

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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TUESDAY

AUGUST 21, 2018

+ + + + +

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
 EVAN CONCEICAO, Department of Homeland Security
 BENJAMIN NILS HARDMAN, Department of Commerce
 AMY HOLMAN, Department of State
 JULIA HOWE, U.S. Trade Representative
 TYMOTHY MCGUIRE, U.S. Department of Agriculture
 ERIC MULLIS, U.S. Department of Agriculture
 MAUREEN PETTIS, Department of Labor
 PETER SECOR, Department of State
 TANYA SMITH, Small Business Administration

STAFF PRESENT

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

WITNESSES PRESENT

JIM ANDERSON, Moly-Cop USA
COLIN ANGLE, iRobot
JAMES ARCHIBALD, William T. Burnett & Co.
ERIC ASTRACHAN, Tile Council of North America
LEIGH AVSEC, MasterBrand Cabinets, Inc.
DAVID BAER, Element Electronics
MARISA BEDROSIAN, Bedrosians Tile & Stone
LEE BERGER, Broan-NuTone, LLC
PETER BERKMAN, Homewerks Worldwide, LLC
BRETT BRADSHAW, International Housewares
Association
BRIAN CARSON, Mohawk Industries, Inc.
SAGE CHANDLER, Consumer Technology Association
KATHLEEN CLAS, Kodak Alaris, Inc.
STEPHEN COMSTOCK, American Petroleum Institute
JONATHAN COWLES, Liberty Furniture
WIN CRAMER, JLab Audio
MIKE DISTEFANO, Continental Materials, Inc.
SHEILA EADS, ERB Safety
AARON EMIGH, Brilliant Home Technologies Corp
BILL FAGERT, The Wooster Brush Company
RICHARD FIREHAMMER, Universal Electronics, Inc.
CHERYL GREEN, Bak USA Technologies Corp
PAUL GOSNELL, Patriot Timber Products
JOHN HOWARD, Coil Wholesalers, LLC
WAYNE JOSEPH, New Flyer of America
MARK KARNES, Cedar Electronics
JOHN KARSON, FX Minerals, Inc.
JEROME KEARNS, Four Hands, LLC
MARK KINZIE, Logitech, Inc.
JOHN MATTKE, National Building Granite Quarries
Association
JOHN McCANN, MEC Aerial Work Platforms
TIM MILLER, Lionshead Specialty Tire & Wheel
ANDY MISSAN, Fitbit, Inc.
JOHN NEWCASTER, IMPACT Industrial Minerals, LLC
CHRIS O'CONNOR, Congoleum Corporation
JASON OXMAN, Electronic Transactions Association
MIKE PEDERSEN, Alta Forest Products
GARY PHILBIN, Dollar Tree, Inc.

MARK PROFFITT, MECO Corporation
JASON ROOK, Tube & Solid Tire, Ltd.
TIMOTHY AMOS SCHALLICH, eero, inc.
DAVID SCHEER, ECM Industries, LLC
RUPESH SHAH, M S International
DERRICK SHAOULPOUR, HF Design, LLC
WU SHENGFU, China National Forest Products
Industry Association
MO SIEGEL, Ice Air, LLC
MARTIN SILVER, Max Home, LLC
ERIK SMITHWEISS, Pioneer DJ Americas, Inc.
JEFF SWARTZ, Moen, Inc.
GARY TRAPP, Cascade Wood Products, Inc.
CRAIG UPDYKE, National Electrical Manufacturers
Association
TOM VINING, National Elevator Industry, Inc.
NATHAN WALKER, Goodman Global
CHRISTOPHER WELCH, Magic Tilt Trailers
JARED WESSEL, United Industries
NAOMI WILSON, Information Technology Industry
Council
WEITAO ZHANG, Transamerica Tire Co., Ltd.
XIAO ZHIYUAN, Jiangsu Beier Decoration Materials
Co., Ltd.

CONTENTS

Opening Statement from Chair	7
Panel 9	
Jim Anderson, Moly-Cop USA . . . . .	.13
Kathleen Clas, Kodak Alaris, Inc.. . . . .	.19
Derrick Shaoulpour, HR Design LLC. . . . .	.24
Christopher Welch, Magic Tilt Trailers . . . . .	.29
Naomi Wilson, Information Technology Industry Council . . . . .	.33
Xiao Zhiyuan, Jiangsu Beier Decoration Materials Co Ltd . . . . .	.38
Panel 10	
Jonathan Cowles, Liberty Furniture . . . . .	.54
Bill Fagert, The Wooster Brush Company . . . . .	.59
Paul Gosnell, Patriot Timber Products. . . . .	.65
Jerome Kearns, Four Hands, LLC . . . . .	.68
Gary Trapp, Cascade Wood Products, Inc.. . . . .	.74
Mike Pedersen, Alta Forest Products. . . . .	.79
Wu Shengfu, China National Forest Products	
Industry Association . . . . .	.84
Panel 11	
James Archibald, Wm. T. Burnett & Co..	103
Sheila Eads, ERB Safety.	108
John Howard, Coil Wholesalers, LLC	114
Gary Philbin, Dollar Tree, Inc..	119
David Scheer, ECM Industries, LLC.	124
Mo Siegel, Ice Air, LLC.	131
Nathan Walker, Goodman Global.	137

