 First is a mod or a power source,  
7 which typically includes a battery and some  
8 wiring. Second is a tank or an atomizer, which  
9 holds a liquid and begins the vaporization  
10 process.

11 Third is a metal coil around which  
12 liquid absorbing cotton is wrapped for heating by  
13 an electrical charge. And fourth is a  
14 mouthpiece.

15 Now, the mere fact that a consumer  
16 vapor product is being tariffed alongside  
17 particle accelerators is entirely incongruous.  
18 In fact, from a technological perspective, vapor  
19 products are more akin to the other products in  
20 part 8543, which are not being tariffed, such  
21 machines and apparatuses for electroplating or  
22 electrolysis or electrophoresis.

1                   Now to emphasize this technological  
2 point further, the FDA has quite literally frozen  
3 technological innovation in the United States  
4 marketplace by banning the introduction of any  
5 new vapor devices since August 8, 2016.

6                   What this means is that the only vapor  
7 devices being sold in the United States today are  
8 devices that were first designed in 2014 and  
9 2015, making those products in technological  
10 terms, already antiquated and getting older by  
11 the day.

12                   Second, the United States cannot limit  
13 or prevent China's access to any of the  
14 technology involved in vapor products through  
15 this process for one simple reason, vapor  
16 technology was invented in China in 2003, not in  
17 the United States.

18                   Since then the overwhelming majority  
19 of innovation of vapor devices has occurred in  
20 China, not in the United States. In other words,  
21 very simply, China already knows it and/or owns  
22 it.

1           The third reason. Now, while one may  
2 argue that the imposition of a 25 percent tariff  
3 could give an advantage to U.S. businesses, that  
4 is simply not true in this case.

5           The reason is, no U.S. companies  
6 manufacture vapor products. According to the  
7 GAO's own numbers, almost 98 percent of all the  
8 parts that will be governed by this tariff, are  
9 coming from China.

10           And there are no viable alternatives  
11 for the entire U.S. industry that has grown up  
12 around this vapor product to obtain quality vapor  
13 products.

14           Now, more importantly, because current  
15 FDA regulations prohibit any new company from  
16 being set up -- setting up shop in the United  
17 States to manufacture and sell vapor devices, and  
18 there's a simple reason for that, and that's  
19 because you cannot introduce any new product into  
20 the United States market today without a fully  
21 vetted, premarket authorization process.

22           Which will take at least two years to

1 complete, and tens of millions of speculative  
2 dollars. And the reasons that they're so  
3 speculative at this point is because the terms  
4 and the definition which any company would have  
5 to meet, are not defined yet.

6 So there is no current process in  
7 place for any company that might want to do this  
8 in the United States.

9 Fourth, the net result of this  
10 proposed tariff would be a 25 percent tax on  
11 consumers which would decimate this growing  
12 industry.

13 We have had the benefit of new jobs  
14 and new businesses being created because of all  
15 of the importer distribution network as well as  
16 brick and mortar retail shops, vape shops as they  
17 are known, have grown up throughout this country  
18 as a result of this newly growing industry.  
19 Which stands outside of any other sort of  
20 traditional tobacco realm.

21 So, to be clear, because -- the reason  
22 that this would be a 25 percent tax on consumers

1 is that these companies who are often times small  
2 business, operate on very narrow margins.

3 And in fact, they would never be able  
4 to absorb this tariff. There's no other way for  
5 this price increase to be resolved except through  
6 passage onto the consumer.

7 And the final and very simple point  
8 that does not need to be belabored, is that we  
9 know that ecigarettes are safer then cigarettes.  
10 And placing a 25 percent tax on consumers who are  
11 relying on this product in order to stop smoking  
12 cigarettes, is extremely important.

13 Because otherwise they will be led  
14 towards the smoking -- continuing to smoke  
15 cigarettes.

16 And for these reasons, all of these  
17 reasons, we respectfully request that this  
18 particular device and these products be removed  
19 from the list. Or that the Commission and  
20 Section 301 Counsel consider a new code for this  
21 important new product.

22 MR. BISHOP: Thank you Mr. Abboud.

1 Our next witness is Brian Bloch with SimpliSafe,  
2 Incorporated.

3 Mr. Bloch, you have five minutes.

4 MR. BLOCH: Thank you. Hi, my name is  
5 Brian Bloch. I am the Vice President and General  
6 Counsel of SimpliSafe, Inc. Thank you for  
7 allowing me to testify today.

8 SimpliSafe was founded in 2006, and is  
9 based in Boston, Massachusetts. We manufacture  
10 and sell security systems direct to end user  
11 customers that connect to a central monitoring  
12 center.

13 Our products include door, water, and  
14 glass break sensors. Motion, smoke, and carbon  
15 monoxide detectors. Security cameras and  
16 temperature monitors to keep U.S. homes and  
17 businesses safe.

18 We market and sell our product to  
19 customers across the United States primarily  
20 through direct online sales. And we also sell  
21 our product through retailers such as Best Buy  
22 and Target and via online platforms such as



1 Amazon.com.

2 We import security system products and  
3 associated parts from China, and additional  
4 tariffs will make them more expensive. These  
5 products are classified under a number of  
6 subheadings of the U.S. Harmonized Tariff  
7 Schedule.

8 We'll comment on more tariff codes in  
9 our written submission. But today I want to  
10 focus on security systems and related parts.

11 An additional 10 to 25 percent duties  
12 on these items will significantly impact  
13 SimpliSafe. Those products are classified under  
14 subheadings 8525.80.30 and 8531.10.00.

15 Imposing additional duties on these  
16 products would not be practical or effective to  
17 eliminate China's acts, policies, and practices.  
18 Would cause disproportionate economic harm to  
19 U.S. interests, including small and medium sized  
20 businesses and customers. And would have a  
21 significant negative impact on SimpliSafe.

22 First, we own all the intellectual

1 property rights in our products designs. We  
2 protect our intellectual property in the United  
3 States, China, and elsewhere through patents,  
4 trademarks, and trade secrets.

5 SimpliSafe maintains close  
6 relationships with its manufacturing partners in  
7 China. And has agreements with those partners  
8 that include robust confidentiality and  
9 intellectual property protection provisions, and  
10 strong corresponding indemnification commitments.

11 SimpliSafe is not aware of any  
12 misappropriation of IP relating to its security  
13 system products being perpetrated by or through  
14 its Chinese manufacturing partners.

15 For these reasons, imposing additional  
16 duties on those products would not be practical  
17 or effective to eliminate China's acts, policies  
18 and practices.

19 Second, SimpliSafe cannot solely  
20 absorb a 10 to 25 percent increase in costs for  
21 its security system products. And the retailers  
22 that sell SimpliSafe security systems are

1 unlikely to accept additional costs of this  
2 magnitude.

3 Accordingly all or some portion of the  
4 additional cost associated with the additional  
5 duties would ultimately be passed onto U.S.  
6 consumers that purchase our products either  
7 direct from our website or from our retailers.

8 U.S. consumers rely on our products  
9 every day to keep their families and possessions  
10 safe and secure. And to fulfill their home  
11 security needs.

12 In addition, SimpliSafe sells its  
13 security products to small and medium sized  
14 businesses such as retail stores, restaurants and  
15 home businesses. And they too would similarly be  
16 forced to pay more for our security products used  
17 to keep their businesses and employees safe.

18 Third, additional duties would have a  
19 significant negative impact on SimpliSafe and its  
20 approximately six hundred employees in Boston,  
21 Massachusetts.

22 SimpliSafe would be force to consider

1 ways to help offset these additional costs,  
2 including potentially reducing or slowing the  
3 growth of U.S. headcount. Or exploring the  
4 feasibility of transferring roles or operations  
5 outside of the United States.

6 Furthermore the imposition of  
7 additional duties could significantly reduce our  
8 spend to support research and development with  
9 regard to new and existing products.

10 This would threaten to immediately  
11 reduce and inhibit the improvement and innovation  
12 of our products. And negatively delay the design  
13 and production of new, highly quality -- high  
14 quality products, which in turn could inhibit or  
15 adversely impact future growth in the United  
16 States.

17 It should be noted that in the  
18 2007/2008 time frame when the company needed to  
19 put these manufacturing relationships in place,  
20 it explored domestic options for manufacturing.  
21 And the company was unable to find parties  
22 willing to quote for the business.

1           Since then, the company has received  
2           inbound requests from other Asian manufacturers.  
3           But none from U.S. based manufacturers.

4           SimpliSafe respectfully requests that  
5           subheadings 8524.80.30 and 8531.10.00, as well as  
6           other subheadings to be included in written  
7           comments to be submitted by SimpliSafe, be  
8           removed from the list of tariff headings subject  
9           to additional 10 to 25 percent duties pursuant to  
10          Section 301.

11          That concludes my testimony. Thank  
12          you again for allowing me to testify today. And  
13          I welcome any questions the Committee may have.

14          MR. BISHOP: Thank you Mr. Bloch. Our  
15          next witness is Mike Branson with Rheem  
16          Manufacturing Company.

17          Mr. Branson, you have five minutes.

18          MR. BRANSON: Good afternoon. My name  
19          is Mike Branson. And I'm the Executive Vice  
20          President and General Manager for Air  
21          Conditioning Division Operations of Rheem  
22          Manufacturing Company.

1 I want to begin by thanking the  
2 Section 301 Committee and USTR for arranging this  
3 important hearing. And for giving me the  
4 opportunity to speak with you once again today.

5 Rheem is a market leader in heating  
6 and cooling products. We're headquartered in  
7 Atlanta, Georgia.

8 And we have U.S. manufacturing  
9 facilities in Alabama, Arkansas, California,  
10 Connecticut, and North Carolina. Rheem currently  
11 employs approximately 32 hundred people in the  
12 United States, including over 17 hundred  
13 production workers.

14 I'm here today to express our support  
15 for the Administration's actions. And to  
16 highlight two important HTS codes that are  
17 missing from the proposed Section 301 list.

18 Over the past few years Chinese  
19 manufacturers have been highly disruptive in the  
20 North American air conditioning market.  
21 Historically their market share has been minimal.

22 But in recent years the Chinese

1 manufacturers have made serious inroads through  
2 aggressive pricing. As I testified here a few  
3 months ago, the goal of these Chinese exporters  
4 is completely to displace U.S. manufacturers.

5 I know this from personal experience,  
6 as I have been approached by a Chinese OEM  
7 looking to supply branded Rheem products for less  
8 than what it costs us to make our own products in  
9 America.

10 We declined the offer which we knew  
11 would have been terminal in the long run. But  
12 the Chinese manufacturers have redoubled their  
13 focus on U.S. air conditioning markets, now  
14 marketing under their own brands.

15 When I spoke to you in May, I asked  
16 that certain Harmonized Tariff subheadings  
17 related to air conditioners be added to the list  
18 of products to which Section 301 tariffs' would  
19 be applied. And these codes include 8415.10.30,  
20 8415.10.60, 8415.10.90, 8415.81.01, 8415.82.01.

21 Each of these codes now appear on List  
22 Three. And we ask that they be retained on the

1 list.

2 I would also ask that parts of air  
3 conditioners which fall within 8415.90.40 and in  
4 particular 8415.90.80 be added to the list.

5 These parts of air conditioners do not appear on  
6 the list of products to which tariffs are  
7 proposed to be applied.

8 But they should be added. Otherwise,  
9 Chinese exporters of finished good air  
10 conditioners will be avail -- will be able to  
11 avoid the tariffs.

12 By way of example, a split system air  
13 conditioner consists of an indoor and an outdoor  
14 unit. If the indoor and the outdoor unit ship  
15 together as a complete system, Customs rulings  
16 hold that they enter as a finished air  
17 conditioner under 8415.10.90, which are on List  
18 Three, thus would be a subject of the tariff.

19 But, if the units ship separately, the  
20 outdoor and indoor unit, if they ship separately,  
21 Customs rulings state that they enter as parts of  
22 the air conditioners under 84.15.90.80. Which



1 are not on List Three.

2 It would not be difficult for Chinese  
3 manufacturers to ship these units separately to  
4 avoid the tariffs. Thereby undermining the goals  
5 of the Administration. In fact, we understand  
6 that some manufacturers already ship such units  
7 separately.

8 Thus to ensure the intended  
9 effectiveness of the Section 301 action, tariffs  
10 also should be applied to imports of merchandise  
11 under the parts codes of subsection 8415.90.

12 Inclusion of these additional HTS  
13 codes on Section 301 tariff list would not cause  
14 disproportionate economic harm to U.S. interests.

15 Rheem recently invested tens of  
16 millions of dollars in upgrades to our Fort  
17 Smith, Arkansas facility. And the  
18 Administration's actions can encourage further  
19 investment in U.S. manufacturing activity.

20 Moreover, with our recent capital  
21 investments in manufacturing operations, we have  
22 sufficient capacity to react to an increase in

1 domestic demand.

2 Other domestic as well as non-Chinese  
3 foreign suppliers of air conditioners also have  
4 capacity to meet demand. There is not going to  
5 be a problem of short supply in the market.

6 To summarize, Rheem supports a 25  
7 percent ad valorem duty on Chinese air  
8 conditioning imports. And we ask that parts  
9 within HTS 8415.90, and especially 8415.90.80, be  
10 added to the list of products subject to Section  
11 301 tariffs.

12 These proposed actions would assist in  
13 eliminating China's unfair acts, policies, and  
14 practices. And they would not cause  
15 disproportionate economic harm to U.S. interests,  
16 including small or medium sized businesses and  
17 consumers.

18 I thank you for your time, for your  
19 continued efforts on behalf of the interests of  
20 U.S. manufacturers and their workers.

21 MR. BISHOP: Thank you Mr. Branson.  
22 Our next witness is Darren Dunn of SOG Specialty

1 Knives and Tools.

2 Mr. Dunn, you have five minutes.

3 MR. DUNN: Good afternoon. My name is  
4 Darren Dunn. I'm the Chief Operating Officer of  
5 SOG Specialty Knives and Tools.

6 SOG is an American knife brand founded  
7 in 1986 in California. And now headquartered in  
8 Lynwood, Washington.

9 Our company has a unique heritage with  
10 close links to the U.S. military. Our original  
11 product line was focused on a consumer version of  
12 a Bowie-style knife popular among American  
13 Special Forces serving in the Vietnam war.

14 Since that time, our product lines  
15 have expanded to include a wide range of  
16 products, including fixed blades, folding knives,  
17 and multi-tools.

18 SOG products are sold in specialty  
19 stores, including Bass Pro and Cabela's, mass  
20 chains such as Walmart and Home Depot. And  
21 exported to 60 countries throughout the world.

22 SOG products are focused on working

1 tools for hardworking Americans in a variety of  
2 fields. SOG's products are used in particular by  
3 tradesmen, contractors, farmers, construction  
4 workers, firefighters, police officers, and other  
5 first responders.

6 We also sell our knife products and  
7 multi-tools to outdoor enthusiasts and sportsmen.  
8 And it's one of our biggest markets.

9 Last but certainly not least, we  
10 proudly produce knives and multi-tools used by  
11 the U.S. military. This proposed tariff will  
12 detrimentally affect these user groups.

13 If a tax on the ordinary citizen  
14 because of these type of product are primarily  
15 imported. A tariff will dictate that we have to  
16 raise prices.

17 Even in the long term, if we were  
18 successful in importing from another country or  
19 producing in the U.S., the prices will be much  
20 higher. Either way in the short term, price  
21 increases will be guaranteed.

22 As with a number of other companies in

1 our industry, we are a small to medium sized  
2 company designing, producing, and importing  
3 knives and cutting tools for the American  
4 workers, sportsmen, and outdoor enthusiast.

5 It is also important to understand  
6 that many knife brands in our coalition are based  
7 in smaller cities or communities. These duties  
8 have a serious negative impact on employment if  
9 our companies are affected by the proposed  
10 tariff.

11 You will find appended to the written  
12 version of this statement, a list of the other  
13 companies of our ad hoc coalition, as well as a  
14 list of the tariff lines that we are concerned  
15 about in the latest proposed Section 301 tariffs.

16 We understand how this situation has  
17 developed. And support the underlying concerns,  
18 namely countering China's high tech industrial  
19 policy targeting intellectual property practices.

20 Those are issues worth addressing.  
21 The latest round of proposed duties is a response  
22 to China's retaliatory tariffs against the U.S.

1 products.

2 The President then upped the ante by  
3 providing an option of increasing in the latest  
4 list of duties up to 25 percent. The  
5 Administrative motions -- motivations are  
6 understandable.

7 But respectively, we must wonder if  
8 this process is beginning to spin out of control?  
9 This is what brings me here today.

10 Our concern is that the list of  
11 targeted products is now including consumer  
12 items, including tools used by the working people  
13 and sportsmen. And it is threatening the well-  
14 being of our companies and ordinary consumers.

15 In addition, we believe that punitive  
16 tariffs on our knife products and multi-tools,  
17 will have a negligible impact on China's trade  
18 industrial policies.

19 Our knives are not the sort of  
20 products targeted by China in their made in China  
21 2025 initiative. We also have not been targeted  
22 for intellectual property theft.

1           And as far as the retaliatory duties,  
2           frankly I don't think China cares much about  
3           knives as a category. It is true that knives are  
4           a source from various countries.

5           That is done based on a combination of  
6           quality, price, manufacturing capacity, and the  
7           ability to deliver the needed quantities on time.

8           The mass market products we source  
9           from China are important tools used by working  
10          men and women who need them in their every day to  
11          do their jobs.

12          Often these products are not supplied  
13          by their workers or by their employers. They  
14          have to buy them on their own.

15          In fact many first responders  
16          purchased tools such as folding pocket knives and  
17          multi-tools themselves. As you can imagine for  
18          this market, price is very important.

19          The same goes for sportsmen and  
20          outdoor enthusiasts. Knives and tools are  
21          essential equipment for various activities and  
22          categories of purchasers.

1           The proposed duties strike right at  
2           the hunters and outdoor enthusiasts who can least  
3           afford it.

4           If the 25 percent tariff is applied,  
5           we estimate our duty costs would increase one  
6           million dollars. The higher costs would be  
7           meaningful and substantial, affecting the future  
8           investment plans in the U.S.

9           Unfortunately, these costs would be  
10          passed onto the consumer. Smaller companies like  
11          ours do not have the capability of absorbing 10  
12          or 25 percent increases in the cost of our  
13          products.

14          The retail prices will increase. This  
15          is likely to have a negative effect on the  
16          overall sales and bottom line. We are concerned  
17          for our company, our employees, and our  
18          customers.

19          I thank you for your time and the  
20          ability to testify today. Thank you.

21          MR. BISHOP: Thank you Mr. Dunn. Our  
22          next witness is Rick Habben with Wahl Clipper



1 Corporation.

2 Mr. Habben, you have five minutes.

3 MR. HABBEN: Thank you. First of all  
4 I'd like to thank the USTR for the opportunity to  
5 participate in the public hearing and to comment  
6 and share our views.

7 Wahl Clipper Corporation is family  
8 owned and was established in 1919. So next year  
9 is our 100th year anniversary.

10 We employ 12 hundred people at our  
11 manufacturing operations in Sterling, Illinois.  
12 Which has not had a layoff in nearly 50 years.

13 Wahl is the largest U.S. based  
14 producer of hair clippers. Over the past 30  
15 years, almost all other clipper manufacturers  
16 have moved their operations offshore. Many of  
17 them moving to China.

18 During this time, we have continued to  
19 expand our manufacturing operations in Sterling,  
20 Illinois. To keep competitive in the market, we  
21 have incorporated lean manufacturing principals  
22 along with sourcing raw materials and components

1 from other countries, including China.

2 As stated in our summary of comments,  
3 we applaud your intent to address China's unfair  
4 trade practices. However, we are deeply  
5 concerned with the Administration's proposed  
6 implementation of tariffs on components that are  
7 critical to U.S.A. manufacturers.

8 Inclusion of certain components on the  
9 most recently proposed list of tariffs would harm  
10 U.S. workers and consumers. These additional  
11 tariffs will cost us millions of dollars if  
12 implemented.

13 And will be the largest single  
14 profitability issue our company has ever faced in  
15 its almost 100-year history.

16 As such, we request the USTR consider  
17 removing tariffs from the following product  
18 codes. Parts of hair clippers and trimmers,  
19 transformers, plugs for transformers, cords,  
20 other parts of shavers, and printed circuit  
21 boards for charge stands.

22 These items are critical to our

1 manufacturing operations in Sterling, Illinois.

2 We have invested years of research and  
3 development in our operations and suppliers.

4 The on boarding of new suppliers  
5 requires considerable time and resources to  
6 complete. In the summary, the steps and time it  
7 takes to bring on a new supplier are as follows:

8 First, you have to start with an  
9 initial supplier research. Finding out what  
10 companies are available that can maybe make these  
11 components for you?

12 Next, once you have some potential  
13 suppliers identified, you have to do quality  
14 audits on those suppliers to see if they have the  
15 right quality systems.

16 Things such as regulatory compliance,  
17 social compliance, building code compliance,  
18 security and audit documentation. They must  
19 comply with the C-TPAT requirements.

20 They also have to be evaluated to  
21 verify that they can meet our capacity  
22 requirements and supply enough components for us.

1           In addition to all that, there's the  
2 engineering time investment that our engineers,  
3 along with their engineers must invest to make  
4 sure that the critical components, materials,  
5 dimensions, and other design specifications are  
6 met.

7           Competitive cost. Once a supplier  
8 fully understands the design requirements and  
9 specifications, then we have to talk about the  
10 cost and determine if it's competitive.

11           Once we have all that established,  
12 then comes the tooling. Will they have -- we'll  
13 have to make the tooling to build up the  
14 components. These are the molds and dyes that  
15 make the parts, along with fixturing.

16           Next, after the tooling and stuff is  
17 completed, the supplier would have to provide  
18 production samples that we must test and verify  
19 that all design performance specifications are  
20 met.

21           Depending on the component testing,  
22 this could take three week or as long as six to

1 eight months. Along with this, there's safety  
2 approvals. And then you have to then have the  
3 supply chain of buying the part.

4 As you can see, establishing a new  
5 supplier is not a simple endeavor. Based on the  
6 above, we estimate on average it will take one  
7 and a half years to fully implement a new  
8 supplier for the six codes identified above.

9 A minimum of ten months, a max of two  
10 and a half years for complex items such as  
11 lithium batteries and transformers.

12 For some items it may not be possible  
13 to find an alternate source that has acceptable -  
14 - that is acceptable and competitively priced  
15 with the current one.

16 In addition to the six HTS codes  
17 above, we request the USTR refrain from imposing  
18 Section 301 tariffs on 8510.20.9000, clippers and  
19 trimmers for a minimum of one year.

20 Retailers have already reviewed our  
21 2019 pricing assortment and price lists, which  
22 includes complete units from our China factory.

1           Immediate implementation of tariffs on  
2 these parts and components will require us to  
3 increase this by 10 to 20 percent. This  
4 translates into a two to five dollar increase to  
5 the retailer.

6           Last, we would like to also note that  
7 the USTR has not proposed a tariff on electric  
8 shavers, code subheading 8510.100.000.

9           And this is going to be a problem for  
10 us as we have competitors who make shavers in  
11 China and they would not be tariffed on the  
12 products that they sell here in the U.S. And we  
13 would be tariffed on the components on the  
14 shavers that we make here in the U.S.

15           In summary, there's 43 HTS codes that  
16 will affect us. But these six listed above are  
17 critical to our operations.

18           Thank you for the opportunity.

19           MR. BISHOP: Thank you Mr. Habben.  
20 Our next witness is Elizabeth Higgins with Owens  
21 Corning.

22           Ms. Higgins, you have five minutes.

1 MS. HIGGINS: Thank you. Good  
2 afternoon. My name is Elizabeth Higgins. I am  
3 the Vice President and General Manager for our  
4 components business at Owens Corning.

5 Owens Corning is a U.S. company that's  
6 celebrating its 80th year servicing the United  
7 States with innovative materials for building and  
8 construction.

9 We at Owens Corning appreciate the  
10 importance of protecting intellectual property.  
11 And of encouraging balanced trade. And we  
12 appreciate the opportunity to be heard here  
13 today.