Panel 12

Colin Angle, iRobot.	163
David Baer, Element Electronics.	170
Sage Chandler, Consumer Technology Association.	176
Aaron Emigh, Brilliant Home Technology, Inc.	180
Cheryl Green, Bak USA Technologies Corp.	186
Jason Oxman, Electronic Transactions Association.	193
Timothy Amos Schallich, eero, inc.	200

Panel 13

Stephen Comstock, American Petroleum Institute.	227
Wayne Joseph, New Flyer of America	233
Jared Wessel, United Industries.	239
John McCann, MEC Aerial Work Platforms	246
Jason Rook, Tube & Solid Tire, Ltd..	251
Tim Miller, Lionshead Specialty Tire & Wheel.	255
Weitao (Derek) Zhang, Transamerica Tire Co Ltd.	262

Panel 14

Eric Astrachan, Tile Council of North America.	282
Marisa Bedrosian, Bedrosians Tile & Stone.	288
Brian Carson, Mohawk Industries, Inc..	294
John Newcaster, IMPACT Industrial Minerals, LLC.	298
Chris O'Connor, Congoleum Corporation.	304
John Karson, FX Minerals, Inc.	309
John Mattke, National Building Granite Quarries Association	315
Rupesh Shah, M S International	320

Panel 15

Win Cramer, JLab Audio	350
Richard Firehammer, Universal Electronics, Inc..	357
Mark Karnes, Cedar Electronics	362
Mark Kinzie, Logitech, Inc..	368
Andy Missan, Fitbit, Inc..	375
Erik Smithweiss, Pioneer DJ Americas, Inc.	381
Craig Updyke, National Electrical Manufacturers Association.	388
Tom Vining, National Elevator Industry, Inc.	394

Panel 16

Leigh Avsec, MasterBrand Cabinets, Inc..	414
Peter Berkman, Homewerks Worldwide, LLC.	420
Brett Bradshaw, International Housewares Association.	425
Lee Berger, Broad-NuTone, LLC.	431
Mike DiStefano, Continental Materials, Inc..	437
Mark Proffitt, MECO Corporation.	442
Martin Silver, Max Home, LLC	496
Jeff Swartz, Moen, Inc..	451
Adjourn.	468

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

2 (9:29 a.m.)

3 CHAIR TSAO: Hi. Good morning and
4 welcome.

5 The Office of the United States Trade
6 Representative in conjunction with the
7 Interagency Section 301 Committee is holding this
8 public hearing in connection with the Section 301
9 investigation of China's acts, policies, and
10 practices related to technology transfer,
11 intellectual property, and innovation.

12 The United States Trade Representative
13 initiated the investigation on August 18th, 2017.
14 Since that time, the Trade Representative has
15 determined to take two actions in the
16 investigation.

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

22 On July 16th, 2018, USTR published a

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

5 Unfortunately, China has not responded
6 to these actions by addressing the unfair and
7 harmful acts, policies, and practices found in
8 the investigation. Instead, China has chosen to
9 attempt to cause further harm to the U.S.
10 economy.

11 Accordingly, on July 17th, USTR
12 published a Federal Register notice seeking
13 public comment on a proposed supplemental action
14 to be taken in the investigation. The proposed
15 supplemental action is an additional duty on the
16 list of tariff subheadings covering products from
17 China with an annual trade value of approximately
18 \$200 billion.

19 The proposed rate of duty for the
20 supplemental action initially was 10 percent. On
21 August 7th, 2018, USTR published a Federal
22 Register notice announcing that the trade

1 representative was considering a 25 percent rate
2 of additional duty for the supplemental action.

3 The purpose of this hearing is to
4 receive public testimony regarding the proposed
5 supplemental action described in the July 17th
6 and August 7th notices. Written submissions
7 including post-hearing comments should be
8 submitted by no later than September 6th, 2018.

9 The Section 301 Committee will
10 carefully consider the testimony and the written
11 comments. The Section 301 Committee will then
12 make a recommendation to the Trade Representative
13 on supplemental action to be taken in this
14 investigation.

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

19 First, the hearing is scheduled for
20 six days, concluding Monday, August 27th. This
21 is the second day of the hearing. We have 46
22 panels of witnesses with approximately 250

1 individuals scheduled to testify. The
2 provisional schedule has been posted on USTR's
3 website.

4 We have eight panels of witnesses
5 scheduled to testify today. We will have a brief
6 break between the panels and a 35-minute break
7 for lunch. Each witness appearing at the hearing
8 is limited to five minutes of oral testimony.
9 The light before you will be green when you start
10 your testimony. Yellow means you have one minute
11 left and red means your time has expired.

12 After the testimony from each panel of
13 witnesses, the Section 301 Committee will have an
14 opportunity to ask questions. Committee
15 representatives will generally direct their
16 questions to one or more specific witnesses.