14 On behalf of the company, I am here to  
15 urge the USTR to remove coded woven fabrics under  
16 the U.S. Harmonized Tariff Schedule, subheading  
17 4602.90.00 from the proposed list of products  
18 subject to the Section 301 tariffs.

19 Owens Corning, which is based in  
20 Toledo, Ohio, employs approximately 85 hundred  
21 men and women at more than 40 facilities across  
22 the United States where we develop, manufacture,

1 and market insulation, roofing, and fiberglass  
2 composites.

3 Global in scope and human in scale are  
4 market leading businesses, use their deep  
5 expertise in materials, manufacturing and  
6 building science to develop products and systems  
7 that save energy and improve comfort in  
8 commercial and residential buildings.

9 I'd like to focus my testimony on the  
10 coded woven materials that Owens Corning  
11 manufacturers in China and imports in the United  
12 States.

13 These products, which were classified  
14 under subheading 4602.90.00 of the Harmonized  
15 Tariff Schedule of the United States, are  
16 materials primarily used in roofing underlayment  
17 products.

18 They are an essential component of a  
19 good roofing system. And are applied underneath  
20 roofing shingles, including many of the millions  
21 of shingles that Owens Corning manufacturers in  
22 the United States annually on homes or



1 businesses.

2 Some of the materials are imported as  
3 finished goods. The remaining materials are  
4 unfinished form and we finish them in our  
5 facility that's located in Charleston, South  
6 Carolina.

7 Owens Corning's coated woven products  
8 are a synthetic as opposed to a tar paper  
9 product. The synthetic products represent  
10 approximately 40 to 50 percent of the roofing  
11 underlayment market. And Owens Corning has a  
12 significant share of the synthetic segment of the  
13 market.

14 Owens Corning goes to market with  
15 these products in the United States through home  
16 centers like Lowes, Minards, and Home Depot. And  
17 through traditional distribution channels that  
18 sell directly to contractors or to smaller  
19 distribution companies that in turn sell to  
20 smaller contractors.

21 Ultimately, the products that are sold  
22 to or used to provide new and replacement roof

1 services to homeowners and to small business  
2 owners throughout the United States.

3 The U.S. Government is considering  
4 imposing additional to 10 to 25 percent duties on  
5 these imports and these products into the United  
6 States pursuant to Section 301 of the Trade Act.

7 I'd like to explain to the Committee  
8 that imposing such duties on coated woven  
9 products would not be practical or effective to  
10 eliminate China's acts, policies and practices.

11 It would cause disproportionate  
12 economic harm to the United States interests,  
13 including private consumers, small and medium  
14 sized businesses, and potentially to the U.S.  
15 Government.

16 And would have a significant negative  
17 impact on Owens Corning. Including in  
18 particular, the Owens Corning United States  
19 operations.

20 First Owens Corning manufactures the  
21 products in a wholly owned manufacturing facility  
22 in China. We use our own employees.

1                   Also, the underlying technology  
2 associated with the products is not high end or  
3 cutting edge technology. And it's not included  
4 as part of the Made in China 2025 Program.

5                   In addition, Owens Corning has robust  
6 intellectual property protection in place.  
7 Including internal knowledge, a security program  
8 aimed at protecting Owens Corning's trade  
9 secrets.

10                  Finally, Owens Corning's intellectual  
11 property relating to the products in question,  
12 has not been misappropriated in China. Nor is  
13 Owens Corning aware of any organized effort to  
14 steal IP in the Chinese coated woven industry.

15                  For these reasons, imposing additional  
16 duties on these products would not be practical  
17 or effective to eliminate China's acts, policies  
18 and practices.

19                  Second, Owens Corning cannot absorb a  
20 10 to 25 percent increase in the cost of these  
21 products. As a result, Owens Corning would be  
22 forced to pass on the additional cost to

1 customers, which in turn would likely pass on  
2 additional costs to their customers.

3 The end result would be increased  
4 costs for roofing contractors, the vast majority  
5 of which are small to medium sized business  
6 owners.

7 These homeowners, including veterans  
8 who received new roofs under the Roof Deployment  
9 Project in which Owens Corning's preferred and  
10 platinum contractors are working with Habitat for  
11 Humanity to offer new roofs and materials to  
12 former service men and women in need.

13 In addition, Owens Corning sales  
14 coated woven products to companies that provide  
15 roofing services for housing units for the U.S.  
16 military bases.

17 Increased costs for the products  
18 associated with these duties ultimately would  
19 increase the costs of the products provided to  
20 the government.

21 And third, additional duties on coated  
22 woven products would have a meaningful negative

1 impact to Owens Corning. Including in particular  
2 its U.S. operations, which could be detrimental  
3 to many workers involved in the roofing business.

4 Owens Corning is not aware of any U.S.  
5 manufacturers of coated woven underlayment  
6 materials. And additional duties would push  
7 manufacturing operations in the supply chain to  
8 other countries and we would not benefit.

9 Owens Corning currently manufactures  
10 coated woven products in India. However, the  
11 facility is currently operating at full capacity.

12 Moving operations outside of China and  
13 investing other facilities would take  
14 approximately 18 months and 45 to 55 million  
15 dollars. Which is just not realistic.

16 For the reasons I discussed, Owens  
17 Corning respectfully requests the subheading  
18 4602.90.00 be removed from the list of tariff  
19 subheadings, subject to the additional 10 to 25  
20 percent.

21 I appreciate the opportunity to  
22 testify today. And I look forward to any

1 questions or comments the Committee may have.

2 MR. BISHOP: Thank you Ms. Higgins.

3 Our next witness is John McGrath with Pactiv,  
4 LLC.

5 Mr. McGrath, you have five minutes.

6 MR. McGRATH: Thank you. Good  
7 afternoon. My name is John McGrath. I'm sorry?

8 Oh, there we go. How is that? Okay.  
9 Perfect.

10 My name is John McGrath, the President  
11 and CEO of Pactiv. And I would like to thank the  
12 Section 301 Committee for allowing me the  
13 opportunity to testify today.

14 I also want to thank the USTR and this  
15 Administration for standing up to China for its  
16 intellectual property and other unfair market  
17 access practices.

18 I appreciate that these Section 301  
19 tariffs are intended to protect American jobs.  
20 And make America more competitive against Chinese  
21 imports.

22 And I want to thank the Administration

1 for its hard work. Pactiv is in full support of  
2 the administration of these tariffs.

3 Since our founding in Lake Forest,  
4 Illinois more than four decades ago, we have  
5 become the world's largest manufacturer and  
6 distributor of food packaging and food service  
7 products, supplying packers, processors,  
8 supermarkets, restaurants, institutions, and food  
9 service outlets across North America.

10 We manufacture primarily in the United  
11 States. And are a proud contributor to the U.S.  
12 economy.

13 In the United States alone, we have  
14 over 85 hundred employees working in over 40 U.S.  
15 facilities located in 15 states.

16 Our product lines today includes  
17 custom and stock foam, plastic, aluminum, pressed  
18 paperboard, polyethylene coated board, and molded  
19 fiber packaging.

20 We supply every major food service  
21 retailer and distributor in North America,  
22 including household names such as McDonald's,

1 Wendy's, Burger King, Walmart, Kroger, and Tim  
2 Horton's.

3 We have reviewed and are in strong  
4 support of the proposed list of additional  
5 products for which the Administration is  
6 considering the imposition of tariffs pursuant to  
7 its responsibilities under Section 301.

8 As a company, we have had firsthand  
9 experience of having our intellectual property  
10 stolen by Chinese manufacturers. So we are  
11 particularly pleased to see that these efforts  
12 are being taken by the Administration.

13 As an aside, on one product alone, we  
14 have defended our intellectual property nine  
15 times in the last ten years, at a cost of several  
16 million dollars to protect it.

17 We would like to make the following  
18 points with the USTR. First, we voice our  
19 support specifically for the imposition of  
20 tariffs on thermoformed and injection molded  
21 packaging and lids, HTS numbers 3923.10.90,  
22 3923.50.00, 3923.90.00 and 3923.90.00.80.



1                   These items are brought in by China in  
2                   huge quantities at below market prices. And  
3                   threaten to steal our market share in the  
4                   industry and hurt our bottom line.

5                   Also, as an aside, in the last seven  
6                   years, we have closed ten manufacturing plants  
7                   around the U.S. due to the influx of Chinese  
8                   imports.

9                   Second, we request that the USTR add  
10                  tableware, including cutlery and cups, HTS  
11                  numbers 3924.10.20, 3924.10.30, and 3924.10.40 to  
12                  the list of items subject to the 301  
13                  investigation.

14                  These items are also directly  
15                  competitive with goods produced by Pactiv in the  
16                  United States. In fact, China was by far the  
17                  leading importer for each of these categories of  
18                  goods in 2017, making up anywhere from 55 to 85  
19                  percent of the total imports in each category.

20                  If these items continue to be brought  
21                  without the Section 301 tariff, Pactiv and other  
22                  U.S. producers of all sizes will suffer

1           tremendously from disproportionate economic harm.

2                       Third, we welcome President Trump's  
3           decision to direct the USTR to consider  
4           increasing the proposed tariff rate from 10  
5           percent to 25 percent. And strongly encourage  
6           the USTR to do so.

7                       The unfairly cheap prices of Chinese  
8           imports will only be offset with a tariff of 25  
9           percent or higher. In order to achieve results  
10          from the investigation, the Administration needs  
11          to take a firm stance against China and these  
12          manufacturers.

13                      Thank you again for giving me the  
14          opportunity to present. And I look forward to  
15          any questions.

16                      MR. BISHOP: Thank you Mr. McGrath.  
17          Our final witness on this Panel is Charlie  
18          Souhrada with the North American Association of  
19          Food Equipment Manufacturers.

20                      Mr. Souhrada, you have five minutes.

21                      MR. SOUHRADA: Thank you. Members of  
22          the Section 301 Committee, thank you for the

1 opportunity to testify today.

2 I'm Charlie Souhrada, Vice President  
3 of Regulatory and Technical Affairs for the North  
4 American Association of Food Equipment  
5 Manufacturers or NAFEM.

6 This is my second time appearing  
7 before you to testify about the potential Section  
8 301 tariffs. But the third time NAFEM has  
9 participated in these proceedings. I appreciate  
10 your willingness to consider our testimony yet  
11 again.

12 As a brief reminder, NAFEM is a trade  
13 association of more than 550 food service  
14 equipment and supplies manufacturers providing  
15 products for the food away from home market.

16 Since 1948, NAFEM has represented  
17 North American companies that manufacture high  
18 quality food service equipment and supplies  
19 ranging from primary cooking equipment such a  
20 stoves and ovens, to storage equipment such as  
21 refrigerators, freezers and ice machines.

22 Along with preparation equipment like

1 heated cabinets and racks. And serving equipment  
2 including tables, cookware, a different kind of  
3 flatware then my friend from Pactiv makes, but  
4 flatware nonetheless, and beverage dispensers.

5 These businesses their workers and the  
6 products that they manufacture support the food  
7 service industry, which includes over one million  
8 locations across the United States and countless  
9 more around the world.

10 NAFEM's members include a range of  
11 small, medium, and large business throughout the  
12 country. Most of our members however, are small  
13 and medium sized businesses.

14 In fact many of these companies are  
15 family owned. And play an instrumental role in  
16 providing their communities vital, high quality  
17 manufacturing jobs for thousands of American  
18 families, fueling the success of the U.S.  
19 economy.

20 More than 60 percent have annual sales  
21 of five to ten million. And qualify as small  
22 businesses according to the Small Business

1 Administration.

2 This is significant because as the  
3 Wall Street Journal reported on August 8, "this  
4 class of company like others, feels good about  
5 the economy. But compared with larger  
6 operations, they have less ability to deflect  
7 higher material prices or pass along these new  
8 costs to customers."

9 We're happy to report that USTR's  
10 removal of certain products from the two  
11 finalized lists of Section 301 products has had,  
12 and will have, a positive impact for many of our  
13 members.

14 For example, equipment for making hot  
15 drinks or for cooking or for heating food was  
16 removed from List One. And slicing equipment for  
17 meat and food was removed from List Two.

18 Providing much needed relief at a time  
19 when these businesses struggle to deal with steel  
20 and aluminum tariffs which have already driven up  
21 material costs by 30 to 40 percent.

22 We also appreciate the Panel's follow

1 up questions during the July 24 hearing. In  
2 particular, we applaud the Panel's focus on the  
3 challenges of changing supply sources. As this  
4 would be particularly true for the targeted items  
5 that concern our members.

6 We are appearing here today to  
7 reiterate many of the same issues we raised  
8 during the prior two rounds. List Three contains  
9 many items of concern to our members.

10 And just like the first two rounds, we  
11 supplied a detailed list of the tariff numbers of  
12 concern with our request to appear. And we will  
13 do so in the formal comments we'll file later on  
14 this week.

15 Like certain products on previous  
16 lists, imposing tariffs on products included in  
17 List Three has the potential to harm NAFEM  
18 members either by targeting material inputs or  
19 the equipment used on the shop floor during the  
20 manufacturing process.

21 For instance, List Three includes  
22 glues, rubber rods, tubes, sheets, conveyor

1 belts, insulated food and beverage bags, knives  
2 and cutting blades.

3 These items are used by NAFEM members  
4 to manufacture some of the products cited  
5 earlier. While these List Three products may be  
6 available from other countries, our members rely  
7 upon very complex manufacturing supply chains  
8 that have taken years to develop and maintain.

9 Requesting U.S. manufacturers to  
10 rebuild these supply chains drains vital  
11 resources. And will take years to source around  
12 these tariffs.

13 This adds a regulatory burden the  
14 Administration promised to eliminate last year.  
15 We believe these tariffs are directly contrary to  
16 the Administration's stated priority of  
17 increasing good paying U.S. manufacturing jobs.

18 Instead, smart economically  
19 competitive sourcing from global suppliers,  
20 including those in China, allows manufacturers to  
21 control costs, which protects and even expands  
22 U.S. jobs.

1                   While we appreciate the President's  
2                   intent to address China's unfair trade practices,  
3                   we encourage the Administration to do so in a way  
4                   that does not include tariffs that ultimately  
5                   hurt American workers, U.S. manufacturers, and  
6                   consumers.

7                   We will supplement this testimony as  
8                   necessary with a post-hearing rebuttal  
9                   submission. But on behalf of NAFEM members,  
10                  thank you for the opportunity to testify before  
11                  you today.

12                  And I look forward to any questions.

13                  MR. BISHOP: Thank you Mr. Souhrada.  
14                  Mr. Chairman, that concludes direct testimony  
15                  from this Panel.

16                  MR. McCARTIN: All right, thank you.  
17                  I have a question for Mr. Abboud. I just want to  
18                  -- there's one matter I just want to clarify.

19                  Your testimony focuses on personal  
20                  vaporizing devices classified under HTS  
21                  subheading 8543.90.88.

22                  Now, it's my understanding that



1 tariffs on that product are scheduled to go into  
2 effect on August 23. And that that product is  
3 not part of the 200 billion dollars in tariffs  
4 we're focused on in this hearing.

5 So, am I correct, or is there a  
6 different product that you're focusing on here?

7 MR. ABOUD: You are focusing on a  
8 different product. It's the parts that are sold  
9 separately which comprise a finished kit.

10 Which is what was covered under List  
11 Number Two, and are about to go into effect on  
12 August 23. We're already resolved.

13 And our representative testified in  
14 opposition at that hearing. So the opposition  
15 today is to the category that involves the parts.

16 In other words, when you take a tank  
17 or the mouthpiece or the mod or the atomizer,  
18 those are imported and sold separately also. And  
19 so our comments apply equally to both.

20 But, in particular because compared to  
21 the kits where, according to the GAO, China sells  
22 approximately 92 percent in this category under

1 parts. Their report indicates it's 98 percent.

2 And so because U.S. consumers do  
3 purchase these products individually, these are  
4 not components in the traditional sense like a  
5 raw material. They are finished products that  
6 consumers purchase and assemble their own  
7 devices.

8 And they use them oftentimes together.  
9 In other words, they will buy more than one tank.  
10 So that they can hold -- have different types of  
11 e-liquids in different flavors for example that  
12 they're vaping.

13 So this is a very different scenario.  
14 And actually could have a bigger impact. Because  
15 it also includes things like coils, which are not  
16 sophisticated at all.

17 They're metal coils. But they  
18 purchase these in packs of five and it's multiple  
19 times a week.

20 And so the price increase of 25  
21 percent, if it's passed through to the consumer  
22 because of the fact that there's no other cost

1 absorbers within this industry, is going to be  
2 dramatic on these individuals who are using these  
3 components and buying them separately.

4 Does that answer your question?

5 MS. D'ANDREA-YOTHERS: This question  
6 is for Mr. Bloch. Modern home security systems  
7 involve significant technology.

8 Are you concerned that Chinese  
9 competitors will obtain U.S. technology and then  
10 try to dominate the field?

11 MR. BLOCH: Thank you for that.  
12 Thanks for that question. At this time,  
13 SimpliSafe having worked with Chinese  
14 manufacturers now for nearly ten years, have yet  
15 to see any occurrence of that in our business,  
16 and with respect to our products. And with  
17 respect to our manufacturers.

18 So, in our supply chain and within our  
19 business, we don't have -- we don't see that risk  
20 or face that -- face that risk.

21 MS. BONNER: This question is for Mr.  
22 Branson. Mr. Branson, can you share how you

1 reached your conclusion that the increased  
2 tariffs will not cause disproportionate economic  
3 harm to U.S. small and medium sized businesses?

4 And regarding inputs in parts, does  
5 your manufacturing process include those imported  
6 from China? And would in possession then,  
7 increase any costs for you as well?

8 MR. BRANSON: Thank you. Regarding  
9 inputs, we commented on this when we came to List  
10 One. That when List One was proposed, there were  
11 several inputs that would directly or indirectly  
12 impact the production of air conditioners.

13 And that's why we proposed that  
14 systems be included. And we were grateful for  
15 that happening.

16 As we did our research, is when the  
17 List Three came out. And we began to talk to  
18 customers of ours, wholesale distributors that  
19 were beginning to either inquire about buying  
20 from Chinese manufacturers, or being intro--  
21 marketed by them aggressively.

22 That's when we became aware. And then

1 we reviewed what we intended to share here, to  
2 get their feedback.

3 And that's when they shared with us,  
4 well, some of these manufacturers aren't  
5 concerned about List Three at all, because  
6 they're bringing these in as parts.

7 And that's when we realized we needed  
8 to come back and provide that for that clarity  
9 here. It's a very growing piece.

10 This particular section has grown like  
11 -- this particular code. Inputs have gone up 65  
12 percent just in the past couple of years. And  
13 it's approaching a billion dollars.

14 And so it's becoming significant.  
15 However, the end -- in order for the U.S. and  
16 American manufacturers to be competitive, it's  
17 important that the tariff be applied on the  
18 finished good.

19 Otherwise, these Chinese manufactured  
20 products which aren't imposed by the tariffs to  
21 the inputs, will just become more and more  
22 competitive against our increasing costs.

1 MS. BONNER: Thank you.

2 MR. SULEWSKI: This question is for  
3 Mr. Dunn. So, I understand that some models of  
4 SOG's products are produced in the United States  
5 and in Taiwan as well as in China.

6 For those models that are made in  
7 China, how long would it take to move production  
8 of those models to Taiwan, to the United States,  
9 or elsewhere?

10 MR. DUNN: Currently that would  
11 probably take at least 24 to 36 months. China  
12 supports 75 percent of product that SOG makes.  
13 And as well as what the industry demands.

14 The ability to move to Taiwan would be  
15 higher prices. Which would affect the everyday  
16 blue collar consumer that we're targeting in our  
17 business model and pricing.

18 And made in the USA currently is ten  
19 times the cost of molding and tooling.

20 MS. KNISLEY: Mr. Habben, you  
21 mentioned in your testimony of Wahl's opening  
22 price point material, which is produced in China.

1                   Is opening price point material  
2                   produced in any of Wahl's other five global  
3                   manufacturing facilities?

4                   And could you explain the efforts that  
5                   would be involved in moving production of U.S.  
6                   bound products to any of the other existing Wahl  
7                   facilities?

8                   MR. HABBEN: So, there is opening  
9                   price point product that is made in our Vietnam  
10                  facility. And part of the issue is, you know,  
11                  there's certain products that are made in the  
12                  China facility and other ones that are made in  
13                  the Vietnam one.

14                  And you would have to transfer the  
15                  tooling and the component resources' suppliers to  
16                  that other factory to get them up and running  
17                  with those other products.

18                  And also then it becomes a capacity  
19                  issue. We'd have to hire additional people, you  
20                  know, to make those products in that other  
21                  facility as well, because it's not near as big as  
22                  our China facility at this point in time.

1                   And could you repeat the second  
2                   portion of your question?

3                   MS. KNISLEY: I think you answered  
4                   most of that. Let's see. Yeah. Because I asked  
5                   about moving from one facility to another.

6                   And so I think that you've addressed  
7                   that, moving it from China to Vietnam.

8                   MR. HABBEN: Okay.

9                   CHAIR TSAO: Just a quick follow up.  
10                  What's the process like for expanding capacity in  
11                  your other manufacture plants outside of China?

12                  MR. HABBEN: Well, as I've listed in  
13                  my points, the -- if we expand in our own  
14                  existing factories, you know, we already have the  
15                  quality systems and many of the things I  
16                  mentioned already in place.

17                  If you try and expand, you know,  
18                  something other than the existing facility, then  
19                  you encounter all the things that I was just  
20                  listing there.

21                  But, the biggest thing with our own  
22                  facilities is moving tooling production. You



1 know, and when you move those, you know, there's  
2 molds, molding equipment that would have to be  
3 purchased.

4 And so you've got the lead times of  
5 purchasing, you know, all the tooling and  
6 equipment that would go into making those  
7 products as well.

8 MS. D'ANDREA-YOTHERS: This question  
9 is for Ms. Higgins. You mentioned in your  
10 testimony that China is not the only country to  
11 produce the type of woven product that your  
12 company imports.

13 That you also manufacture in India.  
14 Do you know of any other countries that produce  
15 this material?

16 And secondly, approximately what  
17 percentage of the company's products involve the  
18 use of coated woven products under the HTS  
19 subheading 4602.90.00?

20 MS. HIGGINS: Okay. Thank you for the  
21 question. In regards to the manufacturing  
22 facilities of the competition, the majority is in

1 India.

2 There are several facilities in India.  
3 Of which we do also have a manufacturing facility  
4 in India, as I mentioned.

5 And there is definitely some small  
6 production in Canada with some of our  
7 competition. But that's very minimal. The  
8 majority of it is in Asia.

9 And the second part of your question  
10 could you repeat?

11 MS. D'ANDREA-YOTHERS: Sure.

12 MS. HIGGINS: You asked about the  
13 percentage of --

14 MS. D'ANDREA-YOTHERS: Yes, certainly.  
15 What percentage of your company's products  
16 involve the use of coated woven products under  
17 HTS subheading 4602.90.00?

18 MS. HIGGINS: Yes. So under the --  
19 within roofing, if I understand your question  
20 correctly. And then within the roofing  
21 underlayment, we have a significant share, about  
22 45 to 50 percent.

1                   So there's a large majority of our  
2 roofing underlayment is actually synthetic  
3 underlayment.

4                   MS. KNISLEY: Mr. McGrath, please  
5 explain and identify the Chinese practices that  
6 you believe have negatively affected your  
7 business and industry over the past five years.

8                   In addition, please elaborate on your  
9 point that U.S. producers would suffer  
10 disproportionate economic harm if tariffs' were  
11 not levied.

12                   And you can, of course, submit post  
13 hearing as well.

14                   MR. McGRATH: Sure. So, I'll have --  
15 let me -- let me rephrase your question then. So  
16 how have Chinese manufacturers hurt us in  
17 particular?

18                   Was that the first part of your  
19 question?

20                   MS. KNISLEY: Yeah.

21                   MR. McGRATH: Yeah. So, as I  
22 explained in my testimony, we continue, and we

1 have for many years, to see a lot of products  
2 that we formerly have made and still do make in  
3 the U.S., come over from China at very, very,  
4 very low prices.

5 And compete or actually take market  
6 share from us here in the U.S., displace our  
7 workers and close our factories.

8 MS. KNISLEY: And then for the second  
9 part, can you elaborate on the point in your  
10 testimony about U.S. producers suffering  
11 disproportionate economic harm if these tariffs  
12 are levied?

13 MR. McGRATH: Sure. I mean, you know,  
14 just like Pactiv, there are many U.S.  
15 manufacturers of food service disposable  
16 products.

17 Whether that be paper or plastic,  
18 whether they be thermoformed or injection molded.  
19 So to the extent that the market gets flooded  
20 with products that are well, well, below the  
21 market pricing levels, those manufacturers as  
22 well as Pactiv will continue to get

1 disproportionately impacted.

2 MS. KNISLEY: Okay. Thank you.

3 MR. McGRATH: Yeah.

4 MS. PETTIS: And this is a question  
5 for Mr. Souhrada. You testified that the -- many  
6 of the products that your members make maybe  
7 available from other countries. But they rely on  
8 existing supply chains.

9 What is the fact that your members  
10 would consider if they intend to seek new supply  
11 chains for these products?

12 MR. SOUHRADA: Some of the factors  
13 have been mentioned already in some of the other  
14 witnesses. For example, whether they have the  
15 capacity as well as the ability to meet the need  
16 within a certain specified amount of time.

17 With our products, as I testified,  
18 there are about 950 different types of products  
19 that our members make. So it's very difficult  
20 for me to pin down and specify exactly what those  
21 factors would be.

22 In some cases if it's a heavy piece of

1 equipment such as a dishwasher or a stove or a  
2 range, it has to go through safety testing. Both  
3 for electrical safety as well as sanitation  
4 safety.

5 And that can add at least a year, if  
6 not a little bit more in terms of going through  
7 that qualification process. And that has to be  
8 called too.

9 Sometimes if the components are  
10 swapped out, the product will no longer meet  
11 EnergyStar. Which is a very important  
12 qualification that many publically funded food  
13 service jobs rely upon in order to specify that  
14 that piece of equipment is qualified to fit that  
15 need.

16 MS. PETTIS: Thank you very much.

17 MR. BISHOP: We release this Panel  
18 without thanks. And we call forward Panel Six.  
19 Would you please come forward and be seated.

20 And members of Panel Seven, if you  
21 will please come forward and be seated in the  
22 waiting area.

1 Will the room please come to order?

2 CHAIR BUSIS: Thank you, Mr. Bishop.

3 We again have some different little -- slightly  
4 different interagency casts. So we'll introduce  
5 ourselves again.

6 MR. SECOR: Peter Secor, State  
7 Department.

8 MR. SULEWSKI: Adam Sulewski, U.S.  
9 Department of Homeland Security.

10 MS. D'ANDREA-YOTHERS: Maria D'Andrea-  
11 Yothers, U.S. Department of Commerce.

12 MS. ZUCKERMAN: Amy Zuckerman,  
13 Treasury.

14 MS. HEINZEN: Janet Heinzen, USTR.

15 MS. PETTIS: Maureen Pettis,  
16 Department of Labor.

17 MS. BONNER: Sarah Bonner, U.S. Small  
18 Business Administration.

19 MS. KNISLEY: Shelbi Knisley, USDA.

20 CHAIR BUSIS: Bill Busis, USTR. We  
21 can start our first witness now.

22 MR. BISHOP: Mr. Chairman, our first

1 witness on this panel is Scott Barfield with  
2 William Barnet and Son.

3 Mr. Barfield, you have five minutes.

4 MR. BARFIELD: Thank you. My name is  
5 Scott Barfield. I'm the managing director with  
6 William Barnet and Son. We are 120 year old  
7 textile manufacturing and trading company.

8 And today we are currently importing  
9 FDY polyester filament products under tariff code  
10 5402.47.90.20. There are two particular products  
11 that we import under this case that is a major  
12 raw material and feedstock supply to our plant in  
13 Kinston, North Carolina where we employ over two  
14 hundred people.

15 This particular product is called an  
16 FDY product. And while there is one viable  
17 option here in the USA, this particular facility  
18 is relatively small, and does not currently offer  
19 the products that we use as a raw material  
20 feedstock for our products.

21 So this is a vital product for our  
22 operation. And we feel most definitely that the



1 tariff suggested by the USTR would certainly  
2 negatively impact our ability to compete in the  
3 marketplace.

4 And also, in addition earlier this  
5 year, there was an antidumping case against five  
6 countries on less than three textile products.  
7 And however, there was one company in Korea that  
8 received a zero percent antidumping and CDD, and  
9 they're our key competitor.

10 And we compete with them today. And  
11 if we have to go forward with the tariff on our  
12 raw material, we will simply lose basically all  
13 of our market share to offshore competitor  
14 suppliers.

15 So we would like to ask the USTR if  
16 they would remove this particular code from the  
17 25 percent of tariff code target.

18 MR. BISHOP: Thank you Mr. Barfield.  
19 Our next witness is Eva Hampl with the U.S.  
20 Council for International Business.

21 Ms. Hampl, you have five minutes.

22 MS. HAMPL: Thank you. Good afternoon

1 to the Panel. The United States Council for  
2 International Business, or USCIB, welcomes the  
3 opportunity to again provide comments and  
4 recommendations on the proposed Section 301  
5 tariffs.

6 USCIB promotes open markets,  
7 competitiveness and innovation. Our members  
8 include top U.S. based global companies and  
9 professional services firms from every sector of  
10 our economy with operations in every region of  
11 the world.

12 As the U.S. affiliate of the  
13 International Chamber of Commerce, the  
14 International Organization of Employers, and the  
15 Business and Industry Advisory Committee to the  
16 OECD, USCIB has a unique global network through  
17 which it provides business views to policy makers  
18 and regulatory authorities worldwide. And works  
19 to facilitate international trade and investment.

20 USCIB submitted comments on the  
21 proposed tariffs of 25 percent on the 50 billion  
22 dollars worth of Chinese imports, as well as on

1 the list of 16 billion dollars worth of Chinese  
2 imports.

3 We are hopeful that the Section 301  
4 exclusion process will remedy some of the  
5 negative consequences of the tariffs imposed on  
6 July 6 and those that are going into effect on  
7 August 23. And I look forward to further  
8 opportunities for filing exclusions for any  
9 potential lists on tariffs.

10 USCIB and its members continue to be  
11 very concerned about the potential unintended  
12 consequences of these proposed tariffs of 10  
13 percent of the 200 billion dollars worth of  
14 Chinese imports they're likely to have, affecting  
15 many sectors vital to the U.S. economy and jobs.

16 Particularly, if USTR follows through  
17 on the President's request to increase the level  
18 of the proposed tariffs to 25 percent on this  
19 broad list of products, the impact to U.S.  
20 competitiveness will be severe.

21 USCIB strongly urges the  
22 Administration to consider the significant

1 negative consequences to U.S. companies and  
2 American jobs before taking further action. The  
3 negative impact of such tariffs to U.S. industry  
4 appears disproportionate to the intended purpose  
5 of the 301 actions.

6 The impact on USCIB members of various  
7 industries spans many chapters of the Harmonized  
8 Tariffs Schedule. Including Chapters 20, 29, 42,  
9 72, 73, 75, 84, 85, 87, and 94.

10 Goods affected, which we ask to be  
11 removed from the list include, but are not  
12 limited to, parts in U.S. made wind turbines,  
13 routers, switches, radios, digital base fans,  
14 multiplexers, splitters, switch units, smart  
15 technology, goods using blue tooth technology,  
16 transmission devices, printed circuit board  
17 assemblies, standalone desk top computers,  
18 computers without a screen, HDMI cables, video  
19 cables, extension cords, auxiliary cords,  
20 potassium sorbate, aspartame, sucralose, sorbic  
21 acid, apple juice, postage meters, machine parts  
22 for postage meters and accessories, gas grills,

1 futons, patio furniture, infant and child pack  
2 and play, electric lamps, light fixtures, travel  
3 goods, almost done, handbags.

4 Further details on these products,  
5 including the specific HTS codes will be included  
6 in our written submission. The proposed tariffs  
7 on these and other goods will negatively affect  
8 the competitiveness of U.S. goods and impede  
9 American leadership in the development of  
10 innovative technologies.

11 Many of the goods included in this new  
12 list are innovative products where the U.S. is an  
13 industry leader. Particularly for goods that are  
14 at the cutting edge of innovation and the future  
15 global economy, it is imperative for U.S.  
16 companies to remain highly competitive and  
17 innovative.

18 Sweeping nondiscriminatory tariffs  
19 will be very damaging, particularly if they are  
20 raised to 25 percent. While unfair advantages to  
21 Chinese companies, such as subsidies, are a  
22 legitimate threat to U.S. innovation and high

1 tech, continued engagement in the Chinese market  
2 is also very important for U.S. companies in  
3 terms of their ability to be globally  
4 competitive.

5 USCIB members are very concerned that  
6 these proposed tariffs will stifle the U.S.  
7 economy and not achieve the important goal of  
8 changing China's behavior in the space of  
9 emerging technologies and intellectual property  
10 rights.

11 China's retaliation that has already  
12 happened, and threats of future retaliation  
13 further exacerbate uncertainties caused by this  
14 new proposed action.

15 The Administration has indicated that  
16 the goal of these tariffs is to bring China to  
17 the table, suggesting that the tariffs are the  
18 means to the end of a successful negotiation. We  
19 urge the Administration to follow through on this  
20 objective and engage in a dialog with China to  
21 negotiate an outcome that will improve conditions  
22 for U.S. companies operating in China.

1                   Thank you for the opportunity to  
2 testify. And I look forward to your questions.

3                   MR. BISHOP: Thank you Ms. Hampl. Our  
4 next witness is Kim Heinman with Standard Textile  
5 Company.

6                   Ms. Heinman, you have five minutes.

7                   MS. HEINMAN: Thank you for the  
8 opportunity to testify. I am Kim Heinman,  
9 Managing Director of Standard Textile Company.

10                   And I'm here today to speak on behalf  
11 of our four hundred hard working, dedicated  
12 American textile workers in Union, South Carolina  
13 and Thomaston, Georgia whose jobs are threatened  
14 by the proposed tariffs on unbleached cotton  
15 fabric.

16                   Standard Textile, a medium sized,  
17 third generation family owned business in  
18 Cincinnati, Ohio was founded in 1940 by Charles  
19 Heiman who escaped from the Dachau concentration  
20 camp and immigrated to the United States.

21                   It is because of our family's  
22 appreciation for the opportunities that this

1 great country has made available, that Standard  
2 Textile has invested over 66 million dollars in  
3 reopening two shuttered plants in Union and  
4 Thomaston, where we have created good jobs that  
5 pay an average of 44 thousand dollars per year,  
6 which is 42 percent above the median wage in  
7 these distressed communities.

8 Our process uses American cotton. We  
9 spin the cotton into American yarn. We ship the  
10 yarn to our wholly owned plant in China, which  
11 weave the yarn into unfinished fabric.

12 We then send the fabric roles back to  
13 the United States and to our plant in Union,  
14 South Carolina. Where we scour, bleach or dye  
15 prewashed stinter, and add special finishes.

16 And then we ship the rolls to  
17 Thomaston, Georgia for final fabrication, meaning  
18 cutting, sewing, folding, inspection, and  
19 packaging. In short, 70 percent of the value  
20 added is in the USA. Yet, we are being taxed as  
21 though it were the opposite.

22 Economically and philosophically, this



1 makes no sense. Our supply chain process was  
2 specifically designed so that we could control  
3 our own proprietary product and at the same time  
4 manufacture as much as possible in the United  
5 States.

6 We are the only company set up to do  
7 value added processing in the United States for  
8 institutional sheeting. In fact, Standard  
9 Textile accounts for 97 percent of all the  
10 unbleached cotton fabric being imported from  
11 China.

12 Furthermore, due to the lack of  
13 available capacity and high costs, either  
14 manufacturing or sourcing this domestically is  
15 just not a viable option.

16 We compete each and every day against  
17 companies that import finished sheets from  
18 countries such as China, Pakistan, and India, at  
19 a duty rate of only 6.7 percent. And I assure  
20 you, unlike us, these competitors do not generate  
21 any U.S. manufacturing jobs.

22 We are convinced that with a level

1 playing field, our U.S. workers can compete  
2 against imported products from just about  
3 anywhere in the world. But if you impose  
4 additional tariffs on unbleached cotton fabric  
5 from China, we will no longer be on a level  
6 playing field.

7 It makes no sense to create a  
8 competitive advantage for companies that import  
9 finished sheets versus a company that is  
10 importing fabric in order to create well-paying  
11 manufacturing jobs in this country. Simply put,  
12 our trade policy should not penalize job creation  
13 in the U.S.

14 In conclusion, we ask that you not  
15 impose additional tariffs on the three categories  
16 of unbleached cotton fabric listed in our  
17 statement. If you impose tariffs on these  
18 product categories, you will one, take away our  
19 ability to protect the intellectual property of  
20 our proprietary products by forcing us to buy  
21 imported finished goods from other countries.

22 Two, you will cause disproportionate

1       harm to one small, medium sized U.S. business,  
2       given that we are the only company importing  
3       unbleached cotton fabric to make sheeting in the  
4       United States.

5                   An additional seven and a half million  
6       dollar tariff I assure you would be a significant  
7       burden to a company of our size. And most  
8       importantly, you would reward Chinese and other  
9       foreign workers at the cost of four hundred  
10      American manufacturing jobs.

11                   I hope that you will think of these  
12      faces and their families as you consider our  
13      effort to bring back U.S. textile manufacturing  
14      jobs and Standard Textile's proactive investment  
15      to reinvent and even revive textile manufacturing  
16      in these United States of America. Thank you.

17                   MR. BISHOP: Thank you, Ms. Heinman.  
18      Our next witness is Sara Beatty with the National  
19      Council of Textile Organizations.

20                   Ms. Beatty, you have five minutes.

21                   MS. BEATTY: My name is Sara Beatty  
22      and I'm the senior vice president with the

1 National Council of Textile Organizations. Thank  
2 you for the opportunity to appear today.

3 NCTO represents the full spectrum of  
4 the U.S. textile sector. And as we have voiced  
5 throughout this process, NCTO steadfastly  
6 supports the President's pursuit of a Section 301  
7 case to address China's rampant IP abuses.

8 In our previous testimony and  
9 comments, NCTO documented the damaging effects of  
10 China's IP theft on U.S. textile and apparel  
11 manufacturers and made recommendations for  
12 addressing the problem.

13 It remains our strong view that  
14 priority should be placed on covering the  
15 following on the retaliation list: finished  
16 apparel that tracks with product being sourced  
17 from U.S. FTA partners, textile based home  
18 furnishing and other end items, and advanced  
19 technical textile products.

20 While fibers, yarns, and fabrics in  
21 Chapters 50 through 60 are on the subject \$200  
22 billion list, finished apparel and other sewn

1 products in Chapters 61 through 63 are again  
2 absent.

3 The U.S. textile industry is  
4 disappointed by this repeated omission, and asks  
5 that USTR and the 301 Committee consider the  
6 following: first, apparel and other made-up  
7 textile goods equate to 93 and a half percent of  
8 U.S. imports from China in our sector, while  
9 fibers, yarns, and fabrics total only six and a  
10 half percent.

11 Given that apparel and other finished  
12 textile products made in China almost always  
13 contain Chinese inputs, a significantly greater  
14 value of Chinese fibers, yarns, and fabrics enter  
15 the U.S. market in the form of downstream  
16 finished goods.

17 Noting that textiles are a key  
18 industry in the China 2025 Plan, and Chinese-made  
19 textiles gain an unfair advantage through IP  
20 abuses, NCTO agrees that textiles should be part  
21 of the 301 strategy. But we continue to stress  
22 that the most effective way to target China's

1 predatory trade practices is to address their  
2 primary means of disrupting the U.S. market: end  
3 items.

4 Most of China's ten million textile  
5 and apparel jobs are concentrated in the final  
6 steps of the supply chain, the labor intensive  
7 cutting and sewing operations. As such, imposing  
8 tariffs at this stage would maximize U.S.  
9 leverage in bringing China to make reforms.

10 Further, finished product is the form  
11 in which China most directly impacts U.S. textile  
12 and apparel production investment and jobs.

13 China's apparel and other textile-based end items  
14 compete head to head with like western hemisphere  
15 products that are typically made of U.S. textile  
16 components.

17 By the time a pair of Chinese blue  
18 jeans enters the U.S. market, they have been  
19 aided by illegal trade practices at every stage  
20 in the production chain, allowing them to  
21 displace other suppliers in the market.

22 The pre-duty unit cost of a pair of

1 jeans is \$7.50 imported from China compared to  
2 \$8.29 from our western hemisphere free trade  
3 partners. An additional 25 percent tariff adds a  
4 \$1.88 to China's price, providing a considerable  
5 incentive to ship sourcing from China to duty-  
6 free sources in the western hemisphere.

7 NCTO is convinced that the  
8 administration's retaliation list would be far  
9 more effective if apparel and related end  
10 products were included, and this would target the  
11 root issue and benefit the entire U.S. textile  
12 and apparel supply chain.

13 With the inclusion of virtually all  
14 fibers, yarns, and fabrics on the \$200 billion  
15 list, NCTO is finalizing feedback on a tariff  
16 line by line basis that identifies products where  
17 the U.S. industry would be negatively impacted by  
18 additional tariffs. Many of our member companies  
19 are also preparing comments.

20 Given that these are largely  
21 intermediate staged manufacturing inputs imported  
22 for further processing, additional duties can be

1 counterproductive in instances where there is no  
2 U.S. production and China is one of a limited  
3 number of import sources.

4 As this type of detailed information  
5 is not easily conveyed in testimony form, NCTO  
6 will be submitting supplementary public comments.  
7 However, acrylic and rayon staple fibers serve as  
8 good examples of products that NCTO recommends be  
9 removed to avoid undue harm to U.S.  
10 manufacturers.

11 These fibers are not produced in the  
12 United States, as is reflected in the rules of  
13 origin of our more recent free trade agreements,  
14 as well as the miscellaneous tariff bill pending  
15 in Congress.

16 Raising production costs for U.S.  
17 manufacturers using these inputs will only  
18 undercut their competitiveness without bolstering  
19 any U.S. producers, as there are none.

20 Further, yarn and fabric producers in  
21 China and other countries will not face these  
22 added costs, placing domestic textile



1 manufacturers at an unnecessary disadvantage  
2 while providing a loophole for Chinese fibers to  
3 enter the U.S. market as downstream goods.

4 Beyond the traditional textile  
5 chapters, NCTO recommends the removal of certain  
6 chemicals, dyes, and finishes that are integral  
7 to the manufacturing process and create value-add  
8 in U.S. textiles. Our members report that many  
9 of these products are largely unavailable from  
10 U.S. sources and their increased costs will thus  
11 be damaging.

12 Again, a list of specific tariff lines  
13 will be provided along with additional textile  
14 machinery lines that NCTO opposes.

15 CHAIR BUSIS: And if you could finish  
16 up.

17 MS. BEATTY: Thank you for the  
18 opportunity to testify. We look forward to  
19 working with the Trump administration on ways to  
20 benefit -- ways to maximize the benefit of the  
21 301 tariffs to American industry and workers.

22 MR. BISHOP: Thank you, Ms. Beatty.

1 Our next witness is Larry Little with Trayton  
2 America, Incorporated.

3 Mr. Little, you have five minutes.

4 MR. LITTLE: Good afternoon. My name  
5 is Larry Little. I'm a tenth generation North  
6 Carolinian and I've been involved in the  
7 furniture industry for 25 years. This industry  
8 is in my blood. I am the executive vice  
9 president of Sales at Trayton America. On behalf  
10 of our entire company, I want to thank you all  
11 for the opportunity and your time to express our  
12 concerns about the new Section 301 tariffs.

13 Whether it's 10 percent of 25 percent,  
14 tariffs would have a profound negative affect on  
15 not only our company and families but the entire  
16 furniture industry, as well as downstream service  
17 industries.

18 Trayton was founded in 1997 on the  
19 principal that leather sofas and other pieces for  
20 the living room should be made with high quality  
21 materials and produced efficiently to provide  
22 superior leather furniture for as many people and

1 families as possible.

2 Guided by this philosophy, Trayton has  
3 grown into an international company with profound  
4 contributions to the global and U.S. economy. In  
5 the United States we have more than 200  
6 customers, which include flagship retailers such  
7 as Macy's, Costco, Haverty's, Raymour & Flanigan.

8 However, I fear our company, it's  
9 values, and the livelihood of our employees are  
10 in jeopardy due to the new tariffs threatened on  
11 products from China. Specifically, I'm here to  
12 request that the USTR remove HTS codes 9401.61.40  
13 and 9401.61.60 from the proposed list of products  
14 subject to Section 301 tariffs.

15 The breadth of American job losses  
16 that will result from these tariffs cannot be  
17 understated. It is not only U.S. furniture  
18 industry jobs that are at stake, but also jobs in  
19 the entire downstream service industry.

20 These tariffs will have far reaching  
21 ramifications that affect more than just Trayton  
22 and the furniture industry. Should these tariffs

1 remain in place, countless U.S. jobs will be on  
2 the chopping block in sales, logistics,  
3 warehousing, distribution, and retail.

4 In the furniture industry, when the  
5 global economy is adversely affected, we are the  
6 first to suffer and the last to recover. Less  
7 than 12 months ago U.S. businesses and families  
8 welcomed the much anticipated Trump tax cut.

9 However, these new tariffs would  
10 undermine that relief, acting as an additional  
11 tax on the U.S. consumer, and would threaten the  
12 entire furniture market given the indispensable  
13 role that China plays in our industry.

14 The reality of the industry today is  
15 that it is not feasible to domestically produce  
16 leather furniture in the quantities needed to  
17 match U.S. demand, because we simply no longer  
18 have enough skilled labor here.

19 If one goal of these tariffs is to  
20 bring substantially all upholstery back to the  
21 United States, I can tell you it is not likely to  
22 happen. Even as it is, with the U.S.

1 manufacturing holding a healthy market share, the  
2 current skilled labor supply in the U.S. is at a  
3 critically low level.

4           The creation of leather furniture sold  
5 at the middle to upper price points is labor-  
6 intensive and requires highly specialized and  
7 experienced craftsmen. It is difficult to find  
8 domestic labor on the scale we require, as the  
9 U.S. lacks the same name of craftsmen it had  
10 decades ago.

11           It takes years to master the trade.  
12 And upholstery is no longer as common a practice,  
13 with generational or familial upholsters a thing  
14 of the past. The domestic leather upholsters  
15 that remain typically operate in niche, high end  
16 markets that cannot match the demand for our  
17 products.

18           China, on the other hand, is where the  
19 majority of skilled upholster furniture craftsmen  
20 reside. For the entire U.S. market, more than 50  
21 percent of leather furniture is made in China.  
22 Without the Chinese labor supply we could not

1 produce the furniture that is required to stay in  
2 business or fulfill customers' orders.

3 Further tariffs would severely hinder  
4 our business and the industry by denying access  
5 to the only labor supply that can fulfill our  
6 needs. To place a tariff on these leather  
7 imports would be disastrous. Due to the reliance  
8 on China, not a single company in the industry  
9 would be immune to the effects of these tariffs,  
10 as nearly all companies must import products or  
11 components from China.

12 This would cause losses across the  
13 board for all companies, big and small. The idea  
14 of Trayton or any sizable furniture being able to  
15 sustainably and reliably source exclusively in  
16 the U.S. is a complete fallacy.

17 Finally, there is the notion that  
18 Trayton and other companies in the furniture  
19 industry could move production to third countries  
20 as an alternate to China. Moving production to a  
21 new country is not a viable option in the  
22 upholstery business. To attempt to open

1 production in countries such as Vietnam,  
2 Cambodia, or Thailand would take years to acquire  
3 land, establish a factory, find and train labor,  
4 and develop a reliable supply chain.