17 As noted, post-hearing comments,
18 including any written responses to questions from
19 the Section 301 Committee, are due September 6th,
20 2018. The rules and procedures for written
21 submissions are set out in the July 17th Federal
22 Register notice.

1 Given the number of witnesses in the
2 schedule, we request that witnesses, when
3 responding to questions, be as concise as
4 possible. We likewise ask witnesses to be
5 understanding if and when the Chair asks that a
6 witness conclude a response. Witnesses should
7 recall that they have a full opportunity to
8 provide more extensive responses in their post-
9 hearing submission.

10 No cameras or video or audio
11 recordings will be allowed during the hearing. A
12 written transcript of this hearing will be posted
13 on the USTR's website and on the Federal Register
14 docket as soon as possible after the conclusion
15 of this hearing.

16 We are pleased to have international
17 trade and economic experts from a range of U.S.
18 government agencies and at this time I would like
19 to ask them to introduce themselves.

20 MS. HOLMAN: Good morning. I am Amy
21 Holman from the United States Department of
22 State.

1 MR. CONCEICAO: Good morning. My name
2 is Evan Conceicao with U.S. Customs and Border
3 Protection.

4 MR. JOHNSON: Good morning. I'm
5 Martin Johnson from the U.S. Department of
6 Commerce.

7 MS. HOWE: Good morning. I'm Julia
8 Howe with the U.S. Trade Representative's office.

9 MR. MULLIS: Good morning. I'm Eric
10 Mullis with the United States Department of
11 Agriculture.

12 MS. PETTIS: Good morning. I'm
13 Maureen Pettis. I am from the Department of
14 Labor.

15 MS. SMITH: Good morning. My name is
16 Tanya Smith. I'm with the Small Business
17 Administration.

18 CHAIR TSAO: And my name is Arthur
19 Tsao. I'm with the U.S. Trade Representative's
20 office.

21 MR. BISHOP: Mr. Chairman, our first
22 witness on this panel is Jim Anderson with Moly-

1 Cop USA.

2 Mr. Anderson, you have five minutes.

3 MR. ANDERSON: Thank you. Good
4 morning. My name is Jim Anderson. I'm the CEO
5 of Moly-Cop USA and I very much appreciate the
6 opportunity to talk to you today.

7 We support the administration's
8 action's to stop China's unfair trade practices
9 and we are happy to see that steel grinding balls
10 are included in the list of Chinese products
11 potentially subject to additional duties. We
12 urge the administration to keep steel grinding
13 balls on the list to impose a 25 percent
14 additional duty.

15 Moly-Cop USA is the largest producer
16 of steel grinding media balls. We produce this
17 product at our facility in Kansas City, Missouri.
18 The plant provides critical manufacturing jobs
19 for this area of the country. The facility
20 accounts for about 50 percent of grinding media
21 production capacity in the United States and we
22 also recently provided a \$13 million upgrade to

1 the facility. We are proud to have one of the
2 world's most technically advanced and productive
3 grinding media facilities in the world.

4 Steel grinding balls are made from
5 high-carbon alloy steel bars for maximum
6 resistance and hardness. We proudly source most
7 of our bars from United States steel producers.
8 As a result, Moly-Cop USA also supports steel
9 production jobs.

10 Moly-Cop USA steel grinding balls are
11 a critical input to the U.S. mining industry.
12 Steel grinding balls are used for copper, gold,
13 iron ore, and other mining industries to break up
14 ore extracted from the ground to help liberate
15 the minerals. Therefore, domestic mining
16 companies depend on the availability of steel
17 grinding balls to produce these important inputs
18 for the U.S. economy.

19 Considering all of this, it is
20 critical that imports of Chinese steel grinding
21 balls be subject to additional duties. Chinese
22 steel grinding ball imports have increased nearly

1 66 percent since 2015, capturing a growing
2 segment of the U.S. market and are threatening to
3 rapidly expand in the near term.

4 This directly impacts Moly-Cop USA
5 sales because U.S. demand for steel grinding
6 balls is relatively flat. Thus, the capture of
7 the market share by Chinese imports directly
8 leads to lost sales by Moly-Cop USA.

9 Moly-Cop USA is now operating at
10 approximately 70 percent of capacity. There can
11 be no question that these share gains are the
12 result of the Chinese government's support for
13 steel grinding ball producers and the steel
14 industry more broadly. China entered the steel
15 grinding ball market relatively recently but then
16 rapidly increased production and quality.

17 While Moly-Cop USA invested decades of
18 human and economic capital to develop the
19 capabilities to manufacture steel grinding balls,
20 Chinese producers achieved these technical
21 capabilities in only a few years. This can only
22 be explained by Chinese government support.

1 Moreover, we have reason to believe
2 that Chinese steel grinding ball producers
3 acquired information about Moly-Cop USA's
4 production processes and technology. We do not
5 know if the Chinese government was directly
6 involved. The acquisition of Moly-Cop USA's
7 know-how by Chinese steel grinding ball producers
8 reflects the Chinese government's overall
9 encouragement to obtain foreign technology
10 through any means. More details on this will be
11 provided in our comments.

12 Another indication of Chinese
13 government support is China's massive production
14 over capacity. Moly-Cop USA estimates that
15 China has almost 50 percent of global grinding
16 media capacity. This is more than three times
17 the Chinese domestic demand. With their demand,
18 they could meet up to 90 percent of all global
19 demand -- or supply, I should say. There could
20 be no market explanation for this situation.

21 Finally, the Chinese steel grinding
22 ball industry's rapid expansion over capacity is

1 directly linked to Chinese massive levels of
2 support to its steel industry.

3 The Committee knows all too well the
4 Chinese government directs and controls virtually
5 all aspects of the Chinese steel industry,
6 providing various subsidies and other forms of
7 support. All levels of Chinese government
8 continue to intervene and provide support to the
9 Chinese steel industry through tax advantages,
10 grants, preferential loans, and subsidized
11 inputs.

12 These policies are coordinated through
13 numerous economic plans and include developing
14 downstream steel products such as steel grinding
15 balls. These unfair trade practices and their
16 impacts on the U.S. economy would be addressed by
17 keeping steel grinding balls on the list of
18 Chinese products subject to additional duty.

19 The specific HTS numbers will be
20 provided also in Moly-Cop USA's comments.

21 This would help mitigate the unfair
22 competitive advantage the Chinese steel industry

1 has with grinding ball imports. We also do not
2 believe that imposing additional duties would
3 cause any economic harm to U.S. interests because
4 the U.S. producers have sufficient production
5 capacity to more than meet U.S. demand.

6 Finally, we support increasing the
7 additional duty on proposed Chinese products from
8 10 to 25 percent. A 25 percent duty would more
9 significantly counter government support of
10 Chinese grinding ball producers and better remove
11 the current incentive for Chinese exports to
12 shift from alloy steel bar to steel balls.
13 The higher duty would also help counterbalance
14 the effects of the recent depreciation of the
15 Chinese currency.

16 Thanks again for the opportunity to
17 talk to you about this. I'd be happy to answer
18 any questions.

19 MR. BISHOP: Thank you, Mr. Anderson.
20 Our next witness is Kathleen Clas with Kodak
21 Alaris, Incorporated.

22 Ms. Clas, you have five minutes.

1 MS. CLAS: Good morning. My name is
2 Kathy Clas and I am the director of global
3 business operations at Kodak Alaris. I
4 appreciate the opportunity to testify once again.
5 The basis of my arguments today will be
6 consistent with those brought forward at the May
7 11th hearing where we were subsequently granted
8 an exception to tariffs on optical scanners.

9 Kodak Alaris is an independent global
10 technology company based on Rochester, New York,
11 that was formed in 2013 as a spinoff from Eastman
12 Kodak Company.

13 My testimony today will cover two
14 product families: optical scanner parts from our
15 Alaris division and photochemicals from our
16 paper, photochemicals, and film, or PPF,
17 division.

18 The Alaris division's optical scanners
19 are available worldwide and we are a trusted
20 provider for federal, state, and local
21 governments in the U.S., the U.S. military, and
22 other markets such as health care, banking,

1 insurance, education, transportation, and
2 logistics. Some of our top customers are the VA
3 Medical Center, the IRS, the Office of Personnel
4 Management, and the Department of Homeland
5 Security.

6 Customers rely on the Alaris division
7 to service existing optical scanners using
8 replacement parts. The service side of the
9 business accounts for approximately half of our
10 annual revenue.

11 Regarding the PPF division,
12 professional and consumer processing labs utilize
13 our photochemicals to generate final paper and
14 film images. These labs assist professional
15 portrait, wedding, sports, and commercial
16 photographers by processing their images and
17 films to generate finished product.

18 We import optical scanner parts and
19 photochemical products from China. These
20 products are classified under many subheadings of
21 the tariff schedule. We will comment on more
22 tariff codes in our written submission, but today

1 I want to focus on scanner parts classified under
2 the subheadings 8473.30.51, 8473.30.11, and
3 photochemicals classified under the subheading
4 3707.90.32.

5 I will share with you why the proposed
6 actions would not resolve IP concerns, and in
7 fact cause new substantial concerns for U.S.
8 customers and Kodak Alaris, especially our U.S.
9 operations.

10 First, we develop and own all of our
11 IP. The research and development organization
12 for Kodak Alaris is located in Rochester, New
13 York. This is where our numerous patents are
14 primarily owned, managed, and protected.

15 Our scanner and parts manufacturing
16 facilities are in China, one of which is wholly
17 owned and operated by Kodak Alaris with all KA
18 employees. The second facility is owned by a
19 Taiwanese company with which we have done
20 business for many years and is renowned for its
21 diligence in maintaining confidentiality and
22 protecting its customers' IP.

1 With regard to the PPF division, Kodak
2 Alaris has a close relationship with our
3 manufacturing partner in China and our agreement
4 with that partner includes robust IP protection
5 provisions. In fact, the facility that
6 manufactures our photochemicals in China was
7 previously owned by Kodak Alaris until 2016.

8 In either case, whether the
9 manufacturing facility is operated by KA or one
10 of our manufacturing partners, there is no
11 evidence or risk of any theft of Kodak Alaris IP.