5 This would come at an extremely high  
6 cost that would require an enormous amount of  
7 capital and time. And our company would  
8 effectively have to shut down our entire  
9 operation for several years. Consequently, we  
10 would have to lay off employees and incur heavy  
11 losses.

12 Even if we're able to move to a third  
13 country, places like Vietnam and other countries  
14 do not have the necessary infrastructure and  
15 capacity to serve our needs. For example, in  
16 Vietnam there are less craftsmen and labor supply  
17 overall, which wouldn't be able to match demand  
18 and would be incapable fulfilling the same volume  
19 as China. The result would be devastating to  
20 Trayton's ability to stay afloat.

21 We applaud the Trump administration  
22 and the USTR's focus on addressing China's theft

1 of intellectual property, but we are aware of no  
2 IP infringement in the furniture industry. And  
3 the products that fall under HTS codes 9401.61.40  
4 and 61.60 are not part of the China 2025 program.

5 The furniture industry is an old  
6 world, labor intensive industry. It is not the  
7 type of advanced manufacturing that is covered by  
8 the China 2025 program. Tariffs on these  
9 furniture products will do nothing to curb the IP  
10 threat that is the subject of the USTR Section  
11 301 investigation, nor will they thwart China's  
12 progress on its 2025 program. Instead, these  
13 tariffs will hurt American families and  
14 businesses.

15 Finally, the furniture industry is not  
16 a high profit business and any additional tariff  
17 would cause our bottom line to shrink. A 10  
18 percent tariff would be a massive blow to our  
19 company, yet a 25 percent tariff would force us  
20 to shut our doors permanently. For these  
21 reasons, the tariffs are not anti-Chinese, but  
22 anti-business.



1 I implore the USTR to remove the  
2 tariffs on furniture imports under HTS 9401.61.40  
3 and 61.60 to save good-paying U.S. jobs and keep  
4 the domestic furniture market and its consumers  
5 from irreparable harm.

6 Thank you.

7 MR. BISHOP: Thank you Mr. Little.  
8 Our next witness is Michael Saivetz with the  
9 Richloom Fabrics Group.

10 Mr. Saivetz, you have five minutes.

11 MR. SAIVETZ: Thank you for the  
12 opportunity to be here today. I am here today  
13 with my Uncle --

14 MR. BISHOP: Pull your mic a little  
15 bit closer for me, please.

16 MR. SAIVETZ: I'm here today with my  
17 uncle, Mr. James Richmond, the CEO and president  
18 of Richloom Fabrics Group. I am Michael Saivetz,  
19 the COO. Richloom was founded in 1957 by my  
20 grandfather. I'm not only here today to discuss  
21 our family-owned business, but also to tell you  
22 about the more than 250 U.S. employees and about

1 our U.S. customers.

2           The proposed tariffs will cause  
3 disproportionate economic harm to Richloom, its  
4 employees, and the U.S. companies that rely on  
5 our products. Furthermore, these tariffs will  
6 not accomplish the objectives of addressing  
7 unfair Chinese practices related to technology  
8 transfer, intellectual property, or innovation.

9           Since my grandfather founded the  
10 company 61 years ago, Richloom has become one of  
11 the largest suppliers of home textiles in the  
12 U.S. At our headquarters on 5th Avenue in New  
13 York are skilled designers and product  
14 development specialists who create fabrics to  
15 meet the specific needs of our U.S. customers.

16           Our staff in New York, Indiana, North  
17 and South Carolina, work closely with customers  
18 to create attractive products that reliably meet  
19 their manufacturing needs. Those U.S. jobs  
20 depend on our extensive international and  
21 domestic supply chain. Our domestic production  
22 accounts for an excess of 25 percent of our total

1 business. And that would also be at risk.

2 Our U.S. customers and their employees  
3 also depend on our reliable supply of high  
4 quality fabrics to meet their requirements.

5 Among the U.S. manufacturing industries that we  
6 supply are residential furniture manufacturers in  
7 North Carolina and Mississippi, recreational  
8 vehicle producers in Elkhart, Indiana, and  
9 producers of outdoor furniture and accessories,  
10 as well as companies that produce finished goods  
11 for the hotel and hospitality industry.

12 Our customers are creating skilled  
13 manufacturing jobs to produce Made in the USA  
14 products for the American consumer. Our fabrics  
15 are produced around the world, including the U.S.  
16 At our partner facility in New England, we print  
17 millions of yards of outdoor fabrics. We produce  
18 different types of fabrics in the U.S., Turkey,  
19 Taiwan, India, in addition to China.

20 Our sourcing decisions depend on the  
21 particular specialization of the textile industry  
22 in a given location. What we produce in China is

1 largely not available in the U.S. or from other  
2 parts of the world.

3 For example, in the booming RV  
4 industry, we produce hundreds of thousands of  
5 yards of polyurethane fabric. Polyurethanes  
6 offer unique properties, such as durability,  
7 which are perfect for RV furniture. With the  
8 resurgence of the American RV industry, this  
9 product now makes up 10 percent of our total  
10 business. China is the primary source of this  
11 product and we cannot easily nor quickly shift to  
12 alternate resources.

13 In contrast, other products, like  
14 outdoor fabric, which makes up 20 percent of our  
15 business, we do not produce in China, even though  
16 low cost alternatives are available there.

17 If Richloom is no longer able to  
18 supply these products to our key customers it  
19 will undermine our business, including our U.S.  
20 design, manufacturing and logistics operation.  
21 In addition, the impact on our customers will be  
22 significant.

1           One of the biggest growth areas is the  
2           RV industry, a poster child for U.S.  
3           manufacturing. The industry and its  
4           manufacturing hub in Elkhart, Indiana emerged  
5           from the ashes of the great recession, creating  
6           many new jobs in the region. We have already  
7           seen the beginning of a slowdown in this industry  
8           as a result of the first two rounds of tariffs.

9           In addition, we have many furniture  
10          industry customers which employ thousands of  
11          American workers. These U.S. manufacturers  
12          compete against foreign producers.

13          The inputs these producers get from  
14          Richloom often are only available from China.  
15          Richloom and our customers will have no choice  
16          but to continue sourcing from China, resulting in  
17          higher costs due to the proposed U.S. tariffs.

18          Competing foreign producers will  
19          continue to buy up fabric from China and bring  
20          finished goods in tariff-free. Meaning U.S. made  
21          furniture will be less competitive, and U.S.  
22          consumers will pay more for U.S. products.

1           Indeed, the proposed tariffs will have  
2           the unintended consequences of harming U.S.  
3           manufacturing and pushing jobs offshore. In  
4           specific cases, finished goods face no tariffs  
5           while fabric inputs are threatened with 25  
6           percent duties. Soft home products such as  
7           bedding, curtain, and pillow products are omitted  
8           from these tariffs. These are the very products  
9           our U.S. customers are producing.

10           Tariffs on fabric will give a  
11           competitive advantage to foreign producers that  
12           compete against our U.S. customers. Certain cut-  
13           and-sew kits for furniture will remain duty free,  
14           pushing U.S. furniture producers to source these  
15           from China.

16           Lastly, the tariffs on fabric products  
17           will not serve the broader purpose of protecting  
18           U.S. technology or innovation. Fabric production  
19           is not an industrial priority for China, nor is  
20           it an industry where U.S. intellectual property  
21           is at risk.

22           In closing, a Section 301 duty should

1 not be imposed on Richloom fabric imports at any  
2 level. The proposed duties will directly impact  
3 both U.S. manufacturers and the Americans that  
4 buy their products.

5 I thank you for the opportunity of  
6 being here and I'm happy to answer any questions.

7 MR. BISHOP: Thank you Mr. Saivetz.  
8 Our next witness is Eric Zetterquist with  
9 Zetterquist Galleries.

10 Mr. Zetterquist, you have five  
11 minutes.

12 MR. ZETTERQUIST: Thank you, ladies  
13 and gentlemen for allowing me to appear today.  
14 My name is Eric Zetterquist. I've been a dealer  
15 of Asian antiquities of the last 27 years. I am  
16 a small business and I'm here to fight for my  
17 livelihood.

18 The impending tariffs on Chinese goods  
19 includes two line items for Chinese antiquities.  
20 A specific category, 9706.00.00, applies to  
21 antiques of an age exceeding one hundred years.  
22 And another, 9705.00.00, to collections and

1 collectors' pieces of historical and  
2 archeological interest.

3 Please note that taxing these items  
4 does nothing to level the playing field of  
5 international trade. They do, however, severely  
6 hamper the American scholars, collectors,  
7 dealers, and museums involved in the field.

8 America does not tax imports of art  
9 and antiquities from any other country.  
10 Traditionally, our country which has relatively  
11 young history, has allowed the free importation  
12 of antiques and original works of art as a way to  
13 enrich our own culture.

14 To suddenly tax the art and antiques  
15 from one country would set a dangerous  
16 precedence, opening the floodgates to other forms  
17 of selective censorship and increased cultural  
18 chauvinism.

19 No antiquities are directly imported  
20 from mainland China as their export is illegal  
21 there. Therefore, a tariff on Chinese  
22 antiquities would have no punitive effect



1        whatsoever on PRC China. Most of the Chinese  
2        antiquities sourced outside of the United States  
3        are purchased from existing collections in Japan,  
4        Southeast Asia, Europe, and the U.K.

5                    To place a blanket tariff on all  
6        Chinese art and antiquities regardless of where  
7        they are bought would be a meaningless gesture  
8        that would have no punitive effect on PRC China,  
9        but would do great harm to American collectors,  
10       dealers, scholar, and museums, giving them an  
11       unfair disadvantage in the marketplace.

12                   The proposed tariff does nothing to  
13        benefit American small and medium sized  
14        businesses, workers, and the already beleaguered  
15        farmers. Obviously, we don't produce Chinese  
16        antiquities in this country, and people are not  
17        suddenly going to switch to American antiquities  
18        because Chinese antiquities are 25 percent more  
19        expensive. There will not be any further  
20        employment or capital development as a result of  
21        the proposed tariffs on Chinese antiquities.

22                   The proposed tariff on Chinese

1 antiquities punishes American scholars,  
2 collectors, dealers, and museums by effectively  
3 reducing access to material. Why would the  
4 American government punish its own citizens with  
5 no apparent benefit to trade imbalances?

6 To add insult to injury, the proposed  
7 tariff aids and abets PRC Chinese collectors by  
8 skewing the market to their benefit. Over the  
9 past decade, the biggest competition to American  
10 collectors and dealers and collecting  
11 institutions has been from PRC collectors.

12 By imposing a 25 percent tariff on  
13 Chinese antiquities being imported into the  
14 United States, the American government is in  
15 effect bolstering the buying position of PRC  
16 Chinese collectors while weakening our own.

17 The government should not be the  
18 business of empowering its citizen -- I'm sorry.  
19 Governments should be in the business of  
20 empowering it's citizenry and institutions, not  
21 hobbling them. The proposed tariffs would  
22 effectively hobble Americans while further

1 empowering PRC counterparts. I sincerely doubt  
2 that this is the intent of these tariffs.

3 I respectfully request that you  
4 eliminate these two line items, Harmonized Code  
5 9706.00.00 and 9705.00.00 from the list of items  
6 to be taxed in the impending tariffs against  
7 China. Thank you very much.

8 MR. BISHOP: Thank you, Mr.  
9 Zetterquist. Our final witness on this panel is  
10 Eric Autor of the National Association of  
11 Foreign-Trade Zones.

12 Mr. Autor, you have five minutes.

13 MR. AUTOR: My name is Eric Autor,  
14 President of the National Association of Foreign-  
15 Trade Zones. Congress created the U.S. Foreign-  
16 Trade Zones program in 1934 to help U.S.-based  
17 companies to be more globally competitive,  
18 maintain U.S.-based manufacturing and  
19 distribution and jobs, attract investment and  
20 employment opportunities into American  
21 communities, and boost exports through special  
22 duty benefits and customs procedures.

1           A quirk in the customs entry process  
2           for zone manufactured merchandise has resulted in  
3           the unwarranted assessment of Section 301 duties  
4           on some finished products manufactured and  
5           substantially transformed into new products in  
6           U.S. foreign-trade zones.

7           Consequently NAFTA requests an  
8           exclusion from Section 301 duties for all such  
9           products. Because of confusion on this point, I  
10          want to emphasize that this exclusion would in no  
11          way affect the liability for Section 301 duties  
12          on any subject inputs admitted into an FTZ in  
13          privileged foreign zone status, which ensures  
14          that applicable duties on subject foreign origin  
15          inputs are paid upon customs entry.

16          The exclusion we seek is necessary  
17          because some finished products manufactured and  
18          substantially transformed into different products  
19          in U.S. foreign-trade zones but which correspond  
20          to Chinese origin products listed by HTS line on  
21          Section 301 target lists are inappropriately  
22          being assessed additional Section 301 duties even

1       though they are and should be treated as products  
2       of the United States.

3               This situation has arisen because, for  
4       statistical purposes, existing guidance from U.S.  
5       Census and Customs and Border Protection direct  
6       FTZ manufacturers to identify on entry  
7       documentation the country of origin of their  
8       highest value foreign status components.

9               This requirement, combined with the  
10       lack of clear guidance from USTR on the treatment  
11       of FTZ-produced goods under trade remedies  
12       actions it administers, has inadvertently  
13       resulted in products manufactured and  
14       substantially transformed in U.S. FTZs being  
15       erroneously treated as imports from China if the  
16       highest value component, even by a small margin,  
17       happens to be Chinese origin. As a result, some  
18       FTZ manufacturers are facing tens of thousands to  
19       millions of dollars in additional and unexpected  
20       duty liability.

21               The Department of Commerce avoided  
22       this problem in the Section 232 cases on steel

1 and aluminum by securing Presidential  
2 proclamation language stating "articles shall not  
3 be treated upon entry for consumption to the duty  
4 established in this proclamation merely by reason  
5 of manufacture in a U.S. foreign-trade zone."

6 However, USTR has failed to include  
7 similar language in the 301 trade actions. This  
8 omission has directly led to the problem  
9 described for FTZ-manufactured products.

10 For the following reasons, we urge  
11 USTR to follow the Commerce Department example  
12 and correct this problem by exempting all U.S.  
13 origin products manufactured and substantially  
14 transformed in U.S. FTZs from Section 301 duties:  
15 One, the June 20 and July 17 Federal Register  
16 notices specifically described the Section 301  
17 trade actions as the "imposition of an additional  
18 25 percent ad valorem duty on products of China."

19 U.S. manufacturers in an FTZ make  
20 goods in the United States, employing American  
21 workers, and adding U.S. domestic value in the  
22 same manner as U.S. manufacturers producing the

1 same goods outside an FTZ. Customs regulations  
2 and case law confirm that goods manufactured and  
3 substantially transformed into different products  
4 in a U.S. FTZ are U.S. origin, not foreign origin  
5 products.

6 Therefore, in applying trade remedies,  
7 goods manufactured and substantially transformed  
8 into different products in a U.S. FTZ should be  
9 treated the same as similar products produced in  
10 the United States outside an FTZ, and should not  
11 be treated as if produced in and imported from a  
12 foreign country.

13 Collecting trade remedies duties on  
14 U.S. origin products from an FTZ would have the  
15 following unintended adverse consequences:  
16 penalize U.S. made products these trade remedies  
17 were designed to protect; undermined FTZ program  
18 goals by forcing U.S. companies to leave the  
19 program and possibly move production outside the  
20 United States, with a loss of American  
21 manufacturing jobs; damage U.S. manufacturers  
22 while providing no negotiation leverage against

1 unfair foreign trade practices --

2 CHAIR BUSIS: Mr. Autor, if you could  
3 finish up, please.

4 MR. AUTOR: Yes. Potentially result  
5 in the assessment of duties on the value of both  
6 inputs from a target country admitted into a zone  
7 and privileged foreign zone status and all  
8 foreign zone status inputs regardless of origin  
9 that are not the target of the trade remedy.

10 We urge you to act swiftly to remedy  
11 this unintended but very harmful situation.

12 Thank you.

13 MR. BISHOP: Thank you, Mr. Autor.  
14 Mr. Chairman, that concludes direct testimony  
15 from this panel.

16 MS. ZUCKERMAN: I have a question for  
17 Mr. Barfield. Besides the Korean firm that you  
18 cite in your testimony, who are your other  
19 competitors in the U.S. market for your finished  
20 product?

21 MR. BARFIELD: At the present, we are  
22 the leader in the U.S. for the final product that



1 we produce, but we do have a competitor called  
2 Many Fibers. But they are relatively a small --  
3 smaller operation. Our major competitors are  
4 import fiber from other countries, various  
5 countries.

6 MS. ZUCKERMAN: Thank you.

7 MS. HEINZEN: This question is for Ms.  
8 Hampl. Is there any product area in which the  
9 USCIB believes that higher tariffs on imports  
10 from China might improve U.S. competitiveness?

11 MS. HAMPL: Thank you for that  
12 question. As you heard from my comments today  
13 and perhaps from previous testimony, the inputs  
14 we have received across the board from our  
15 membership, and that I've had many, many phone  
16 calls on, has been exclusively on opposing the  
17 tariffs.

18 We have not received any input that  
19 tariffs in any way would be beneficial to the  
20 business. You would have to speak to the  
21 companies directly. Perhaps there is a product  
22 here or there. But as a broad-based argument, we

1 have certainly not heard that.

2 And let me just say that, in general,  
3 even if there may be a product here or there when  
4 it may be tempting to use protectionism in order  
5 to derive some sort of benefit across the board,  
6 because we were really hearing from multi-  
7 sectorial -- we're a multi-sectorial  
8 organization. We're hearing from everyone across  
9 the sectors. And on balance, this is extremely  
10 detrimental, what it is doing to the companies  
11 and to competitiveness, especially when you're  
12 looking in an area, for example, not just -- I  
13 mean, the tech sector, obviously, is primarily  
14 targeted here. But you're looking at something  
15 like, for example, data centers. That is  
16 something that is affecting companies beyond the  
17 tech sector.

18 Every company has -- I mean, you're  
19 seeing it around the room. Everybody is  
20 operating via email. They're operating in that  
21 way. So I cannot stress enough the detrimental  
22 effect that our companies have reported that

1 these tariffs would have. Thank you.

2 CHAIR BUSIS: I have a follow-up  
3 question. So, as you know, the United States  
4 does not have zero tariffs. We have a range of  
5 tariffs, generally lower than our trading  
6 partners. We do have tariffs on many goods,  
7 including goods from China.

8 MS. HAMPL: Yes, sir.

9 CHAIR BUSIS: Is it USCIB's position  
10 that the existing tariffs reduce U.S.  
11 competitiveness and all existing tariffs should  
12 be moved to zero?

13 MS. HAMPL: We have not specifically  
14 addressed that question, of course. We  
15 understand that there is a purpose for tariffs in  
16 general in the economy.

17 In this specific instance, the rapid  
18 increase on this breadth of products doesn't seem  
19 to have any kind of consideration, for example,  
20 if you're looking at manufacturing inputs that  
21 may require some sort of certification to even  
22 switch suppliers, even if there is an intent to

1 do that -- and rest assured, companies are  
2 certainly looking into alternatives given these  
3 actions and everything that is going on -- but  
4 even in those situations, if you're out of the  
5 market for even just one year -- and for some  
6 products it could be up to three years -- you  
7 lose your market share.

8           And yes, that happening across the  
9 board for some companies in the millions or  
10 billions of dollars range, that is something that  
11 causes a massive decrease of competitiveness in a  
12 way that perhaps existing tariffs that have been  
13 imposed along the way have not managed to do.

14           Thank you.

15           MS. D'ANDREA-YOTHERS: This question  
16 is for Ms. Heinman. Are the products that you  
17 import from China available from producers in the  
18 United States or from countries with which the  
19 U.S. has free trade agreements?

20           MS. HEINMAN: Thank you. The products  
21 that we manufacture are not available in the  
22 United States or any other country, because the

1 products that we manufacture, again, are  
2 manufactured in our wholly-owned facility. We  
3 use proprietary know-how to produce them. And  
4 then we send them here to add most of the value,  
5 over 70 percent of the value, in the United  
6 States.

7 S, we're not able to get it really  
8 anywhere else. In the United States, actually,  
9 there's no capacity presently to manufacture the  
10 kinds of goods that we manufacture. And, again,  
11 we want to try to keep it so that we can do it  
12 ourselves and keep our proprietary IP within our  
13 company.

14 And the other issue is we could  
15 possibly source fabric outside China and the  
16 United States in places like India, Pakistan,  
17 Bangladesh where the duties are only 6.7 percent.  
18 But then we would once again lose control of our  
19 proprietary products.

20 CHAIR BUSIS: Could you describe the  
21 -- it sounds like you set up a factory in China.  
22 Is that right?

1 MS. HEINMAN: We did. We set up a  
2 factory in China a number of years ago. And we  
3 did that because we wanted to compete globally  
4 around the world. And at the same time we  
5 maintained our manufacturing facilities here.  
6 And then again, in the 2000s, after we set up the  
7 plant in China, we also started setting up plants  
8 in the United States as well.

9 So, we did set up one there, but many,  
10 many years ago. And we own it 100 percent. So,  
11 if something -- if we had to change the way we're  
12 working now, it takes years and years to set up a  
13 supply chain process like this. If we have to  
14 change it, it's going to cause really severe  
15 damage. It would take us ten years to retool and  
16 reinvent ourselves if we had to move the  
17 manufacturing from that plant.

18 But the good thing about it is that  
19 we're really adding 70 percent of the value back  
20 here in the United States with most everything  
21 that's made in the Chinese plant.

22 CHAIR BUSIS: Could you just -- what

1 were the factors that led you, if it's not  
2 proprietary, to set that plant up in China  
3 instead of some United States or some other  
4 place?

5 MS. HEINMAN: Well, we actually have  
6 manufacturing facilities -- we have another one  
7 in Jordan. And the factors were originally that  
8 the labor issue in the United States was a  
9 problem. The textile industry basically shut  
10 down in the U.S.

11 Originally, when our company was  
12 started, for the first 30 years of our company's  
13 existence, we only bought in the USA. Then all  
14 of the textile manufacturing plants in the USA  
15 closed and shuttered them. I mean, they just  
16 closed down all of them.

17 So there was no choice. We could not  
18 purchase fabric or finished product in the United  
19 States. So then we had to source it or create  
20 our own manufacturing facilities. Which, of  
21 course we did do.

22 But there really was no option. I

1 mean, travel all through the south. I mean,  
2 it's really a shame how the textile industry was  
3 pretty much decimated. And so we had to go get  
4 it outside of the U.S. But we're very, very  
5 happy that we've brought it back. And we really  
6 -- or we're pretty much terrified about what's  
7 going to happen if we're unable to continue  
8 manufacturing the way we are in Thomaston and  
9 Union.

10 MS. KNISLEY: Ms. Beatty, many of the  
11 products that are being considered for increased  
12 duties are products that are made by NCTO member  
13 companies in the United States. Does NCTO  
14 support increased duties on such products?

15 MS. BEATTY: Good question. We are  
16 still in the process of vetting the entire list.  
17 Obviously, it's a large number of products. But,  
18 since these are generally inputs, companies are  
19 importing them, doing further manufacturing of a  
20 downstream product, there will understandably be  
21 some products where there are differing views  
22 within the industry. And we have encouraged our



1 membership to take full advantage, as you get a  
2 sense from the panel today, to voice their unique  
3 concerns and weight in directly as well.

4 But, as you probably gathered from my  
5 testimony, our main focus has been on convincing  
6 the government of the merits of focusing on end  
7 items as the best way to approach the issue.

8 It's not to say that there aren't some  
9 products on the list that will be useful and that  
10 our members make. It's that we see comparatively  
11 a lot more benefit to approaching this from the  
12 end item perspective.

13 MS. KNISLEY: Okay. Thank you.

14 MS. BONNER: This question is for Mr.  
15 Little. What would be the impact of the  
16 imposition of these duties on your leather seats  
17 in the market, generally?