12 Second, Kodak Alaris cannot absorb a
13 10 to 25 percent increase in costs for its
14 optical scanner parts or photochemical products.

15 In the Alaris division, we drive
16 significant revenue from public sector customers
17 in the U.S. and we are a preferred vendor due to
18 our high quality scanners and parts, software,
19 and services with an install base of over 350,000
20 scanners in the U.S. Imposing additional duties
21 on optical scanner parts would significantly
22 increase the cost of replacement parts and

1 services provided to U.S. government customers
2 and other small and medium-sized businesses in
3 other segments.

4 In additional, small- and medium-sized
5 professional and consumer processing lab
6 customers that purchase our photochemical
7 products would be impacted, which could result in
8 increased costs for U.S. consumers, including
9 professional and recreational photographers.

10 Third, additional duties on optical
11 scanner parts and photochemical products would
12 have a meaningful negative impact on KA and its
13 approximate 700 employees in the U.S., resulting
14 in the potential need to terminate U.S.
15 employees, particularly those that service Kodak
16 Alaris' existing install base of scanners.

17 Moving manufacturing operations for
18 optical scanner parts and photochemicals outside
19 of China would cause a significant amount of
20 time, money, and engineering sources for
21 relocation and recertification, impacting our
22 ability to develop and innovate in the U.S.

1 For both businesses, there are
2 virtually no options for U.S. sourcing without
3 significant time and capital investment.
4 Shifting manufacturing operations is not a
5 practical option for us.

6 For the reasons I discussed, Kodak
7 Alaris respectfully requests that the noted
8 subheadings be excluded from the proposed duty
9 increases. Thank you again for allowing me to
10 testify today and I welcome any questions the
11 committee may have.

12 MR. BISHOP: Thank you, Ms. Clas. Our
13 next witness is Derrick Shaoulpour with HF
14 Design, LLC.

15 Mr. Shaoulpour, you have five minutes.

16 MR. SHAOULPOUR: Good morning. I am
17 Derrick Shaoulpour, executive vice president of
18 HF Design, located in Hicksville, New York.

19 The proposed tariffs on floor
20 coverings will have a devastating effect on
21 companies such as ours which designs and imports
22 such coverings from China, but also on the

1 ultimate consumer of the products, which includes
2 home builders, builders of commercial offices and
3 other commercial upgrades.

4 The floorings that we sell are
5 purchased many months in advance, as developers
6 and contractors have a fixed cost structure. Any
7 significant increases such as the ones proposed
8 will halt these projects and eventually lead to
9 immediate default in construction loans as well
10 as company bankruptcies.

11 This downstream effect will certainly
12 decrease new housing and home improvement
13 projects. Thereby, fewer projects and less work
14 for contractors will lead to higher unemployment
15 rate.

16 If there is a halt in these projects,
17 these developers will hold off on new development
18 projects and not borrow capital for further
19 construction. This will have a trickle effect on
20 other industries and the higher interest rate
21 will have a double negative impact on the
22 construction industry.

1 Many of our distributors and customers
2 have already cancelled purchase orders in fears
3 of this potential 25 percent tariff and are
4 currently in a holding pattern. These projects
5 have also been stopped and already seen the
6 negative impact.

7 These distributors who sell to the end
8 users are the small businesses throughout the
9 country which are the backbones of the U.S.
10 economy and the U.S. floor covering industry.
11 This is also a big fear of regressing back to the
12 2008 depression which put many companies out of
13 business in our industry.

14 We have already seen consumer
15 confidence slowing down and less new project
16 planning for new construction and home
17 improvements. Here are some statements from two
18 of our customers: "The flooring we buy from
19 China supports a hundred jobs at Adleta
20 Corporation. It also supports several hundred
21 retail salespeople who make commission dollars
22 off these products. This is not a domestic

1 industry to pick up the supply of these products.
2 The style and design of these industries has come
3 from overseas. The consumer is a loser in this
4 also by adding a tax to all their purchases."
5 John Sner, president, Adleta Corporation.

6 "Higher consumer prices on LBT/vinyl
7 flooring. Fewer flooring choices for the
8 American consumer. Stifled innovation in product
9 design, performance, safety, and sustainability.
10 Potential job losses in the sales and supply
11 channels for flooring distributors, retailers,
12 installers, contractors." Mike Klingele,
13 president, Diamond W.

14 Our partner factories in China
15 manufacture specifically to our detailed
16 requirements and are skilled and trained
17 craftsmen. Our flooring products are unique
18 styles and techniques that cannot be duplicated
19 or replaced by domestic manufacturers. Some of
20 the technology and raw material are not available
21 here in the U.S. Therefore, a simple shift of
22 production to U.S. or other countries is not

1 achievable in a short time period and would
2 require at least 12 to 24 months at a minimum.

3 We would like to highlight that
4 currently there is already a duties on flooring
5 products imported from China and ongoing AD/CVD
6 cases on engineered hardwood. The products of
7 particular concern to us are engineered hardwood,
8 HTS Code 4412.32.3225; laminate flooring, HTS
9 Code 4411.13.2000; and vinyl, HTS Code
10 3918.10.1000.

11 For the reasons explained, and after
12 discussing with many leading business owners in
13 our industry, we are speaking for thousands of
14 companies to request these flooring products be
15 exempt from the proposed tariffs.

16 There will be no positive impact to
17 the U.S. government nor the U.S. economy, only a
18 negative one, which would lead to thousands of
19 job losses, bankruptcies, and slowdown in
20 construction of homes. Thank you for allowing me
21 to present my views today.

22 MR. BISHOP: Thank you, Mr.

1 Shaoulpour. Our next witness is Christopher
2 Welch with Magic Tilt Trailers.

3 Mr. Welch, you have five minutes.

4 MR. WELCH: Good morning. My name is
5 Chris Welch. I am the supply chain manager at
6 Magic Tilt Trailers, a 65-year-old steel and
7 aluminum boat trailer manufacturer based in
8 Clearwater, Florida.

9 I'm grateful for the opportunity to
10 provide testimony today and honored to represent
11 the 175 members of our company as well as
12 similarly sized and positioned companies in our
13 industry. With over 300 individuals providing
14 testimony over the course of this week, I will
15 stay brief and on point.

16 We are concerned about the placement
17 in marine trailer manufacturing-related HTS
18 subheadings on the Section 301 tariff list. Our
19 concern is that the overall U.S. marine
20 manufacturing sector, a major economic growth
21 leader over the last decade, could be reduced to
22 a dragging sector on the overall economy.

1 The compounding effect of standard
2 inflationary business items, Section 232 tariffs,
3 and Section 301 tariffs would cause extreme
4 disproportionate economic harm to all businesses
5 and customers in our sector.

6 Although Secretary Ross was able to
7 demonstrate on television that 25 percent steel
8 tariffs will have little impact on the overall
9 cost of a can of soup, the reality of our
10 situation couldn't be more opposite. I don't
11 think the Secretary would have garnered the same
12 visual result had he presented a two-ton steel
13 boat trailer as his example.

14 Price increases along our entire
15 supply chain on metal products have been swift
16 and significant since the domestic steel and
17 aluminum premium markets moved north, absorbing
18 the ramifications of the Section 232
19 investigation and subsequent tariff decisions.

20 The consumers in our market are
21 currently paying 6 to 8 percent higher prices
22 than 2017, mostly due to metal price changes

1 resulting from the Section 232 decision.

2 Based on a review and estimate of our
3 material component imports, we project that a 25
4 percent tariff levied on HTS U.S. 4011.90.20,
5 4011.90.80, and 8716.90.50 under this Section 301
6 review would increase our overall material costs
7 by levels that would require an additional price
8 increase of 5 to 6 percent, setting our sector-
9 specific CPI at 11 to 14 percent.

10 Therein lies our crisis and why I'm
11 here today. If the overall market's core CPI
12 remains at or near the current 2.4 percent July
13 2018 level and the tariffs are levied on our
14 component imports, the boat trailer and overall
15 marine manufacturing sector will be
16 proportionately overburdened and in danger of
17 significant contraction as consumer discretionary
18 funds are moved to other markets.

19 Quickly reviewing the specific impacts
20 of this Section 301 review: bias trailer tires,
21 radial trailer tires, aluminum wheels, steel
22 wheels, every small or large random trailer-

1 related part are currently included on this
2 target list.

3 Since HTS subheading 8716.90.50 is a
4 catch-all for every general trailer part, it is
5 certainly catching all and every part in this
6 case: every nut, bolt, washer, screw, welded
7 bracket, stamp bracket, welded sub-component,
8 axle, hub, leaf spring, plastic roller, rubber
9 roller, coupler, trailer jack, trailer wench,
10 aluminum wheel, galvanized steel wheel,
11 everything. All of those items are imported
12 under that specific eight-digit HTS code.

13 For all of these parts, we are not
14 talking about items that would be related to any
15 negative aspect of forced technology transfer,
16 intellectual property, or innovation, or the Made
17 in China 2025 program. They have been basic,
18 industry standard commodity parts for decades.

19 We strongly request that the
20 aforementioned HTS eight-digit subheadings be
21 removed from consideration, allowing our company
22 and those in our sector to work hard and continue

1 in our contributions to grow this economy. Thank
2 you.

3 MR. BISHOP: Thank you, Mr. Welch. Our
4 next witness is Naomi Wilson with the Information
5 Technology Industry Council.

6 Ms. Wilson, you have five minutes.

7 MS. WILSON: Thank you. Good morning.
8 It's a pleasure to be here. My name is Naomi
9 Wilson. I'm the director for China and Greater
10 Asia at the Information Technology Industry
11 Council here in D.C.

12 ITI represents over 65 of the world's
13 most innovative and technologically advanced
14 companies. We consider ourselves the global
15 voice of the tech sector.

16 I would like to focus my remarks today
17 on illustrating the impact of List 3 tariffs on
18 consumers, businesses, communities, and American
19 technological competitiveness.