18 MR. LITTLE: Well, I guess like any  
19 consumer product, a 25 percent increase would  
20 have a profound impact. The furniture industry  
21 is very price-sensitive. We always like to say  
22 it's an infinitely postponable purchase, is a new

1 sofa. And you know, all of us in this room have  
2 bought furniture before. It's something you can  
3 always put off until tomorrow.

4 So, typically, when either price  
5 increase, if there's inflationary issues or  
6 there's something in the economy that goes bad,  
7 we suffer right away. And we don't tend to  
8 recover until much later.

9 So, it's just a very, very price-  
10 sensitive, low margin industry. It's an  
11 incredible value if you think about what goes  
12 into building a sofa, and you can go out and buy  
13 a leather sofa today for a thousand dollars,  
14 which is the same as an iPhone.

15 There's a lot of value in it. But we  
16 tend not to get credit from it -- maybe this is  
17 our fault as an industry -- from the consumer.  
18 So any type of fluctuation in price is felt  
19 profoundly.

20 CHAIR BUSIS: Yeah, I have a follow-  
21 up, Mr. Little. So, is there a direct connection  
22 between increased duties on Chinese leather

1 furniture and your own manufacturing operations?

2 MR. LITTLE: Yes. Our manufacturing  
3 operations are in China.

4 CHAIR BUSIS: So you don't make --  
5 does Trayton make furniture in the United States?

6 MR. LITTLE: No, sir. We warehouse  
7 goods here.

8 CHAIR BUSIS: I see.

9 MR. LITTLE: We show here and sell and  
10 all that, but all the manufacturing is in two  
11 facilities in China.

12 MR. SECOR: This question is for Mr.  
13 Saivetz. What percentage of your overall product  
14 offering would you estimate is sourced in the  
15 U.S.? And how much from China?

16 MR. SAIVETZ: So, thank you for your  
17 question. Roughly about 25 percent up to 30  
18 percent is made in America. And out of China is  
19 roughly 45 percent.

20 MR. SULEWSKI: Hello. This question  
21 is for Mr. Zetterquist. You had argued in your  
22 testimony that the direct importation of

1 antiquities from China to the United States is  
2 illegal under Chinese law.

3 MR. ZETTERQUIST: Correct.

4 MR. SULEWSKI: Given that the  
5 additional duties apply to country -- let me back  
6 up. In your written testimony you had provided a  
7 suggested alternative where the tariff only be  
8 applied to antiquities directly being shipped  
9 from China to the U.S. as opposed to from a third  
10 country.

11 Given, however, that this tariff would  
12 be implemented based on country of origin, not,  
13 you know, last point of importation, could you  
14 talk a little bit more about how the pathway used  
15 to import a Chinese good would be relevant?

16 MR. ZETTERQUIST: I'm sorry, I'm not  
17 sure I understood that. The section you're  
18 referring to in my written statement, which I  
19 didn't have time to deliver, unfortunately,  
20 suggested that an alternative course of action  
21 could be to include language that says that the  
22 duty would be imposed when directly imported from

1 PRC China.

2 This would be a symbolic measure that  
3 would send a tough-on-trade message to China, but  
4 would not punish American citizens and their  
5 small businesses.

6 MR. SULEWSKI: Thank you.

7 CHAIR BUSIS: Mr. Autor, you oppose  
8 the imposition of the additional tariffs on goods  
9 that are substantially transformed in the zone.  
10 But, as you well know, goods that are  
11 substantially transformed in the zone are not  
12 ever duty-free; they receive the rate of the  
13 final product.

14 So, do you have an opposition just to  
15 the China 301 tariffs applying to goods coming  
16 out of a zone? Or is your position that no rate  
17 of duty should ever be increased on any product  
18 that might come out of a zone?

19 MR. AUTOR: Okay. I think that this  
20 goes to a great deal of confusion about how the  
21 zone system operates.

22 First of all, many final products

1 coming out of a zone come out zero duty. So it  
2 isn't true that zoned products are always subject  
3 to an American duty.

4 What we're saying is that if it is  
5 manufactured in a zone it should be treated just  
6 like a product manufactured outside a zone. If  
7 you're a manufacturer outside a zone and you're  
8 using Chinese inputs, you pay the duty. But once  
9 that product is substantially transformed in your  
10 factory in the United States, it is considered to  
11 be a product of the United States. That is how  
12 we want U.S. manufacturers operating in the zone  
13 to be treated, and that's not how they're being  
14 treated. I'll give you an example.

15 CHAIR BUSIS: Excuse me.

16 MR. AUTOR: Yeah.

17 CHAIR BUSIS: Before you give me an  
18 example. I mean, isn't the whole point of the  
19 zone that they're not treated the same? I mean,  
20 otherwise you wouldn't even have the program,  
21 right?

22 MR. AUTOR: Well, they do get a

1 benefit through certain duty benefits and customs  
2 procedures. But that's the whole purpose of the  
3 zone. What we're saying is they shouldn't be  
4 treated worse than manufacturers outside a zone,  
5 which they currently are under the Section 301.

6 Their having their final product  
7 manufactured in a zone is being treated like it  
8 is imported from China. And all the foreign  
9 inputs, even if the foreign inputs were from the  
10 European Union or Canada or Mexico or whatever,  
11 are being assessed 301 duties because the final  
12 product is being treated like it was imported  
13 from China even though it was manufactured in the  
14 United States in a foreign trade zone.

15 CHAIR BUSIS: Okay. Thank you. That  
16 concludes this.

17 MR. BISHOP: We release this panel  
18 with our thanks. And we invite the members of  
19 Panel 7 to please come forward and be seated.

20 Will the room please come to order.

21 CHAIR GRIMBALL: Good afternoon. We  
22 have a new addition to the panel. Would you like

1 to introduce yourself? I suppose I should  
2 introduce myself, as well. I'm Megan Grimball.  
3 I'm from USTR. Please go ahead.

4 MS. BLEIMUND: Good afternoon. I'm  
5 Emily Bleimund. I'm from the Office of Global  
6 Affairs, in the Department of Health and Human  
7 Services.

8 CHAIR GRIMBALL: Thank you.

9 MR. BISHOP: Madam Chairman, our first  
10 witness on this panel is Belle Chou, with Shen  
11 Wei USA. Ms. Chou, you have five minutes.

12 MS. CHOU: Thank you. Good afternoon.  
13 My name is Belle Chou, President and CEO of Shen  
14 Wei USA, Inc., located in Union City, California.  
15 I am appearing before you today on behalf of the  
16 60 colleagues in our company, and the millions of  
17 Americans who depend on our premium quality  
18 gloves, offering hand health technology, to  
19 perform their daily tasks safely and efficiently.  
20 Shen Wei is a major U.S. supplier of disposable  
21 gloves made from latex and nitrile. Shen Wei's  
22 operation has been in business for more than 30



1 years. Our products are widely used in homes and  
2 workplaces, such as hospitals, clinics, labs,  
3 industrial factories, pharmaceutical/biotech  
4 facilities, auto shops, salons, and just about  
5 any other places you could name where it is  
6 important to protect workers' hands to promote a  
7 safe and successful work environment.

8           The disposable gloves we supply are no  
9 longer manufactured in the United States.

10 Raising the tariff on our import from China will  
11 force us to raise our prices to customers. This  
12 will be disruptive to our operation and will  
13 cause us to lose business. I would like to  
14 explain several factors that make it impossible  
15 for us to quickly switch our source of supply to  
16 other countries to avoid the 25 percent duty that  
17 is being proposed.

18           The largest glove manufacturing  
19 countries are Malaysia and Thailand. Shen Wei  
20 sources less than 10 percent of our products from  
21 these countries. Purchases from China represent  
22 products that we cannot source from elsewhere.

1 With binding mutual exclusivity agreements, our  
2 Chinese manufacturers protect our company's  
3 intellectual property, both patented and  
4 proprietary technologies. When we have tried to  
5 source from Malaysia in the past, tests of the  
6 product showed that our licensees in Malaysia had  
7 adulterated the gloves, so that they show little  
8 or no presence of our proprietary hand health  
9 ingredient.

10 This was unsatisfactory. Our line  
11 designs in China can produce short runs and low  
12 MOQs, and this advantage has contributed to the  
13 success of startup and small businesses by  
14 minimizing their finished goods capital  
15 investment. The MOQ requirements from factories  
16 in Malaysia and Thailand make it nearly  
17 impossible for smaller distributors to purchase  
18 directly from the factory, this drastically  
19 reducing the ability to be competitive with  
20 bigger U.S. companies.

21 The other countries we have contacted  
22 do not have the required equipment capacity and

1 skilled labor required to produce the  
2 high-quality gloves that we are known for. Our  
3 products must meet occupational safety and  
4 dermatological standards, namely UL and SHA. As  
5 a result, our unit cost of purchase from China is  
6 higher than the gloves we purchase from  
7 alternative sources because the Chinese-produced  
8 glove is of premium quality. Our source in China  
9 is the only SA 8000 accredited facility for  
10 producing disposable gloves.

11 No factory that we have contacted in  
12 Malaysia or Thailand has such accredited  
13 requirement. We have a number of customers  
14 entering into contracts for one to three-year  
15 periods with hospitals, group purchasing  
16 organizations, and government agencies.

17 For these contracts, our gloves must  
18 meet specific requirements, which are not  
19 otherwise widely available. The proposed 25  
20 percent tariff will cause serious disruption in  
21 our supply chain. An excellent example is one of  
22 our customers, BOSMA Enterprises.

1           We supply them with our hand health  
2 protection gloves produced in China. BOSMA is a  
3 non-profit organization, which employs more than  
4 100 vision-impaired people in Indianapolis to  
5 repackage products for distribution to the  
6 Veterans Administration. Shen Wei continues to  
7 invest time and money on product development that  
8 provides industry solutions. Regulations  
9 currently implemented already impose high product  
10 and registration fees, with the 25 percent  
11 tariff, it will be detrimental. This will force  
12 us to cut research and development budgets that  
13 drive success of a small business.

14           I am proud to say that we are about to  
15 launch a new product in the United States,  
16 biodegradable gloves with hand health protection.  
17 These gloves, which we plan to import from China,  
18 underwent 945 days of testing to support our  
19 biodegradable claim.

20           Because of the long testing cycle  
21 needed for this product, there's no other ready  
22 alternative available to replace the product for

1 the U.S. customers. My company had planned on  
2 hiring five to ten more staff to support this new  
3 product launch.

4 Due to the proposed tariff increase,  
5 we have had to place this hiring plan on hold.

6 In conclusion, since 90 percent of our products  
7 are sourced from China, and it is impossible for  
8 us to find new sources of supply quickly, but  
9 instead, we require 9 to 12 months to make these  
10 switches, and with the unknown variable of being  
11 able to meet the high quality that is expected  
12 from our products. The proposed tariff will  
13 greatly disrupt our customers, who depend on our  
14 steady supply. We are likely to lose sales, and  
15 I regret to say that as a result, we will likely  
16 have to downsize our staff.

17 I respectfully appeal to you that the  
18 products listed in our request to appear be  
19 removed from the list of products from China  
20 subject to the proposed 25 percent tariff. With  
21 various HTS codes, they are nitrile and latex  
22 gloves, nitrile and latex industrial, including

1 household gloves, vinyl exam industrial,  
2 chloroprene exam, chloroprene industrial --

3 CHAIR GRIMBALL: Excuse me; could you  
4 please conclude?

5 MS. CHOU: Thank you for this  
6 opportunity to speak with you, and I welcome your  
7 questions. Thank you.

8 MR. BISHOP: Thank you, Ms. Chou. Our  
9 next witness is Steve Frazier with HLP Klearfold.  
10 Mr. Frazier, you have five minutes.

11 MR. FRAZIER: Hello. My name is Steve  
12 Frazier, and I'm the president of HLP Klearfold,  
13 the world's largest manufacturer of plastic  
14 folding cartons for consumer products. Plastic  
15 folding cartons are a very small component of an  
16 estimated \$300-plus billion U.S. dollar market  
17 for folding cartons and a very small component of  
18 the HTSUS Subheading, Miscellaneous Subheading  
19 3923.10.90.

20 Plastic folding cartons are a type of  
21 a secondary retail packaging produced from,  
22 primarily, PET or polyester, similar to the

1 package that I have here, that you may have seen  
2 in the marketplace.

3 Our company was incorporated in the  
4 U.S. in 2003, and is a wholly owned of Hip Lik  
5 Packaging Products, a Hong Kong based company,  
6 which has been operating for almost 50 years.  
7 Our primary manufacturing facility is in Ping  
8 Shan, Shenzhen, and Southern China.

9 We provide plastic folding cartons to  
10 major consumer products companies, such as  
11 Colgate, Revlon, L'Oreal USA, Mars Wrigley, and  
12 Titleist, as well as some 200-plus other U.S.  
13 companies. We believe that our company supplies  
14 approximately 90 percent of the folding cartons  
15 imported from China into the U.S., and estimate  
16 that Chinese imports of plastic folding cartons  
17 into the U.S. are less than \$40 million. Until  
18 ten years ago, the largest supplier of plastic  
19 folding cartons to the U.S. was the U.S.-based  
20 MeadWestvaco Corporation. In 2009, MeadWestvaco  
21 exited this business segment, closed two U.S.  
22 factories, and laid off 200 plus employees.

1                   This left a significant void in the  
2 market, and there were no U.S. companies with the  
3 technical capacity or resources to have replaced  
4 MeadWestvaco in the U.S. marketplace. Myself and  
5 several other MeadWestvaco employees joined HLP  
6 Klearfold, repositioned our company, and  
7 satisfied the void in the U.S. market that could  
8 not be filled domestically.

9                   We believe it is important to  
10 distinguish our company as the world market  
11 leader and technology leader for this segment.  
12 We are not a low-cost, low-quality knock-off  
13 producer growing our U.S. market share by  
14 undercutting prices of U.S. producers.

15                   We have developed patented and  
16 proprietary and vertically integrated  
17 technologies that allow us to produce plastic  
18 folding cartons with very high quality and  
19 outstanding performance characteristics not  
20 available from U.S. producers. Although we have  
21 a technology advantage in the marketplace, this  
22 technology is not strategically important or



1 related to the Made in China 2025 program. As it  
2 relates to the security of U.S. intellectual  
3 property, one of the original concerns of this  
4 tariff initiative, please note that we own,  
5 through purchase or application, several U.S.  
6 patents and trademarks.

7 We pay the U.S. Government several  
8 thousands of dollars each year for renewal and  
9 maintenance costs and are actively pursuing new  
10 patents and trademarks. We respect the USPTO  
11 process and have no issues or concerns with the  
12 rigors of application or ongoing costs. However,  
13 once being granted a U.S. patent, it seems  
14 counterproductive, and otherwise unfair, to add  
15 an additional tariff to the ongoing costs.

16 With no U.S. company capable of doing  
17 what we do, to assess a tariff on the products  
18 will only rise the costs to our U.S. or our  
19 American customers and have a negative impact on  
20 their cost of goods. The imposition of a 10  
21 percent tariff would render our already higher  
22 cost packaging cost prohibitive for these

1 customers and could force them to switch to less  
2 expensive, less effective packaging, which would  
3 hurt their sales and put the future of our U.S.  
4 employees' jobs in jeopardy. Leveling a 25  
5 percent tariff would be devastating to our U.S.  
6 business and largely remove this type of  
7 packaging from the marketplace.

8           Given the lack of U.S. manufacturing  
9 alternatives, we believe a tariff would not  
10 accomplish the desired purpose and, instead, will  
11 have an unintended negative consequence on U.S.  
12 consumer product manufacturers and, therefore,  
13 American consumers.

14           We therefore request an exclusion from  
15 HTSUS Subheading 3923.10.90 from the tariff  
16 initiative. Another acceptable option, given the  
17 narrowness of the segment and its insignificant  
18 impact on the total tariff initiative would be to  
19 exclude plastic secondary packaging from the  
20 miscellaneous subheading and create a new  
21 specific subheading, under 3923.1000, specific to  
22 plastic folding cartons. Thank you.

1                   MR. BISHOP: Thank you, Mr. Frazier.  
2                   Our next witness is Marc Jackson, with Teckrez,  
3                   Incorporated. Mr. Jackson, you have five  
4                   minutes.

5                   MR. JACKSON: Thank you. Hello. My  
6                   name is Marc Jackson. I am the president of  
7                   Teckrez, a company based in Jacksonville,  
8                   Florida. Thank you for the opportunity to speak  
9                   to your panel today. Teckrez produces a line of  
10                  resins at contract manufacturers in Asia.

11                  We produce the resins in Asia because  
12                  that is where the raw materials are for these  
13                  particular types of products. It is our position  
14                  that the tariffs from List 2, on 3911.10,  
15                  hydrocarbon resins, and List 3, on 3806.10, 20,  
16                  30, and 90, rosin resins, will negatively impact  
17                  hundreds, if not thousands, of small to medium  
18                  sized manufacturers in the United States.

19                  These companies manufacture adhesives,  
20                  sealants, and coatings. Resins are key raw  
21                  materials in all of these products. The  
22                  independent U.S. producers of these products must

1 compete with large multinational corporations.

2 Large multinational corporations have  
3 plants all over the world. If raw material costs  
4 in the United States increase, then U.S. based  
5 formulators will not be able to compete. In  
6 fact, I visited with one of these large  
7 multinational companies last week, who told me  
8 they intend to transfer some of their production  
9 of diaper adhesives from Greenville, South  
10 Carolina to a plant in Mexico. Small and medium  
11 sized U.S. producers of adhesives, coatings, and  
12 sealants need resins produced in China to compete  
13 with large multinational companies who have  
14 plants all over the world.

15 The second reason is large  
16 multinationals buy resins from under high  
17 contract -- I'm sorry, high volume, low price  
18 contracts. Without a cost effective alternative  
19 for small and medium sized U.S. producers, they  
20 cannot operate their plants anywhere close to the  
21 low operating costs of these much larger  
22 corporations.

1                   Small and medium-sized U.S. producers  
2 are a healthy segment of U.S. manufacturing.  
3 They employ tens of thousands of people across  
4 the United States. The impact of tariffs of 25  
5 percent on 3911.10, hydrocarbon resins, and  
6 3806.10, 20, 30, 90, rosin resins, will  
7 negatively impact the health and success of an  
8 important block of U.S. manufacturers. Thank you  
9 again for the opportunity to speak today.

10                   MR. BISHOP: Thank you, Mr. Jackson.  
11 Our next witness is Tom Jarvis, on behalf of  
12 Yanjan USA, LLC. Mr. Jarvis, you have five  
13 minutes.

14                   MR. JARVIS: Thank you. I'm Tom  
15 Jarvis, Winston & Strawn. I'm appearing today on  
16 behalf of Mr. Gene Konczal, who's the chief  
17 financial officer of Yanjan. He regrets he's  
18 unable to be here in person today, but he did  
19 submit his testimony on August 9th, and I believe  
20 you have that in front of you.

21                   Yanjan is a startup manufacturing  
22 business located in Statesville, North Carolina.

1 That's about 40 miles north of Charlotte. It's  
2 in the recently redistricted North Carolina 13th  
3 Congressional District. It's primarily a rural  
4 county, Iredell County, but manufacturing is  
5 making a resurgence there, and these are  
6 relatively high paying, important jobs to that  
7 geographic area.

8 Yanjan is in the business of making  
9 next-generation cloth-like coverings for  
10 absorbent garments, which is a euphemism for  
11 feminine hygiene products, baby diapers, and  
12 adult incontinence products. There's a very  
13 large volume of these products are actually  
14 produced and consumed in the United States.  
15 Yanjan is making next-generation cloth coverings,  
16 which have superior performance characteristics.  
17 Currently, Yanjan is in the process of  
18 establishing its manufacturing operation.

19 Orders have been placed for dedicated  
20 manufacturing lines. There's one in place. I  
21 saw it two weeks ago. A total of six will be in  
22 place by the end of the year if the current plans

1 are permitted to go forward, and they will be in  
2 full production, with 60 employees, by that  
3 point.

4           Sixty employees is a small number,  
5 when you look at the labor force of the United  
6 States, but if you look at a particular  
7 community, 60 good paying manufacturing jobs in  
8 an area that's been historically dependent on  
9 subsistence farming in many instances is a  
10 significant issue.

11           Yanjan seeks removal of just two of  
12 the approximately 6,000 tariff classifications  
13 that are at issue in this round. Those are  
14 classifications 3206.19.0000 -- that's for  
15 pigments and preparations based on titanium  
16 dioxide -- and also HTSUS 3901.40.0000. That's  
17 ethylene-alpha-olefin copolymers, which you may  
18 not be familiar with, unless you were a chemistry  
19 major in college, but what it is is linear low  
20 density polyethylene. These are both raw  
21 materials used in manufacturing these cloth-like  
22 coverings that are used for adult absorbent

1 garments.

2 The issue here is that these feed  
3 stocks are used by manufacturers in the United  
4 States, like Yanjan, so the employment is here,  
5 in the manufacturing step, although some of the  
6 raw materials are sourced from around the world.

7 Critically, for Yanjan, China is the  
8 sole source available for some proprietary blends  
9 of materials that can only be used with these  
10 machines. The machines are designed for the  
11 materials, and those machines become inoperable  
12 without the proprietary materials, so Yanjan does  
13 not have the option of switching to non-Chinese  
14 suppliers.

15 It purchases those proprietary feed  
16 stocks for that specific equipment. Imposition  
17 of additional tariffs on these two  
18 classifications would disrupt Yanjan's startup  
19 manufacturing operations in Statesville and,  
20 obviously, the employment benefits that we're all  
21 looking forward to. Ladies and gentlemen, Yanjan  
22 respectfully requests that these two tariff



1 classifications be removed from the Section 301  
2 Tariff Proposal List. Thank you.

3 MR. BISHOP: Thank you, Mr. Jarvis.  
4 Our next witness is Shawn Xu with Lianda  
5 Corporation. Mr. Xu, you have five minutes.

6 MR. XU: Good afternoon. My name is  
7 Shawn Xu, co-president of Lianda Corporation, a  
8 small, family owned business, located in  
9 Twinsburg, Ohio. Lianda is a distributor of high  
10 performance elastomers and specialty chemicals.  
11 Our primary focus is the rubber and plastics  
12 industry, which we have served for over 23 years.

13 Our business model is to provide high  
14 quality products to our U.S. customers, to enable  
15 them to be more competitive, in terms of  
16 performance and cost. Lianda previously  
17 testified before the Committee in July and  
18 appreciates the opportunity to appear again to  
19 express our concern about the tariffs. There are  
20 15 HTS subheadings appearing on List 3 that  
21 Lianda imports under. They are listed on Page 3.  
22 We believe the imposition of 25 percent duty will

1 have a significantly negative impact on our small  
2 company and its many customers. The increased  
3 cost could cause Lianda not to be able to fulfill  
4 its contractual obligations to its customers. It  
5 could lead to a shift in demand for our products,  
6 a reduction of our U.S. based workforce, and a  
7 halt in the growth of U.S. born/bred company.

8 In effect, any additional tariff will  
9 have the very likely effect of removing Lianda's  
10 ability to sell its products in the U.S. market.  
11 Some of Lianda's products covered under List 3  
12 are made only in China. Some are currently in  
13 short supply.

14 Therefore, increased selling price, as  
15 a result of 25 percent tariff, will be passed  
16 straight to our customers. The extra tariff, in  
17 these cases, will not provide any incentive for  
18 the Chinese government to change its trade  
19 policies or practices.

20 On the contrary, the additional tariff  
21 will only increase costs of products in the U.S.,  
22 hurting supply stability and reducing the

1 competitiveness of our U.S. customers in the  
2 world market. While there is not sufficient time  
3 to speak about all of our products captured in  
4 List 3, I will provide a couple of examples.  
5 One, dicumyl peroxide. This is a specialty  
6 chemical often used as a high temperature curing  
7 agent in rubber and plastics applications. To  
8 our knowledge, there's no production of this  
9 particular chemical anywhere outside of China.

10 The Chinese company we import from is  
11 the largest producer of this material in China  
12 and in the world. Thus, the increased cost as a  
13 result of any retaliatory tariff will only cause  
14 the market price in the U.S. to increase and  
15 provide no deterrence to Chinese export.