20 Across sectors, as I think you have
21 heard yesterday and today, business and
22 associations largely agree we have very serious

1 problems with China's unfair trade practices and
2 policies. But tariffs are not the solution to
3 those problems.

4 We question the logic that short-term
5 pain will in fact lead to longer-term benefits.
6 In terms of the impact on consumers, just to give
7 you a flavor for the types of consumer
8 electronics that will be captured by List 3,
9 starting with the connected devices, HTS Code
10 H51762, these are connected wearable technologies
11 such as smart watches, fitness trackers. Other
12 devices include streaming devices for TVs, e-
13 readers, electronic calculators, headphones and
14 Bluetooths.

15 In addition, this has a negative
16 impact on telecommunications and networking
17 equipment, which comprised the basic
18 infrastructure used to connect wireless devices
19 to wireless networks.

20 Printed circuit assemblies, HTS Code
21 84733011, and printed circuits are also key
22 components of many consumer electronics,

1 including cell phones, flat-panel TVs, laptops,
2 electronic calculators, and home appliances.

3 In terms of the impact on American
4 jobs and manufacturers, people often ask what is
5 the impact on multi-billion-dollar tech
6 companies. Why are you complaining? And we are
7 complaining on behalf of our companies'
8 consumers, which not only includes average
9 Americans but also small and medium-sized
10 businesses.

11 So, in terms of jobs, many of the
12 products that our companies use in their finished
13 products are in part assembled outside of the
14 U.S. and then shipped back to the U.S. for final
15 assembly and export.

16 This, of course, requires employment
17 in the U.S. to produce the final product and then
18 export it, and simply rejiggering that supply
19 chain not only takes time but it also involves
20 the calculus of jobs. And so companies may be
21 forced to downsize their production in the U.S.
22 and manufacturing facilities or move overseas.

1 The effect on small- and medium-sized
2 enterprises, for example, is very real. If
3 prices go up on these finished products, small-
4 and medium-sized businesses will potentially not
5 be able to afford products that they rely on to
6 run their day-to-day systems, like payroll or
7 order management, and their ability to export
8 products and reach global customers.

9 We have three million data centers in
10 the U.S. at current and the number is growing.
11 The creation of these data centers continue to be
12 a source of U.S. growth across all 50 states.

13 In terms of the second order impacts
14 on communities, it's important to note that these
15 tariffs will hit basic health, emergency,
16 educational, and community service providers.
17 Products that schools and libraries, healthcare,
18 and research facilities use will all become
19 increasingly expensive and have a direct impact
20 on the ability of these day-to-day service
21 providers to provide necessary care.

22 Perhaps the most egregious long-term

1 impact is the impact on U.S. competitiveness and
2 technological advantage. Many of the components
3 on this list are building blocks of future
4 technologies. Internet of things, AI, machine
5 learning, 5G, these will all become more
6 expensive and leave less money for companies to
7 invest research into research and development,
8 and will have the longer-term impact of
9 preventing our companies from focusing on
10 innovation in these important fields which the
11 U.S. government hopes our companies will excel
12 in, not only for economic benefit but also for
13 our national security and competitiveness. And
14 they can't do that if they are preoccupied with
15 reworking their supply chains.

16 So, in conclusion, the impact of
17 tariffs is real and significant. We question
18 whether the short-term pain will in fact yield to
19 longer-term benefits or simply longer-term pain,
20 and we urge the U.S. government to assess the
21 impact of the tariffs thus far and the future
22 impact before moving forward with future

1 implementation of these tariffs. Thank you.

2 MR. BISHOP: Thank you, Ms. Wilson.

3 Our next witness is Xiao Zhiyuan with Jiangsu
4 Beier Decoration Materials Company, Limited.

5 Mr. Zhiyuan, you have five minutes.

6 MR. ZHIYUAN: Good morning. My name
7 is Xiao Zhiyuan and I'm the general manager of
8 international trade for Jiangsu Beier Decoration
9 Materials Company, Limited.

10 Our company produces various products,
11 including laminate, engineered, and vinyl
12 flooring. I am here today to respectfully
13 request that USTR remove the HTS subheadings
14 covering laminate, engineered, and vinyl flooring
15 from the list of products that may be subject to
16 an additional 25 percent tariff. The relevant
17 subheadings were contained in our request to
18 appear at this hearing and will be addressed in
19 detail again in our written comments.

20 The Section 301 proceeding is intended
21 to address China's alleged acts, policies, and
22 practices related to technology transfer,

1 intellectual property, and innovation.

2 The initial list of products proposed
3 by USTR identified products that allegedly
4 benefit from China's industrial policies,
5 including Made in China 2025. Laminate,
6 engineered, and vinyl flooring products do not
7 benefit from any industrial policies and the
8 imposition of any duties on such flooring
9 products will not achieve the objectives of the
10 United States.

11 As others have or will testify, the
12 imposition of Section 301 tariffs on such
13 products will only lead to disruption for our
14 customers in the United States and will have a
15 negative impact on the U.S. market for home
16 construction and home remodeling.