16 Also, since peroxides are hazardous  
17 chemicals, any new production in U.S. or any  
18 other part of the world is very unlikely. Two,  
19 chlorosulfonated polyethylene, or CSM. This is a  
20 synthetic rubber often used for rubber based wire  
21 and cable, hose, and belt products.

22 There is only one manufacturer outside

1 of China that produces CSM. Its capacity is not  
2 enough to meet current U.S. market demand.  
3 Therefore, we have no other option, other than to  
4 import material from China to meet existing  
5 customer needs.

6 In both examples above, where global  
7 supply is extremely limited and is mostly from  
8 China, imposing 25 percent tariff will neither  
9 deter, nor reduce, import from China, and will  
10 only cause our company and our U.S. customers to  
11 pay more. This, in the end, will  
12 disproportionately harm the interests of U.S.  
13 companies and consumers.

14 Similarly, for other Lianda products  
15 captured under the proposed HTS subheadings, the  
16 extra tariff will also increase our customers'  
17 costs. In addition, all products Lianda imports  
18 have been in the market for many decades and are  
19 not related to any advanced technology and Made  
20 in China 2025 initiative.

21 We believe the proposed tariff, as it  
22 relates to the attached list of HTS subheadings,

1 reduce the competitiveness of U.S. producers. To  
2 remain competitive, many of our U.S. customers  
3 may shift production of their high-value  
4 downstream products to other countries, where  
5 they would not be subjected to the tariff,  
6 causing job loss in the U.S.

7 Therefore, we respectfully ask the  
8 Section 301 Committee to remove these HTS  
9 subheadings from your proposed List 3, for the  
10 sake of maintaining U.S. manufacturing  
11 competitiveness, protecting U.S. jobs, and  
12 ultimately protecting U.S. consumers' interests.  
13 Thank you very much.

14 MR. BISHOP: Thank you, Mr. Xu. Our  
15 next witness is Colton La Zar of the National  
16 Candle Association. Mr. La Zar, you have five  
17 minutes.

18 MR. LA ZAR: Thank you for the  
19 opportunity to testify today. I am Colton La  
20 Zar, trade committee chair of the National Candle  
21 Association, also known as the NCA. Founded in  
22 1974, the NCA is a major trade association,

1 representing the majority of the U.S. candle  
2 manufacturers and their suppliers.

3 The mission of the NCA is to serve and  
4 represent the interests of its approximately 100  
5 candle manufacturing members in the United States  
6 and to promote safe products and healthy  
7 environment for the industry.

8 While the NCA fully supports the  
9 Administration's efforts to combat Chinese  
10 government's harmful technology transfer and  
11 intellectual property practices, I am here to  
12 testify and ask the Administration to remove,  
13 specifically, glass candle holders and paraffin  
14 wax from its proposed Section 301 list of Chinese  
15 goods subject to an additional 25 percent in  
16 duties. The NCA requests removal of these tariff  
17 codes covering these items from the proposed  
18 Section 301 list for several reasons.

19 The most important reason is that the  
20 proposed tariffs will have the unintended effect  
21 of causing severe economical harm to the U.S.  
22 candle industry. In particular, small and medium

1 size U.S. manufacturers who rely on imports of  
2 glass candle holders and wax for producing  
3 candles in the United States will be harmed.

4 The truth is that for an already  
5 struggling industry, an increase of 25 percent in  
6 duties of main materials used in production  
7 threatens to be the breaking points that shifts  
8 U.S. manufacturing operations overseas, resulting  
9 in loss of American jobs.

10 I have brought to the hearing samples  
11 of glass-filled candles that we are proud to say  
12 are made in the USA. The shift in production of  
13 filled candles overseas would not only be bad for  
14 the U.S. candle making industry, who are  
15 responsible for creating thousands of American  
16 jobs across the country, but it would also result  
17 in the harm to U.S. consumers, in the form of low  
18 quality products. The thousands of jobs created  
19 in the U.S. by the NCA members are good paying  
20 jobs, and our members' employees take pride in  
21 making high quality products that are both safe  
22 for the consumer and healthy for the environment.

1           For instance, many NCA members require  
2 glass vessels used in produced filled candles to  
3 be compliant with ASTM Standard F2179, in order  
4 to handle the rapid heating and cooling involved  
5 in the production process, without the glass  
6 breaking or cracking.

7           To the best of our knowledge, we do  
8 not believe there is sufficient available  
9 quantities of the U.S. manufacturing ASTM F2179  
10 glass candle holders to meet the current demands  
11 of the entire U.S. candle industry.

12           We are skeptical that foreign  
13 producers of filled candles would be as careful  
14 as U.S. producers in ensuring that the glass  
15 candleholders used in production are the higher  
16 quality ASTM compliant glass candle holders.  
17 Also as important, with the imported wax,  
18 production yield of paraffin wax in the U.S. has  
19 been greatly reduced. Simply put, there is not a  
20 sufficient supply of domestic paraffin wax to  
21 meet the demands in the U.S. The NCA also  
22 recognizes the concern stated in USTR's findings,



1 citing specifically the Chinese government goals  
2 published in its Made in China 2025 policy  
3 notice.

4 We respectfully submit that glass  
5 candle holders and paraffin wax are not the  
6 intended targets of the China policy. The  
7 findings have specifically expressed concerns  
8 that implementation of Made in China 2025 will  
9 unfairly benefit and bolster technology  
10 development in certain key sectors in China,  
11 making it difficult for the U.S. industries in  
12 those targeted sectors to compete.

13 The ten priority sectors identified in  
14 Made in China 2025 plan include, for example,  
15 robotics, biomedicine, and high-performance  
16 medical devices, to name a few. We are not any  
17 of those. Thus, removing these does not  
18 undermine the intended benefit of Section 301.  
19 The NCA asks the administration to remove glass  
20 candle holders and paraffin wax from its proposed  
21 list of products subject to the 301 tariffs for  
22 all of these reasons. Dear Committee Members,

1 thank you, again, for the opportunity to testify  
2 today. NCA will supplement this testimony, as  
3 necessary, with the submission of post-hearing  
4 comments, and I look forward to any questions.

5 MR. BISHOP: Thank you, Mr. La Zar.

6 Our next witness is Mark O'Bryan with  
7 TricorBraun. Mr. O'Bryan, you have five minutes.

8 MR. O'BRYAN: Thank you. Good  
9 afternoon. I'm Mark O'Bryan. I'm the chief  
10 operations officer of TricorBraun --

11 MR. BISHOP: Lift your mic a little  
12 bit, please.

13 MR. O'BRYAN: -- located in St. Louis,  
14 Missouri. TricorBraun was founded in 1902 as a  
15 private company that, for many years, has  
16 designed, purchased and sold various rigid and  
17 flexible packaging products and has been a leader  
18 in the consumer and industrial packaging  
19 industry.

20 We buy approximately \$1 billion worth  
21 of packaging every year. Of that, 75 percent is  
22 manufactured in the United States, 25 percent

1 from abroad, including China. TricorBraun is  
2 specifically concerned with the five tariffs  
3 listed in my testimony, which include glass  
4 bottles and jars, plastic sacks and bags, plastic  
5 stoppers, lids, and caps, plastic bottles,  
6 flasks, and pumps and sprayers. TricorBraun  
7 works with its manufacturing partners,  
8 domestically and globally, including in China, to  
9 produce the products covered by these HTSUS  
10 subheadings.

11 These products are designed in the  
12 United States, and TricorBraun provides the molds  
13 for these designs to its partner manufacturer for  
14 the production of these products, both  
15 domestically and abroad.

16 The proposals to increase tariffs on  
17 these packaging items would injure our company  
18 and small to mid-sized U.S. companies who source  
19 these items from us, without providing an  
20 identifiable benefit with regard to intellectual  
21 property, investment rights, and other matters,  
22 which the U.S. government is correctly concerned

1 with.

2 I'm here today to discuss the reasons  
3 why these injuries will occur without any benefit  
4 to the United States. First, shifting production  
5 of these non-U.S. products to U.S. manufacturers  
6 is simply not an option. U.S. manufacturers do  
7 not always have the capacity, equipment, or  
8 flexibility to produce the volume and variety of  
9 products that TricorBraun imports from China, and  
10 U.S. manufacturers have not invested in their  
11 capacity or flexible manufacturing capabilities  
12 required to produce these products.

13 For example, consider that between  
14 1985 and 2011, the number of U.S. glass plants  
15 decreased by 58 percent, dropping from 110 plants  
16 to 46 plants. In 2018, two more glass plants  
17 have closed. Consider, also, that in the U.S.,  
18 it takes approximately three years to bring a new  
19 glass furnace online.

20 Even with tariffs in place, there's no  
21 reason to believe that there will be increased  
22 capacity in the U.S., in light of factors like

1 the historical decline in glass plants and the  
2 challenges of adding new capacity.

3 On top of that, many other countries,  
4 including Mexico, are likely to be viable options  
5 for immediate capacity expansion. Second, our  
6 business is not one where a company such as  
7 TricorBraun can simply place an order with an  
8 alternative supplier and obtain the necessary  
9 products from a secondary source. TricorBraun  
10 has invested in approximately 400 molds that are  
11 designed to run specifically on the equipment  
12 from our Chinese manufacturing partners, just  
13 like we do with our U.S. partners. It would cost  
14 TricorBraun millions of dollars to shift mold  
15 locations, replicate production in other  
16 countries.

17 Even if TricorBraun were to move  
18 production to another country, we and our 5,000  
19 customers would have to endure a time-consuming  
20 trial process, in addition to the direct cost.  
21 Third, the affected products sold by TricorBraun  
22 are extremely price sensitive, and an immediate

1 increase in cost of these products would severely  
2 diminish our ability and our customers' ability  
3 to compete with foreign companies.

4 Foreign manufacturers who sell similar  
5 products directly into the U.S., and with whom we  
6 compete, would benefit immediately from a  
7 competitive pricing standpoint. In addition,  
8 because these packaging products are often the  
9 highest variable cost for our customers, an  
10 immediate increase in their costs would provide a  
11 competitive advantage to foreign companies with  
12 whom they compete, such as foreign wine and  
13 spirit bottlers, who sell finished products into  
14 the U.S. One of our many customers, A to Z  
15 Wineworks, a company in Oregon, has told us this,  
16 quote, the proposed tariffs would substantially  
17 increase our cost of goods on a key raw material,  
18 our glass bottle.

19 This would put this important input  
20 into wine production well above world market  
21 prices for wine bottles, while the finished wine  
22 would continue to be imported without any change

1 to their tariffs. Based on the highly  
2 competitive wine market, wine buyers are not  
3 willing to absorb price increases.

4 A 25 percent cost increase on the  
5 glass bottles would be unsustainable, and we are  
6 deeply concerned about its effect on future  
7 investment in the U.S., on our profitability, and  
8 our ability to compete with foreign wines, both  
9 in the U.S. and abroad.

10 Glass bottles are the next largest  
11 component in our supply chain costs, after the  
12 fruit costs and labor costs, unquote.  
13 Ultimately, foreign suppliers of these products,  
14 whether they're manufacturers or resellers of  
15 packaged goods, undoubtedly will step into the  
16 void created by our and our customers' diminished  
17 ability to compete. The proposed tariff poses a  
18 severe threat not only to the business of  
19 TricorBraun, but also to the important U.S. wine  
20 industry, food industry, cosmetics and personal  
21 care.

22 Finally, with the implementation of

1 tariffs, we expect our company to suffer economic  
2 losses and, in turn, the number of American jobs  
3 that we create in designing the products,  
4 commissioning molds, and distributing the  
5 products to U.S. customers to decrease in  
6 proportion.

7 For these reasons, we request the USTR  
8 to exempt the five HTSUS items that I listed at  
9 the beginning of my testimony from any additional  
10 duties that it may impose under Section 301.

11 Thank you for your attention.

12 MR. BISHOP: Thank you, Mr. O'Bryan.  
13 Our final witness on this panel is Matt Rowan  
14 with the Health Industry Distributors  
15 Association. Mr. Rowan, you have five minutes.

16 MR. ROWAN: Good afternoon. My name  
17 is Matt Rowan. I'm president and CEO of the  
18 Health Industry Distributors Association, or  
19 HIDA. I want to thank you all for the  
20 opportunity to testify on behalf of our members  
21 today. HIDA members are medical-surgical  
22 distributors. We deliver medical products and



1 supplies used in everyday medical services and  
2 procedures, ranging from gauze and gloves to  
3 diagnostic laboratory tests and capital  
4 equipment.

5 Our members' customers include over  
6 200,000 physician offices, 6,000 hospitals, and  
7 44,000 nursing homes and extended care facilities  
8 throughout the U.S. Our membership shares the  
9 goal of improving healthcare quality and managing  
10 costs, and tariffs on these products will erode  
11 the ability of the healthcare industry to deliver  
12 on these goals.

13 We urge the USTR 301 Committee to  
14 remove all products related to healthcare from  
15 the proposed tariff list. Any disruption to this  
16 critical supply chain erodes the healthcare  
17 industry's ability to deliver the quality and  
18 cost management outcomes that are key policy  
19 objectives of the country. These products are  
20 essential to protecting healthcare providers and  
21 their patients every single day. The healthcare  
22 products on the proposed list are used widely

1 throughout healthcare settings and are a critical  
2 component of our nation's response to public  
3 health emergencies, such as Ebola. Because they  
4 are used in virtually every healthcare setting,  
5 these tariffs will drive healthcare costs up  
6 across the board.

7 Also, small and medium sized American  
8 businesses, suppliers, and providers will be  
9 disproportionately impacted. The list of  
10 proposed products includes many healthcare  
11 products that are critical to protecting  
12 healthcare workers and their patients, products  
13 like gloves, isolation gowns, specimen bags, wet  
14 wipes are used every day, in virtually every  
15 patient encounter.

16 They're used widely in healthcare  
17 settings from hospitals to nursing homes,  
18 doctors' offices, surgery centers, and  
19 laboratories. These products represent a  
20 critical barrier to preventing infections and  
21 ensuring quality outcomes for patients. With  
22 infection prevention as a key initiative

1 throughout healthcare, usage of these products  
2 should be encouraged, not inhibited by tariff  
3 associated cost increases or disruptions.  
4 Additional tariffs and their resulting increase  
5 in price for these products should be avoided.  
6 Many of the products on the proposed 301 tariff  
7 list are critical to an effective response during  
8 public health scenarios.

9 Placing tariffs on these products  
10 would lead to product shortages and further  
11 exacerbate public health challenges during times  
12 of crisis. It would significantly limit the  
13 ability of all levels of government, as well as  
14 the commercial healthcare supply chain, to  
15 adequately support response efforts during  
16 emergency events.

17 If the proposed healthcare related  
18 products are included in the final USTR 301 list,  
19 it will increase the cost of healthcare and limit  
20 patient access to essential products, many of  
21 which support everyday medical procedures from  
22 annual wellness visits to major surgeries.

1           The healthcare supply chain is highly  
2 efficient and often serves providers with  
3 just-in-time deliveries. We have been able to  
4 reduce the cost of some products substantially,  
5 compared to their cost several years ago. These  
6 successes are due to the implementation of a  
7 lean, efficient, and global strategy, which  
8 includes sourcing products from China. While  
9 some of the products on the tariff list are made  
10 in other countries, there are usually more  
11 expensive options, and there are simply not  
12 enough products to fill the resulting gap created  
13 by eliminating China as a source.

14           Any ability of other suppliers to ramp  
15 up production would take up to one year or more,  
16 leaving the supply chain particularly vulnerable  
17 to chronic shortages. The immediate result will  
18 be a spike in demand, an increase in cost, and  
19 product shortages of critical supplies. Forty  
20 percent of HIDA members are considered small  
21 businesses by the Small Business Administration,  
22 with revenues of \$7.5 million or less.

1                   Medical-surgical distributors have  
2                   small margins, typically around 2 percent. A 25  
3                   percent tariff on healthcare related products  
4                   they sell would potentially cripple these  
5                   businesses. Many members specialize in products  
6                   that are sourced mainly from China and finding  
7                   other sources may not be possible. The resulting  
8                   gap in product inventory will be harmful and may  
9                   not be able to be overcome, as there are not  
10                  enough supply options to fill the gap. In  
11                  conclusion, HIDA believes that including  
12                  healthcare products on the final tariff list will  
13                  negatively impact the safety of healthcare  
14                  providers and their patients, as well as our  
15                  ability to respond in a public health crises.

16                         Tariffs on healthcare products will  
17                         ultimately drive up healthcare costs for every  
18                         American. HIDA appreciates the opportunity to  
19                         share our concerns with the USTR 301 Committee,  
20                         and we urge you to, once again, remove all  
21                         healthcare products from the proposed tariff  
22                         list. I'm happy to provide any additional

1 information you need and answer any questions you  
2 might have. Thank you.

3 MR. BISHOP: Thank you, Mr. Rowan.  
4 Madam Chairman, that concludes direct testimony  
5 from this panel.

6 CHAIR GRIMBALL: We'll begin in a few  
7 minutes. Thank you for your patience. Ready.

8 MS. BLEIMUND: Thank you. This  
9 question is for Shen Wei. Could you specify what  
10 is your company's total market share in the  
11 United States and whether any of your competitors  
12 source from countries other than China, Malaysia,  
13 or Thailand?

14 MS. CHOU: What makes our company  
15 special is that we specialize in customizing  
16 products for customers and we're leading  
17 innovations. We hold several patents in the  
18 United States and internationally. These  
19 products can only be made in China at this time.

20 This year, we have projected -- we had  
21 projected for more than 25 percent growth, but  
22 since the trade talks with China, we had asked

1 our partners in China to withhold the expansion,  
2 and we tried to source from Malaysia and Thailand  
3 at this time. Currently, our sales year-to-date,  
4 has already dropped 10 percent.

5 That's because our customers declined  
6 to accept products from these other countries  
7 because of quality issues. In general, in the  
8 premium product segment, we see no competitors in  
9 our space, but in general, I think we represent  
10 probably just about 1 percent of the overall  
11 category of disposable gloves into the country.  
12 But for our own category, we're the leader. We  
13 provide new products to customers, and our  
14 customers would depend on us to differentiate  
15 their products, to compete with bigger companies.  
16 Thank you.

17 MS. ZUCKERMAN: This question is for  
18 Mr. Frazier. Are there non-Chinese suppliers for  
19 Klearfold's plastic cartons, other than owner Hip  
20 Lik?

21 MR. FRAZIER: Within the U.S.?

22 MS. ZUCKERMAN: Or internationally.

1           MR. FRAZIER: Of course, within Europe  
2 and within the U.S., there are people that  
3 compete in our space. It's typically a very --  
4 considered a very, very small space in the  
5 folding carton industry. It's got a very high  
6 capital barrier to entry.

7           However, because it's perceived as a  
8 premium, a lot of times, competitors that are on  
9 the fringe of our capability will become  
10 inspired, so to speak, to try to get into our  
11 market. The issue is that they don't have the  
12 capabilities or the technical capacity.

13           By that, I mean the ability to combine  
14 printing techniques, the ability to provide the  
15 structural integrity, and the technology that we  
16 employ around the creasing of our material.  
17 Given the high barrier, the capital barrier for  
18 entry, we do -- but to answer your question, we  
19 do have competitors within the U.S. They're  
20 very, very small. They tend to come and go, and  
21 they tend to be general folding carton or paper  
22 folding carton suppliers, who have a desire to



1 supplement their business by getting into the  
2 plastic portion.

3 MS. D'ANDREA-YOTHERS: This question  
4 is for Mr. Jackson. It's actually kind of  
5 multiple questions. Could you explain the  
6 difference between resins produced by China and  
7 those produced in the U.S. and Brazil?

8 Secondly, why are Brazilian and U.S.  
9 resins not suitable for the type of products  
10 rosin resins produces? Has your company looked  
11 into whether U.S. or Brazilian companies are able  
12 to produce resins that meet your company's needs?  
13 If so, what were the results of that research?

14 MR. JACKSON: That is a lot of  
15 questions. I'll do my best to try to give you a  
16 succinct answer. First, I have to say that I  
17 really, really wanted to come to speak to you in  
18 July about the hydrocarbon resins, which were on  
19 List 2. Unfortunately, we were not able to, I  
20 guess, get our application in on time on that.  
21 Hydrocarbon resins and rosin resins are really  
22 very intimately connected. They're sort of two

1 sides of the same coin. Frankly, I feel like  
2 they should be considered on the same list. I'm  
3 not sure why they're separated.

4 But, having said that, and without  
5 trying to get into too much of a dissertation on  
6 the types of resin here, the rosin that's  
7 produced in the United States is mostly a  
8 byproduct of paper making, and it is produced in  
9 very -- these are the rosin resins, now -- these  
10 are very high volume, extremely low cost  
11 production processes.

12 The types of rosins that are produced  
13 in Brazil and China are very labor intensive, and  
14 they're literally tapped and extracted from a  
15 living tree, and then refined. Brazil does  
16 present a competitive option to China.  
17 Definitely, those products can be interchanged.

18 However, there are certain supply  
19 chains set up and existing customer formulations  
20 that are based on Chinese produced materials.  
21 Switching from one to the other will pose some  
22 obstacles and hurdles. For those companies that

1 are currently using Chinese made rosin resins,  
2 they will certainly be placed at a competitive  
3 disadvantage. Before I finish, I just want to  
4 comment on the hydrocarbon resins that are not on  
5 List 3, but are on List 2. The reason why we  
6 really need Chinese made hydrocarbon resins is  
7 because the feed stocks to make hydrocarbon  
8 resins is not really available anymore in the  
9 United States.

10 That is because of the very abundant  
11 low-cost natural gas that we have in the United  
12 States. We're all benefiting from that, but the  
13 fact is there's no more petroleum byproducts that  
14 come from the refining of crude oil. For that  
15 reason, hydrocarbon resins made in China really  
16 are necessary for U.S. adhesive producers. Thank  
17 you.

18 MS. KNISLEY: Mr. Jarvis, my questions  
19 are based on written testimony that were  
20 submitted ahead of time, so I'm going to use some  
21 of those questions.

22 MR. JARVIS: Thank you.

1 MS. KNISLEY: What prevents Yanjan  
2 from using substitute materials as feed stock in  
3 their manufacturing process? The next question  
4 is can you use machinery that's only been used to  
5 assemble products with the exact specifications  
6 of the Chinese raw material? Then are there no  
7 U.S. made products that can be used as feed stock  
8 in you all's manufacturing process?

9 MR. JARVIS: Thank you. The  
10 production of these next generation cloth-like  
11 fabrics is a high technology process. It depends  
12 upon the use of multiple raw materials or feed  
13 stocks, two of which are proprietary to the  
14 suppliers that manufacture the equipment.

15 The equipment is designed to use these  
16 two proprietary feed stocks. One could speculate  
17 whether U.S. companies could reverse engineer  
18 those Chinese proprietary blends and, perhaps,  
19 infringe their IP rights and seek competing  
20 products but, of course, that's exactly the kind  
21 of behavior that these 301 sanctions are designed  
22 to discourage.

1           I think, as a practical matter, these  
2           are the only known feed stocks available for the  
3           machinery that's already been purchased and is in  
4           the process of being installed. Alternative  
5           machinery is not known because this is a  
6           proprietary third generation, or next generation,  
7           I guess we should say, product. The investments  
8           have already been financed and allocated, and I  
9           think purchase agreements were in place for it,  
10          so I don't think it's possible to switch to  
11          alternative machinery. If the question was could  
12          the machinery be used with different feed stocks  
13          to produce a different product, I frankly don't  
14          know the answer to that question, but what I do  
15          know is that the existing contracts are for this  
16          specific product, so alternative products would  
17          not be commercially a financial alternative.

18                 Then, I guess your last question was  
19                 are there no available U.S. manufactured  
20                 products? There are none that I'm aware of, and  
21                 I've had an opportunity to inspect the plant.  
22                 I've seen this process -- none that I'm aware of

1 that compete with this next generation product on  
2 the comfort and softness dimensions of the  
3 cloth-like fabric.

4 MS. BONNER: Mr. Xu, in reading your  
5 testimony, it suggests that most, but not all, of  
6 the elastomers and chemicals that your company  
7 uses in its products are sourced from China. In  
8 your company's over 23-year history, has it ever  
9 used a U.S. or non-Chinese supplier for the  
10 materials that your written and oral testimony  
11 relate to?

12 MR. XU: Yes, actually, as of  
13 yesterday, we actually signed a sole distribution  
14 agreement for a zinc oxide product from Thailand,  
15 so our company does distribute materials from  
16 other parts of the world.

17 MS. BONNER: The ones that you're  
18 specifically requesting our Committee review,  
19 have you sourced those, ever, from alternate  
20 sources outside of China? If so, do those  
21 companies or places that you've sourced before  
22 still provide an option?

1                   MR. XU: For historical reasons that  
2 myself originally come from China, so going to  
3 China and source product from China is naturally  
4 my strength. I have been to, for example,  
5 Russia. I found it's very difficult to do  
6 business there.

7                   Of course, China is a large country.  
8 There is a lot of industry, a lot of people  
9 trying to make different products, so there are  
10 just so many availabilities of product there.  
11 That's probably the main reason that our  
12 company's products are mainly from China.

13                   MS. BONNER: Thank you. Thanks so  
14 much.

15                   CHAIR GRIMBALL: This question is for  
16 Mr. La Zar. I can't see your name. Hello. What  
17 quantity do you believe -- what quantity can the  
18 U.S. industry support with respect to the  
19 production of glass candle holders, on one end,  
20 and then separately, paraffin wax?

21                   Can glass candle holders,  
22 specifically, be obtained from other countries,

1 such as Mexico, which I think someone else on the  
2 panel mentioned manufactures glass?

3 MR. LA ZAR: To answer that, not  
4 enough for the industry. Percentage-wise, I can  
5 follow that up in my notes and submit, but for  
6 sure, not enough for the industry because the  
7 glass manufacturers here are not focused on the  
8 quality glass that we need.

9 They'd be more focused on glass they  
10 can mass produce for the industry, such as beer  
11 bottles, something they can automate better and  
12 be more competitive. Glass candles that we have,  
13 the ASTM standard, we don't make nearly as many  
14 as it would be lucrative for them to do.  
15 Therefore, they don't have as much to offer to  
16 us. As far as the wax goes, the industry here,  
17 the refineries have revamped, over 20-30 years,  
18 with new equipment. The byproduct wax is a much  
19 smaller percent now, somewhere in the  
20 neighborhood of 25 percent less than it would  
21 have been years ago. Therefore, they don't have  
22 enough wax for the industry, and we must import



1 it from China.

2 CHAIR GRIMBALL: Thank you.

3 MR. LA ZAR: You're welcome.

4 MS. PETTIS: I have a question for Mr.  
5 O'Bryan. Does TricorBraun have any other molds?  
6 That is you talked about 400 molds that are used  
7 in manufacturing equipment for China, but you  
8 also have molds, obviously, that you use in the  
9 United States. If so, approximately what  
10 percentage of your production requirements might  
11 remain in the U.S. glass plants, that the  
12 remaining U.S. glass plants be able to fill?

13 Has TricorBraun explored whether any  
14 of your molds that you mentioned in your  
15 testimony -- are any of them compatible with  
16 equipment by non-Chinese manufacturers, such as  
17 those in Mexico or anything like that, or are  
18 they very specific to China?

19 MR. O'BRYAN: They're very specific to  
20 the equipment that they're running on in China;  
21 that's correct. We pay to build those molds, to  
22 make a specific design bottle for what the

1 customer is looking for. The small to mid-size  
2 customers that we sell to, they compete against  
3 the big guys.

4 To differentiate their products on the  
5 shelf, they're looking for something different,  
6 so we are that source. We source those  
7 domestically, in some cases, when it makes sense,  
8 but we may source those offshore. To help them,  
9 we pay for the molds to get that done.

10 It's critical to differentiate their  
11 product. Given the quantities that they're  
12 buying, how they pack them, so that they can do  
13 the filling locally, all those factors come into  
14 play as to whether we would choose China, etc.

15 It's just very hard, once you've made  
16 that decision, to go into those facilities, take  
17 those molds away, reconfigure them to put them on  
18 another machine, in another location. That's the  
19 challenge that -- it's just very, very costly.

20 MS. PETTIS: Okay, thank you very  
21 much.

22 MR. MCCARTIN: I have a follow-up

1 question. I wanted to follow up on your example  
2 of the A to Z winery. You seem to suggest that  
3 if these tariffs go into place that you will not  
4 be able to supply them anymore, that winery,  
5 because your wine bottles would be too expensive.

6 You also seem to suggest that they  
7 would then have to, perhaps, source their wine  
8 bottles from somewhere outside the U.S., such as  
9 Mexico, if I understand your testimony. I'm just  
10 wondering why -- you mentioned that there's 44  
11 glass plants in the United States. Why would not  
12 one of those be able to supply the A to Z winery  
13 if you're wine bottles were too expensive?

14 MR. O'BRYAN: If they wanted to change  
15 the bottle type that they're filling, they could  
16 go buy from a U.S. manufacturer. I think the  
17 bigger challenge is just the amount of bottles  
18 that they buy, the boxes that they put them in,  
19 is all configured to the supply chain we've set  
20 up in China.

21 They're competing against the larger  
22 brands, like Constellation, et cetera, that are

1 buying in bulk, similar to what Mr. La Zar said  
2 for his candle guys. They're just not going to  
3 be able to give the attention to these smaller  
4 wineries that they're looking for. It then just  
5 de facto becomes a 25 percent increase in the  
6 cost of their goods.

7 MR. SULEWSKI: This question is for  
8 Mr. Rowan. Your submission had stated that China  
9 supplied 14 percent of the overall U.S. market  
10 for medical-surgical equipment. What percentage  
11 of the products referenced in your submission are  
12 imported from China? Are any of these products  
13 produced in the United States?

14 MR. ROWAN: The vast majority of what  
15 we call personal protective equipment -- so if  
16 you think about gowns, gloves, things of that  
17 nature -- are sourced in China, particularly  
18 isolation gowns. I don't have a percentage  
19 number for you, but I can tell you it's very,  
20 very high.

21 I think that same testimony, which I  
22 think might have been from Round 2, referenced a

1 survey by the U.S. Department of Commerce a few  
2 years ago that identified deep into the 80 and 90  
3 percents for some of these product categories.  
4 Again, what we term personal protective equipment  
5 for the healthcare worker, if you see, from the  
6 news report, the response workers from the Ebola  
7 crisis covered in head to toe, it's all that  
8 gear.

9 MR. BISHOP: We release this panel,  
10 with our thanks, and we invite the members of  
11 Panel 8 to please come forward and be seated.

12 Will the room please come to order?

13 Madam Chairman, our first witness on  
14 this panel is Dr. Daniel Fabricant with the  
15 Natural Products Association.

16 Dr. Fabricant, you have five minutes.

17 DR. FABRICANT: Thank you, and thank  
18 you for the opportunity to testify. I know it's  
19 been a long day.

20 NPA was founded in 1936 to promote and  
21 protect the unique values and shared interest of  
22 retailers and manufacturers of national

1 nutritional foods -- natural nutritional foods  
2 and natural products. We're the oldest trade  
3 association, oldest and largest trade association  
4 in the space since 1936 and we represent over  
5 1,100 members including but not limited to  
6 retailers, manufacturers, wholesalers,  
7 distributors of natural products including foods,  
8 dietary supplements, health and beauty aids. NPA  
9 is the biggest trade association for the  
10 supplement industry, which is an estimated \$45  
11 billion-a-year industry in the U.S.

12 What's important in the context of  
13 today's hearing is to emphasize that our industry  
14 is made up of a number of small and medium-sized  
15 businesses, and while the industry has existed  
16 for many years, it has only recently, really  
17 since the late '80s, transformed into a major  
18 engine of economic growth, customer satisfaction  
19 and job creation in the U.S.

20 Today America is the undisputed global  
21 leader in finished natural products and dietary  
22 supplements. We are the champs. But that

1 leadership position could be lost forever if  
2 these tariffs are put into effect.

3           There are three main reasons why our  
4 members are so concerned and why we're seeking  
5 exemptions or removal from the tariff lists  
6 altogether. First is that many businesses could  
7 be forced to close up shop altogether. And  
8 that's not meant to be hyperbole. These tariffs  
9 are simply unsustainable and unaffordable for  
10 them since in many cases China is the single  
11 largest global supplier of safe, reliable and  
12 cost-effective raw materials for their products.

13           Second is that these tariffs for our  
14 industry could have the exact opposite effect of  
15 their intent. They could actually result in  
16 reducing finished product manufacturing jobs here  
17 in the U.S. and send those jobs overseas, as it  
18 would be cheaper to do that than to pay the  
19 tariffs being proposed.

20           And finally, our economic competitors  
21 in Europe, Asia, South America would be the big  
22 winners. They would be able to maintain supply

1 to meet the growing demand for these products.

2 We're also seeking guidance from the  
3 Government on how the exclusion process will  
4 work, what the standards will be, how they'll be  
5 ensured to be uniform across the board for things  
6 from List 2 to List 3 in terms of granting  
7 exclusions and how the Government will collect  
8 the required data from companies while keeping  
9 CCI protected, confidential commercial  
10 information.

11 The U.S. domestic natural products  
12 industry is not a legacy industry and operates  
13 far differently than steel and aluminum. The  
14 U.S. actually has a trade surplus when it comes  
15 to finished dietary supplements and natural  
16 products. That's right, a surplus. We don't  
17 want to turn a current surplus of finished  
18 natural products into a trade deficit.

19 The issue at hand is whether these raw  
20 materials are available in safe supply from other  
21 sources, and I'm here to tell you they're simply  
22 not. China has and will continue to be the



1 virtual sole source for many ingredients on the  
2 globe that can handle large-scale demand of  
3 finished product manufacturers in the U.S. This  
4 is the result of years of collaboration between  
5 our two countries including development of  
6 quality assurance, safety, good manufacturing  
7 practices and regulatory compliance. As a  
8 result, the largest foreign FDA office in terms  
9 of inspecting foods is in China. In short, we  
10 have largely built today's positive and proven  
11 supply chain and we want to continue being the  
12 primary beneficiary of that hard work.

13 A good example of these are amino  
14 acids which are used in both dietary supplements,  
15 infant formula, a number of fortified foods,  
16 fundamental ingredients for our products. A  
17 member of our members are now contemplating  
18 moving their U.S. manufacturing to China to  
19 circumvent the tariffs. This isn't the intended  
20 result of the endeavor.

21 This American innovation, like so many  
22 other areas, is why we are the world leader.

1 This is what drives future product sales for this  
2 industry and it is why industry analysts  
3 currently project a 10 percent compound annual  
4 growth rate over the next 10 years. That  
5 impressive future and the jobs and economic  
6 growth it would provide would go straight from  
7 the U.S. to our economic competitors if we're not  
8 provided the justified relief we are seeking.  
9 It's that simple.

10 So again, I thank you for the  
11 opportunity to testify and I'd be happy to answer  
12 any questions. We applaud the administration's  
13 effort to help American jobs and businesses and  
14 we want work with you in this area to maintain  
15 our Government leadership. Thank you.

16 MR. BISHOP: Thank you, Dr. Fabricant.

17 Our next witness is Richard Harper  
18 with the Outdoor Industry Association.

19 Mr. Harper, you have five minutes.

20 MR. HARPER: Good afternoon. My name  
21 is Rich Harper. I'm the manager of International  
22 Trade at Outdoor Industry Association. I'm

1 honored to be here today to testify on behalf of  
2 OIA and our members on the impact of the proposed  
3 10 to 25 percent tariffs on outdoor companies and  
4 their specific products presently on the \$200  
5 billion dollar annex related to this Section 301  
6 investigation on China's intellectual property  
7 practices.

8 OIA is the trade association for more  
9 than 1,300 companies across the United States  
10 including suppliers, manufacturers and retailers  
11 of outdoor products. The outdoor industry  
12 generates more than \$887 billion in consumer  
13 spending and accounts for 7.6 million American  
14 jobs in the United States. Our members produce  
15 some of the most innovative products that reach  
16 all corners of the globe, enriching people's  
17 lives by supporting healthy and active  
18 lifestyles.

19 Outdoor companies produce some of the  
20 most innovative highly-technical products  
21 designed to enhance the outdoor experience.  
22 Despite the fact that there no commercially

1 significant domestic production of many of the  
2 outdoor products listed in the Federal Register  
3 notice, they already face significant import  
4 tariffs, as high as 17.6 percent for backpacks  
5 and 20 percent for sports bags.

6 Additional outdoor products impacted  
7 by the proposed tariffs include camp chairs,  
8 kayaks, leather ski gloves, bikes, climbing  
9 helmets and other headwear. And additional 10  
10 percent tariff would raise costs for outdoor  
11 companies and force them to make some tough  
12 decisions.

13 Many of the contracts outdoor  
14 companies have signed with their vendors cannot  
15 be changed. They will be forced either to absorb  
16 the costs of the higher tariff or pass it along  
17 to the consumer. Regardless, the effect will be  
18 to hamper the innovation the industry is known  
19 for and outdoor consumers demand. It will mean  
20 less money for the design, development and  
21 testing of new technologies and products.  
22 Raising the tariff to 25 percent could very well

1 put some small and medium-sized businesses out of  
2 business.

3           Ultimately this means outdoor  
4 companies will be unable to create new U.S. jobs  
5 and in some cases may be forced to eliminate  
6 existing jobs. It will force some companies to  
7 discontinue popular profitable products and cease  
8 the development of new products that could  
9 significantly grow the company and the overall  
10 outdoor recreation economy and it will put many  
11 of these products out of the reach of U.S.  
12 consumers who are looking to pursue healthy and  
13 active lifestyles in the great outdoors.

14           While outdoor companies are actively  
15 looking to diversify their sourcing options out  
16 of China in several cases such as travel goods,  
17 China continues to dominate the market with the  
18 infrastructure and skilled workforce outdoor  
19 products require. Other countries that are  
20 viable sourcing options may already be at  
21 capacity and unable to accommodate a massive  
22 immediate shift of supply chains out of China.

1 It will take additional time, significant  
2 investment and training to shift supply chains to  
3 other countries. Our companies are prepared to  
4 do just that, but additional tariffs at this time  
5 could negatively impact their ability to remain  
6 competitive and make the necessary investments to  
7 do so.

8 In the meantime additional tariffs on  
9 these products sourced out of China could force  
10 some outdoor companies to choose between higher  
11 costs and lower quality for their products. In  
12 the competitive market of the outdoor recreation  
13 economy that is a choice outdoor companies do not  
14 want to make. Or they could discontinue the  
15 products altogether, depriving outdoor consumers  
16 of some of the best, most innovative products on  
17 the market.

18 The proposed tariffs could also  
19 negatively impact our Made in U.S.A. members.  
20 The latest list includes some inputs such as wool  
21 yarn used in the manufacture of final products in  
22 the U.S. such as wool socks. If implemented, the

1 proposed tariffs would raise costs for these  
2 companies and cost jobs in domestic  
3 manufacturing. These inputs are not available  
4 domestically in the quality and amounts required.  
5 As costs rise on these inputs domestic  
6 manufacturers will be at a competitive  
7 disadvantage to the finished products imported  
8 from China that will not face an additional  
9 tariff.

10 None of the outdoor products covered  
11 by the Harmonized Tariff system subheadings in  
12 the most recent Federal Register notice are  
13 related or contain technologies at issue in  
14 China's Made in China 2025 Industrial Policy  
15 Program. While outdoor companies share the  
16 administration's concern about China's  
17 intellectual property practices and force  
18 technology transfers, additional tariffs on these  
19 products will not create leverage in the  
20 administration's ongoing efforts to resolve these  
21 issues. These tariffs will instead hurt U.S.  
22 outdoor brands, many of which are small and

1 medium-sized businesses and raise prices for U.S.  
2 consumers.

3 We urge the administration to continue  
4 to engage in the dialogue with our Chinese  
5 counterparts on these matters and develop a  
6 comprehensive solution. OIA is grateful for the  
7 opportunity to appear at this hearing. Thank you  
8 for your attention to this important matter and I  
9 welcome your questions.

10 MR. BISHOP: Thank you, Mr. Harper.

11 Our next witness is Ethan Sigler of EW  
12 Polymer Group, LLC.

13 Mr. Sigler, you have five minutes.

14 MR. SIGLER: Good afternoon. My name  
15 is Ethan Sigler and I'm here today on behalf of  
16 EW Polymer Group, LLC, which is a new  
17 import/export female and minority-owned business  
18 based in Miami, Florida. EW Polymer Group was  
19 formed to provide synthetic rubber, natural  
20 rubber and rubber chemicals to the U.S. rubber  
21 market. These raw materials are in short supply  
22 in the U.S. where demand far exceeds capacity.



1 We provide the market with global options for  
2 supply including products produced in China.

3 Over the past 20 years U.S. synthetic  
4 rubber and rubber chemical manufacturing has  
5 contracted due to a variety of factors, including  
6 declining demand and increasing costs. The  
7 rubber industry has therefore been dependent on  
8 imported raw materials to produce a wide variety  
9 of products. The good news is that the industry  
10 has experienced a resurgence in the past two to  
11 three years with several new large tire  
12 manufacturing facilities constructed or under  
13 construction.

14 The tire, mining and mechanical rubber  
15 goods markets are more and more dependent on  
16 imported raw materials to supply this increased  
17 demand. Many of these raw materials have no or  
18 insufficient production capacity in the U.S. For  
19 example, 100 percent of natural rubber is  
20 imported, 80 percent of rubber chemicals are  
21 imported, and 40 percent of synthetic rubber  
22 demand is imported.

1                   Some key synthetic rubber types such  
2                   as styrene butadiene rubber, butadiene rubber and  
3                   butyl rubber have only one merchant producer in  
4                   the U.S. The upward pricing pressure on the  
5                   industry from this situation can only be  
6                   mitigated through imports. China does not  
7                   currently import significant quantities of these  
8                   products into the U.S.

9                   Implementing tariffs of up to 25  
10                  percent on synthetic rubber, natural rubber and  
11                  rubber chemicals would have a strong negative  
12                  impact on U.S. industries using rubber as a  
13                  primary raw material. These industries produce  
14                  revenues of close to 40 billion annually and  
15                  employ over 150,000 U.S. workers. Increased  
16                  prices of tires, mining equipment, car parts and  
17                  industrial rubber goods would impact all U.S.  
18                  consumers negatively.

19                  As the U.S. rubber product  
20                  manufacturing industry expands there have been  
21                  zero announced plans to build new basic raw  
22                  material factories in the U.S. Competitively

1 priced imports will continue to be necessary for  
2 the foreseeable future. Sourcing these raw  
3 materials from China is one option EW Polymer  
4 Group offers to the industry to support the  
5 continued expansion of U.S. industry.

6 We request an exclusion from the  
7 proposed tariffs on Chinese synthetic rubber,  
8 natural rubber and rubber chemicals. Thank you  
9 for the opportunity to speak today.

10 MR. BISHOP: Thank you, Mr. Sigler.

11 Our next witness is Terry Witzel of  
12 Onward Manufacturing Company.

13 Mr. Witzel, you have five minutes.

14 MR. WITZEL: Good afternoon, Madam  
15 Chairman and members of the Section 301  
16 Committee. My name is Terry Witzel and I am the  
17 president of Onward Manufacturing Company.  
18 Onward manufactures high-quality gas grills at  
19 facilities in Huntington, Indiana, and Dickson,  
20 Tennessee. Our gas grills are sold under the  
21 Broil King brand, have received top ratings in  
22 online reviews and by Consumer Reports.

1                   We currently employ approximately 500  
2 individuals in Indiana and Tennessee and have  
3 recently supported more than 700 well-paying  
4 manufacturing jobs at these facilities. We also  
5 operate a manufacturing facility in Waterloo,  
6 Ontario.

7                   Although other companies manufacture  
8 gas grills in the United States, our company's  
9 extensive vertical integration sets up apart.  
10 Other well-known U.S. companies import a  
11 significant percentage of their product lines  
12 from China or import major components that are  
13 assembled into finished grills here. Our  
14 company's operations are different. Our  
15 employees convert steel coils and aluminum ingots  
16 into finished gas grills, operations that involve  
17 injection molding, die casting, metal stamping,  
18 fabrication, porcelain enameling, painting, final  
19 assembly, packaging, supply chain, distribution,  
20 engineering, all performed by employees here in  
21 the United States.

22                   Since 2008, our company has made

1 significant investments in U.S. manufacturing  
2 resulting in two of the best gas grill plants in  
3 the world located in Indiana and Tennessee.

4 Until recently, our strategy of building gas  
5 grills in the U.S. has been successful with our  
6 company steadily increasing its production and  
7 sales between 2008 and 2017.

8           During this same time, like so many  
9 other manufactured products, low-priced gas  
10 grills imported from China have decimated the  
11 U.S. industry. Several of our competitors have  
12 moved all or a substantial portion of their  
13 operations and the associated jobs to China.  
14 Others have been unable to continue their  
15 operations and have simply closed or declared  
16 bankruptcy.

17           Our company fully supports the  
18 administration's commitment and actions to  
19 confront the Chinese government's unfair trade  
20 practices that have decimated many U.S.  
21 industries, their companies and their employees.  
22 Nevertheless, the increased duties imposed on

1 steel and aluminum from China, either through the  
2 operation of unfair trade orders issued in 2016  
3 or the Section 232 duties imposed by the  
4 president earlier this year, have caused  
5 increased costs for U.S. manufacturers and have  
6 created an incentive for U.S. and Chinese  
7 companies to import finished gas grills from  
8 China to the United States. Indeed, our company  
9 estimates that 8 million gas grills that China is  
10 likely to export to the United States this year  
11 will contain approximately 400,000 tons, or more  
12 than 20,000 ocean-going containers, of Chinese  
13 steel.

14 Unless strong action is taken properly  
15 by the president to stop the surge in Chinese gas  
16 grills coming to the United States duty-free, our  
17 company will almost certainly be forced to reduce  
18 significantly and potentially close our U.S.  
19 operations. The 10 percent duty that has been  
20 proposed on imports of gas grills from China  
21 would provide only minimal help against the  
22 onslaught confronting our company and our

1 industry.

2           Rather, a Section 301 duty of 25  
3 percent is needed to offset the many advantages  
4 enjoyed by our Chinese competitors. These  
5 include access to subsidized and low-cost raw  
6 materials and financing, access to low-cost labor  
7 and social benefits, the absence of meaningful  
8 workplace safety and environmental regulation and  
9 a currency that is manipulated by the Chinese  
10 government.

11           Second, in addition to imposing a duty  
12 of 25 percent on Chinese gas grills under Section  
13 301 we strongly urge the administration to work  
14 aggressively to resolve the trade frictions with  
15 the United States' long-standing allies in Canada  
16 and the European Union. As a result of the  
17 ongoing trade frictions our company's exports to  
18 those markets are severely compromised and the  
19 retaliatory duties imposed by Canada and the E.U.  
20 are hurting our operations. Indeed, fully 60  
21 percent of the gas grills we produce in the  
22 United States are exported to Canada and the E.U.

1                   Third, we request that certain minor  
2 component parts that our company consumes in  
3 manufacturing gas grills here in the United  
4 States be removed from Annex C or List 3. We  
5 will submit a complete list of the relevant  
6 tariff classifications with our written comments  
7 on September the 5th.

8                   Onward is strongly committed to  
9 sourcing from U.S. suppliers. More than 90  
10 percent of our steel is sourced in the United  
11 States. Further, we have always required our  
12 suppliers to certify that the steel we purchase  
13 is not manufactured in China. Nevertheless, a  
14 limited number of small parts required for our  
15 operations are simply not available in the United  
16 States at a competitive price.

17                   For these reasons we urge that action  
18 be taken to: (1) impose a 25 percent Section 301  
19 tariff on imports of gas grills from China; (2)  
20 resolve the ongoing retaliatory duties imposed by  
21 China -- or sorry, Canada and the E.U.; and (3)  
22 remove certain minor components from Annex C.



1 Absent such actions the continuation of our  
2 company's operations in the United States will be  
3 seriously at risk.

4 Thank you and I would be pleased to  
5 answer any questions you might have regarding my  
6 testimony.

7 MR. BISHOP: Thank you, Mr. Witzel.

8 Our next witness is Jerry Johnson with  
9 Blount International.

10 Mr. Johnson, you have three minutes.  
11 I'm sorry, five minutes.

12 MR. JOHNSON: Thank you. Thank you  
13 for the opportunity to appear before you today  
14 and to state our case.

15 My name is Jerry Johnson and I'm the  
16 president of our Farm, Ranch and Agricultural  
17 Division of Blount International. I'm here today  
18 because our company is being hit on multiple  
19 fronts by the tariffs affecting the future of our  
20 log splitter business and the employees who  
21 manufacture them.

22 Specifically, more than 230 Blount

1 employees proudly manufacture finished log  
2 splitters in our Kansas City, Missouri, facility.  
3 We produce a key component of those log  
4 splitters, specifically the beam made of U.S.  
5 steel in our Oregon, Illinois, facility which  
6 employs 250 employees. We have additional  
7 facilities in the U.S. for a total of more than  
8 1,600 employees.

9 We use both U.S.-made and imported  
10 components to manufacture the finished log  
11 splitters classified in HTS 8456.96.00. These  
12 finished log splitters were originally on the  
13 list of items valued at \$16 billion issued by the  
14 USTR, but after the review process were removed.  
15 We submitted comments and post-hearing comments  
16 refuting the disingenuous claims by certain U.S.  
17 importers that these type of machines were not  
18 made in the U.S. Disappointingly, the USTR  
19 decided to remove the finished log splitters from  
20 the final list. Thus, right now Chinese-  
21 manufactured finished log splitters are given a  
22 significant preferential advantage over U.S.-made

1 log splitters. Why are the Chinese log splitters  
2 getting such an advantage?

3 As I stated previously, we're using  
4 both U.S.-made and imported components. Four of  
5 the components we use to manufacture log  
6 splitters here in the U.S. are imported from  
7 China, and these items are listed on List 1  
8 valued at \$34 billion subject to 25 percent  
9 tariffs. That means the Chinese finished log  
10 splitter is getting a duty break while we're  
11 paying additional duties for our few imported  
12 components needed to manufacture the finished  
13 machine here in U.S. Additionally, we're facing  
14 duties on our saw chain from China currently  
15 proposed on List 3.

16 We therefore ask that the U.S. impose  
17 the 25 percent tariff on finished log splitters  
18 under HTS 8456.96.00.

19 In addition, we ask that the log  
20 splitter components and the saw chain that we  
21 import from China be removed from the final 301  
22 list to keep our U.S.-made log splitters

1 competitive. Specifically, these items are: in  
2 List 3, HTSUS subheadings 8202.40.30, saw chain  
3 blades; 8202.40.60, another saw chain blade; in  
4 List 1, HTSUS subheadings 8466.92.50, which  
5 includes parts of articles heading 8465.96.00;  
6 8412.21.00, which is hydraulic cylinders;  
7 8413.60.00, which is hydraulic pumps, fluid  
8 pumps; and 8481.40.00, which is safety relief  
9 valves. We're submitting product-specific  
10 exclusion requests on these items.

11 Blount has been a provider of finished  
12 log splitters for decades. In fact, Blount  
13 worked with some of the U.S. retailers to develop  
14 specific models of log splitters to their  
15 specifications. As a result and to meet the  
16 retailers' growing volume demands, Blount  
17 undertook millions of dollars in capital  
18 investment including, but not limited to robotic  
19 welding, laser cutting, expanded assembly areas  
20 and installation of SAP, which is an enterprise  
21 resource planning software. Following these  
22 investments one of our customers shifted sourcing

1 to China, a move that dealt an economic blow to  
2 our company and forced job losses.

3 In closing, we want to keep  
4 manufacturing log splitters in the U.S. and  
5 employing U.S. workers, but in order to do so we  
6 need you to add HTS 8456.96.00, finished log  
7 splitters, to the \$200 billion list and remove  
8 HTS 8202.40.30 and 8202.40.60, saw chain blades,  
9 and remove HTS 8466.92.50, 8412.21.00 and  
10 8413.60.00.

11 Thank you again for this opportunity  
12 to appear before you today and I welcome any  
13 questions.

14 MR. BISHOP: Thank you, Mr. Johnson.

15 Our next witness is David Stevens with  
16 the Tire Retread and Repair Information Bureau.

17 Mr. Stevens, you have five minutes.

18 MR. STEVENS: As managing director of  
19 the Tire Retread and Repair Information Bureau,  
20 I'm here today to represent the thousands of  
21 U.S.-based employees of small to medium-sized  
22 businesses that are either directly or indirectly

1 involved in the tire repair and retreading  
2 industries. I'm commenting today specifically on  
3 the tariff subheadings related to new and  
4 retreaded tires for trucks and buses.

5 In the U.S., the commercial truck and  
6 retreat industry grew rapidly during World War II  
7 to support the war effort and is now a \$3 billion  
8 industry which directly supports more than 51,000  
9 jobs in the U.S. Retreading has continued to  
10 play an important role in the trucking industry  
11 by delivering safe, reliable and high-performing  
12 tires that help trucking fleets keep their  
13 operating costs low. At the same time,  
14 retreading also delivers massive environmental  
15 benefits by saving scarce natural resources,  
16 reducing carbon emissions and preventing tires  
17 from being dumped in landfill and becoming  
18 breeding ground for disease-carrying insects.

19 However, this industry and its U.S.  
20 employees are under severe threat from low-cost,  
21 low-quality truck tires being imported from  
22 China. Every other type of tire being imported

1 from China into the U.S. faces some type of duty,  
2 whether passenger, agricultural, or large off-  
3 the-road tires. In fact, the International Trade  
4 Commission looked at the issue of commercial  
5 truck tires coming from China and recommended  
6 antidumping duties as high as 22.7 percent and  
7 countervailing duties as high as 65.46 percent.  
8 At the final vote one commissioner recused  
9 himself from voting allowing the recommended  
10 duties to not be implemented. This decision is  
11 currently being appealed to the Court of  
12 International Trade.

13 Multiple other countries around the  
14 world have already implemented tariffs on Chinese  
15 truck and bus tires being imported to their  
16 countries and the European Commission has  
17 recently recommended countervailing duties as  
18 high as 82 euros per commercial truck and bus  
19 tire.

20 Historically, retreading has always  
21 represented 50 percent of the commercial truck  
22 tire replacement market in the U.S. Since 2013,

1 the compound annual growth rate of the commercial  
2 truck tire replacement market has been 5.4  
3 percent while the retread industry has declined  
4 by 2.1 percent. This means that in 2017,  
5 retreading only represents 42 percent of the  
6 truck tire replacement market and implies a loss  
7 of 2.45 million retreaded truck tire units. This  
8 decline in the retread industry is completely  
9 driven by low-cost, low-quality Chinese truck  
10 tire imports.

11 Retread manufacturers and supporting  
12 industries have had to lay off employees, reduce  
13 hours and close their businesses in the face of  
14 this unfair competition.

15 I say unfair competition, and my  
16 assertion is backed up by price points here in  
17 the U.S. and in China. For example, let's look  
18 at the pricing for the most popular truck tire  
19 size in the U.S., 11R22.5. The average sales  
20 price of that tire produced by U.S. manufacturers  
21 across multiple quality tiers is \$231. The cost  
22 of production for that tire, material and



1 variable labor costs only is \$135. U.S.  
2 retailers can buy that same size tire from  
3 Chinese tire manufacturers for \$125 and then sell  
4 them on for \$170. That same tire sold by Chinese  
5 manufacturers in their own country is sold for  
6 between 180 and \$220 per tire.

7 This impacts the retread industry  
8 because the cost savings for a retreaded tire  
9 compared to a new tire have historically been  
10 around 40 to 50 percent less than the cost of a  
11 quality new tire. With a price point of these  
12 low-cost, low-quality Chinese tires getting  
13 closer to the price of retreaded tires, many  
14 customers are looking only at price instead of  
15 total cost of ownership and choosing to buy these  
16 Chinese tires.

17 However, these low-cost, low-quality  
18 tires will not last as long, nor will many of  
19 their casings be retreadable. So the tires will  
20 need to be replaced sooner and there's no  
21 residual value in the tire casing as many are not  
22 high enough quality to be retreaded.

1           Large trucking fleets are continually  
2 testing their new tire products and have  
3 consistently found that a combination of quality  
4 new tires and retreaded tires provide the lowest  
5 cost per mile for their business. This is why  
6 100 percent of the 100 largest trucking fleets in  
7 the U.S. use retreaded tires in their operations  
8 and time-sensitive operations, such as UPS,  
9 FedEx, the U.S. Postal Service, continue to  
10 utilize retreaded tires.

11           I don't have the time at this hearing  
12 to fully explain or rebut some of the  
13 misconceptions about tire retreading, but let me  
14 assure you that multiple state and federal  
15 studies have looked into the safety, reliability,  
16 and performance of retreaded tires and each of  
17 these has recommended that retreaded tires are  
18 used in more instances throughout government and  
19 private fleets.

20           I am implore you to protect the  
21 thousands of hardworking men and women in these  
22 small to medium-sized businesses spread through

1 the U.S. from unfair competition and pricing by  
2 low-cost, low-quality Chinese tire manufacturers  
3 and putting in place tariffs that meet the  
4 recommendations of the ITC study of between 23  
5 and 65 percent. Thank you for your time and  
6 consideration.

7 MR. BISHOP: Thank you, Mr. Stevens.

8 Our final witness on this panel is  
9 Joseph Cohen with Snow Joe, LLC.

10 Mr. Cohen, you have five minutes.

11 MR. COHEN: Thank you. Good evening.  
12 I'm Joseph Cohen, the founder and CEO of Snow  
13 Joe. I am here today to testify about the  
14 significant harm that would be caused to American  
15 consumers and businesses if a 25 percent or even  
16 10 percent tariff is imposed on various consumer  
17 products offered by company's Sun Joe Division.

18 I have twice testified before this  
19 Committee in connection with the first two rounds  
20 of proposed tariffs. I have appreciated the  
21 Committee's careful consideration of the impact  
22 of these tariffs on ordinary consumers and I am

1 grateful for the removal of several tariff lines  
2 of concern to my company from the first and  
3 second final tariff lists.

4           Nevertheless, both of those lists  
5 still include several items that will cause undue  
6 harm to Snow Joe and our customers. That is why  
7 I am even more concerned about the USTR's most  
8 recently proposed tariff list.

9           This latest list covers no less than  
10 10 tariff lines of critical importance to my  
11 company including electric and cordless pressure  
12 washers, leaf blowers, air compressors, vacuums,  
13 specialty garden hoses and shovels, and various  
14 parts and accessories for these items.

15           Snow Joe is a thriving and rapidly  
16 growing company which creates work for hundreds  
17 of Americans and has more than \$250 million in  
18 annual retail sales. We take pride in our  
19 continued development of innovative and high-  
20 quality outdoor tools for American consumers of  
21 all ages who seek to clear their own snow, do  
22 their own yard work and care for their own

1 gardens and homes.

2 We invest heavily in American R&D and  
3 provide work for approximately 300 people  
4 primarily in the greater New Jersey and New York  
5 areas. Just last month we opened a new 277,000  
6 square foot state of the art distribution and R&D  
7 facility in Mahwah, New Jersey, that will support  
8 at least 100 more jobs. We are also expanding  
9 into Washington State with a planned 200,000  
10 square foot facility in 2020.

11 With the threat of so many tariffs  
12 looming over my business cost pressures are  
13 making it increasingly difficult to remain  
14 competitive and continue to create high-quality,  
15 well-paying American jobs. While I recognize and  
16 appreciate the goals the administration has set  
17 in imposing these tariffs, tariffs on consumer  
18 items like gas-free pressure washers, leaf  
19 blowers, air compressors and vacuums would harm  
20 American consumers and businesses without  
21 advancing the administration's goals.

22 The reason is simple: Many of Snow

1 Joe's products are designed and developed in the  
2 United States, but they are manufactured in China  
3 out of necessity. Since launching my company, I  
4 have always looked first for U.S. suppliers for  
5 our products. When we can we source from the  
6 United States. But just as was the case for  
7 other products on which I testified in the two  
8 prior rounds, we are not aware of an U.S.  
9 production of these types of electric and  
10 cordless outdoor tools that we design and sell,  
11 including the pressure washers, leaf blowers, air  
12 compressors and vacuums that are on the newly-  
13 proposed tariff list.

14 As I have testified in the past, it is  
15 simply not realistic to manufacture these  
16 products in the near term in the United States.  
17 For example, the seasonal nature of many of our  
18 products provides little incentive for the  
19 massive investment that would be needed to create  
20 new production facilities, nor can existing  
21 production facilities easily be converted to such  
22 production. Each of our non-gas-powered outdoor

1 tools requires special and costly equipment, such  
2 as the pumps used in our pressure washers.

3 The specific equipment needed for each  
4 product means that we need to source each product  
5 from individual factories dedicated to production  
6 of that one particular product. This equipment  
7 cannot be used for other items, meaning one  
8 factory cannot be used to produce different  
9 products depending on the season. For a small  
10 but growing company like mine, investment in  
11 building a new factory in the U.S. from scratch  
12 for each product is simply not commercially  
13 feasible.

14 For similar reasons, it is also not  
15 economically feasible for Snow Joe to shift  
16 production of our specialty garden hoses and  
17 shovels outside of China. For example, Snow  
18 Joe's garden hoses are uniquely lightweight,  
19 kink-resistant and manufactured using specialty  
20 woven materials. The manufacturing process for  
21 these hoses is highly labor-intensive due to the  
22 hand application of the specialty material.

1       These hoses currently retail for as little as \$20  
2       at Walmart, making them affordable for the  
3       average consumer. Moving manufacturing to the  
4       United States would have substantial production  
5       costs which would in turn require that Snow Joe  
6       raise prices for these products significantly  
7       which would simply price these products out of  
8       the U.S. market.

9               We are therefore unable to offset the  
10       impact of these tariffs on our company and  
11       consumers by moving production of specialty  
12       outdoor tools to the United States. With no  
13       known U.S. or significant third-country supply  
14       source outside of China for the items impacted by  
15       the proposed tariffs and in light of the  
16       significant hurdles to building such capacity in  
17       the United States in the near term, we have no  
18       choice but to rely on existing sources in China.  
19       If tariffs are imposed, we will be unable to  
20       offset these impacts by shifting suppliers. As a  
21       result the tariffs will essentially act as a tax  
22       on U.S. consumers who rely on our affordable,



1 easy to use products for their home maintenance  
2 needs.

3 At the same time, these tools are not  
4 Made in China 2025 priorities. For example, the  
5 pressure washers offered by my company are used  
6 by consumers. In fact, these products weigh  
7 between 12 and 40 pounds and retail for between  
8 \$100 and \$300. As an example I have included an  
9 attachment of one of our pressure washers that  
10 has been Amazon's best seller for the last three  
11 years with more than 5,000 product reviews.

12 These products are not intended for  
13 and cannot be used in industrial applications,  
14 nor is Snow Joe aware of any instances of Chinese  
15 intellectual property theft with respect to these  
16 products. As such, the goals of this  
17 investigation would not be advanced by imposing  
18 tariffs on these consumer products.

19 For these reasons Snow Joe  
20 respectfully requests that the USTR exclude  
21 electric and cordless pressure washers, leaf  
22 blowers, air compressors, vacuums, specialty

1 garden hoses and shovels, and various parts and  
2 accessories from these items from its proposed  
3 tariff list. Thank you for this opportunity to  
4 present these views today. I am happy to answer  
5 any questions.

6 MR. BISHOP: Thank you, Mr. Cohen.

7 Madam Chairman, that concludes direct  
8 testimony from this panel.

9 CHAIR GRIMBALL: Thank you for your  
10 patience. We're ready to begin.

11 MS. ZUCKERMAN: Dr. Fabricant, in your  
12 submission you argue that many of the products  
13 you listed are dependent on sourcing from China.  
14 In your experience, which types of goods are less  
15 dependent on China for your industry's sourcing  
16 needs, intermediate goods or finished goods?

17 DR. FABRICANT: Intermediate. The raw  
18 materials. Vitamins, minerals, amino acids  
19 largely are -- you wouldn't be able to get supply  
20 anywhere other than China.

21 MS. ZUCKERMAN: Thank you.

22 MS. D'ANDREA-YOTHERS: This question

1 is for Mr. Harper.

2 In your testimony you argue it takes  
3 significant investment and training to shift  
4 supply chains to other countries. Can you walk  
5 us through the factors your members take into  
6 account when looking to shift sourcing?

7 MR. HARPER: I think there are a  
8 number of factors that our members look into.  
9 The first is the quality of the product. These  
10 are innovative, highly-technical products  
11 developed specifically to enhance the outdoor  
12 experience, and so first and foremost, they want  
13 to be sure that the factories that they're  
14 sourcing from are able to develop the products of  
15 the quality and the technological standards that  
16 they expect and that our members expect.

17 And certainly cost is also a factor in  
18 developing these sourcing options. So our  
19 members are consistently looking for  
20 opportunities to find new sourcing options, but  
21 as in the case with travel goods in particular,  
22 China continues to dominate the market. And

1 while they might look for other options outside  
2 of China, it does take time and investment to be  
3 able to shift those supply chains specifically  
4 for the kind of highly technical, innovative  
5 products that our members expect.

6 MS. BONNER: Mr. Sigler, my question  
7 is in your submission you note that China has not  
8 and does not currently export any significant  
9 volume of SBR, BR, or natural rubber to the  
10 United States.

11 MR. SIGLER: That's correct.

12 MS. BONNER: And then you note that  
13 implementing tariffs on these products would have  
14 a strong negative impact on U.S. industries. Can  
15 you help reconcile those two statements for the  
16 Committee?

17 MR. SIGLER: Yes, we were referring to  
18 a number of different products in our testimony.  
19 For synthetic rubber, which we referenced the  
20 SBR, BR, and butyl rubber, there's substantial  
21 new demand coming in the U.S. There are other  
22 countries which can supply this, but there are

1 massive amounts of spare capacity in China that  
2 can be utilized to the benefit of U.S. producers,  
3 whereas some of the other products we mentioned  
4 such as rubber processing chemicals, over 80  
5 percent of the supply into the U.S. rubber market  
6 comes from China. And that's where we would see  
7 the immediate negative benefit, whereas on the  
8 synthetic rubber types it was more of an issue of  
9 missing out on the opportunity of utilizing this  
10 spare capacity for the benefit of the industry  
11 that does not exist in the U.S.

12 MR. SECOR: My question is for Mr.  
13 Witzel. If tariffs were to be imposed on gas  
14 grills from China, do you think foreign  
15 production would remain in China or shift to a  
16 third country? And if it did shift, how quickly  
17 would that happen?

18 MR. WITZEL: I think that's a great  
19 question, and I -- it's definitely a concern of  
20 ours. My guess is some of our competitors are  
21 working on that already and we certainly have to  
22 look at other jurisdictions, as well, in case

1 tariffs aren't put in place. I would guess that  
2 there's a strong possibility that production  
3 could move, however, the gas grill industry is  
4 very, very entrenched in China. Every component  
5 that you could want is available in China and  
6 there's a -- it's a big industry there, and the  
7 boats are floating over here on a regular basis  
8 full of Chinese steel.

9 MS. KNISLEY: Mr. Johnson, in your  
10 testimony you argue that imposing tariffs on  
11 Chinese log splitters would help offset the  
12 higher costs your company faces in light of the  
13 Section 232 tariffs on steel. What would be the  
14 ultimate impact on your consumers?

15 MR. JOHNSON: Well, I think we're  
16 already seeing the impact prior to the tariffs on  
17 the components. We lost 43 jobs due to the  
18 Chinese manufacturers, I think, targeting the log  
19 splitter market and retailers that we have lost.  
20 So tomorrow if the incoming log splitters, fully-  
21 assembled log splitters aren't tariffed, we're  
22 going to continue to be at the same disadvantage

1 we are right now. I know two manufacturers that  
2 have exited the log splitter business in the last  
3 year.

4 MS. PETTIS: Mr. Stevens, your  
5 submission indicated that the imposition of  
6 additional duties on truck and bus tires would be  
7 effective in eliminating China's acts, policies  
8 and practices. Should the additional tariffs be  
9 implemented, do your members anticipate the trade  
10 to shift to another country or would imports  
11 continue to come in from China?

12 MR. STEVENS: That is already  
13 happening in response to tariffs in other markets  
14 around the world, so Chinese tire manufacturers  
15 have started building and opening plants in  
16 Thailand, for instance, and we've seen the flow  
17 of products from Thailand, specifically,  
18 commercial truck and bus tires, increase with the  
19 threat of tariffs in the U.S. with the previous  
20 ITC investigation that took place, and we're  
21 seeing that shift happen in Europe right now with  
22 the subsidies -- the tariffs that they've put in

1 place. It can be a relatively quick process.  
2 There is fear that that will continue to happen  
3 if tariffs are put on these Chinese  
4 manufacturers.

5 MS. PETTIS: Okay. Thank you.

6 MR. SULEWSKI: Hi, this question is  
7 for Mr. Cohen.

8 Mr. Cohen, do you have an estimate on  
9 how much of the proposed tariffs would ultimately  
10 be passed on to consumers? Would consumers bear  
11 the full increase of the costs?

12 MR. COHEN: At this point, I mean,  
13 we're doing the analysis now, but we're looking  
14 between 15 to 25 percent assuming the 25 percent  
15 cost of goods increase would be in effect because  
16 of the tariff. The challenge right now is  
17 uncertainty more than anything else. We're in  
18 the process. You know, this time of year we're  
19 planning out 2019, spring and fall, with our  
20 retail partners and generally everybody is sort  
21 of in limbo here waiting to see how things go.  
22 We're hopeful and optimistic that there's a



1 resolution in place soon, but assuming not, I  
2 think the delay more than anything else is going  
3 to be an added insult to the process because then  
4 we'll have to start rushing and that's when just  
5 sort of everything gets more costly at that point  
6 to execute at the retail level.

7 I mean, you walk into a Home Depot or  
8 a Walmart, it's all nice and merchandized, but it  
9 takes a lot of effort to get that product on the  
10 shelf timely. And we work almost a year in  
11 advance. So now we're talking to our retail  
12 partners. They're like, well, Joe, let us know  
13 what happens from the testimony today and we'll  
14 keep talking and we'll let you know. It's a very  
15 uncomfortable position to be in. I mean, we have  
16 real expenses that are ticking every single day  
17 and hundreds and hundreds of people on the  
18 payroll that depend on direction.

19 So I mean, we're hopeful that most --  
20 to answer your question, we're going to mitigate  
21 some of the cost and absorb, but ultimately some  
22 of the costs will have to go up. And these tools

1 are meant to be for the consumers that are  
2 looking to save money. A consumer-grade pressure  
3 washer is meant to spruce up your home before you  
4 sell it or to clean your car and not have to take  
5 it to the carwash or hire somebody to do it. You  
6 could do it yourself. And the whole concept of  
7 do-it-yourself is to save some money. Now, to  
8 raise that do-it-yourselfer 25 percent, it's  
9 going to hurt. The people that could afford it  
10 are, you know, the do-it-for-me customer, twenty-  
11 five is irrelevant, but they're not cleaning  
12 their own car. They're paying for someone to do  
13 that. So that's the challenge we're up against  
14 right now.

15 CHAIR GRIMBALL: Well, if there are no  
16 more questions, that concludes the first day of  
17 these hearings. Thank you very much for your  
18 testimony.

19 We ended about five minutes early.  
20 That's very impressive.

21 And with that, I will declare a recess  
22 today and we will continue tomorrow at 9:30.

1 Thank you.

2 (Whereupon, the above-entitled matter  
3 went off the record at 5:53 p.m.)  
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In the matter of: Section 301 Tariffs Public Hearing

Before: USTR

Date: 08-20-18

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

  
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Court Reporter

**NEAL R. GROSS**

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