17 It is particularly strange that our
18 industry will be included in a case that is
19 directed at intellectual property enforcement.
20 My own company uses the click interlocking system
21 for fitting flooring pieces together. We pay
22 substantial patent royalties to an affiliate of

1 Mohawk Industries, as well as to a Swedish
2 company. Almost all Chinese companies pay the
3 same royalties.

4 The pricing of engineered flooring in
5 the U.S. already has an effective price restraint
6 on it due to the antidumping and countervailing
7 duty orders in effect on those products.

8 Laminate flooring is the least expensive form of
9 flooring product we are concerned about. While
10 there is capacity for laminate floor products in
11 the U.S. and Europe, the price levels are much
12 higher than from Chinese with its lower labor
13 costs. If additional tariffs are imposed on
14 Chinese product we are quite certain that
15 consumers of the product, who tend to be lower
16 income people, simply will switch to other floor
17 coverings such as rugs rather than switch to
18 other countries' product.

19 Vinyl flooring is the fastest growing
20 flooring category in the U.S. market due to new
21 products that have been developed in recent
22 years. Such products include stone plastic

1 composite and wood plastic composite vinyl, which
2 have different properties than traditional vinyl
3 and are more durable and stable. These products
4 are made only in China. There is no capacity for
5 this product in the United States or in other
6 countries.

7 Finally, many customers in the United
8 States have designed their construction projects
9 by using Chinese products and knowing their
10 performance characteristics. I think that it
11 will take at least two years to open or expand
12 factories abroad in order to serve the U.S.
13 market. Meanwhile, there will be a huge amount
14 of economic disruption in the construction
15 industry.

16 Thank you for listening to my
17 statement.

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

19 Mr. Chairman, that concludes direct
20 testimony from this panel.

21 CHAIR TSAO: Great. We will begin
22 questioning in about one minute.

1 (Pause.)

2 MR. JOHNSON: Yes, my questions are
3 for Mr. Anderson, Moly-Cop USA. You state that
4 U.S. producers have sufficient capacity to meet
5 U.S. demand. How many other competitors do you
6 have that are domestic?

7 MR. ANDERSON: Two.

8 MR. JOHNSON: Two? All right. And
9 can you provide any additional details or any
10 other evidence to support this, that they have
11 sufficient capacity?

12 MR. ANDERSON: We are all running at
13 under capacity.

14 MR. JOHNSON: You're all running under
15 capacity?

16 MR. ANDERSON: All of us.

17 MR. JOHNSON: Are there any third
18 country suppliers to the U.S. besides China?

19 MR. ANDERSON: No.

20 MR. JOHNSON: No. And does -- do the
21 --

22 MR. ANDERSON: Japan. Japan just a

1 little bit, but really, no.

2 MR. JOHNSON: Just a little bit?

3 Okay. And steel grinding balls from China, do
4 you know if there is any significant price
5 advantage in the underlying high-carbon alloy
6 steel bars for their production in --

7 MR. ANDERSON: No.

8 MR. JOHNSON: You don't know or there
9 is no advantage?

10 MR. ANDERSON: No, there is none.

11 There is none.

12 MR. JOHNSON: So the advantage mostly
13 adheres in the production process?

14 MR. ANDERSON: Their advantage is the
15 incentives that the steel producers receive from
16 the Chinese government. Their grinding balls are
17 nothing more than steel and a steel bar. It's
18 interesting to note that there are grinding media
19 balls and grinding media rods.

20 Rods are actually included in the tariff. They
21 are exactly the same thing, but the balls are
22 not.

1 MR. JOHNSON: Okay. And in the
2 production process and technology, are you
3 protecting that through patent or trade secret,
4 both?

5 MR. ANDERSON: No. No.

6 MR. JOHNSON: Just trade secret?

7 MR. ANDERSON: Yeah.

8 MR. JOHNSON: Okay. All right. I'll
9 be curious to see your details that you provide
10 on that.

11 MR. ANDERSON: Will do. We will do
12 that.

13 MR. JOHNSON: Thank you very much.

14 MS. SMITH: Good morning. My question
15 is for Ms. Clas from Kodak Alaris. Thank you for
16 your testimony. You mentioned that your company
17 also has a company in Taiwan and that it would be
18 difficult to source your products. But we would
19 like to know, who are your other major
20 competitors?

21 MS. CLAS: Our major competitor is
22 Fujitsu.

1 MS. SMITH: Okay. And do they also
2 source from China or --

3 MS. CLAS: Yes, they do.

4 MS. SMITH: Okay. Would it cause you
5 any more difficulty if you had to look for other
6 places, other countries to source your product?

7 MS. CLAS: Yeah. Out of the 1,200
8 items that we have that we source, only three of
9 them can be sourced easily from a U.S. supplier.
10 None of them can be sourced from Europe and it
11 would take us up to six to 12 months to resource
12 in the U.S. But the cost increase would be about
13 10 to 50 percent.

14 MS. SMITH: Thank you very much.

15 MS. HOLMAN: Good morning. My
16 question is for Mr. Shaoulpour from HF Design,
17 LLC. Thank you for coming today and thank you
18 for your testimony. Has HF Design attempted to
19 source these flooring products from sources
20 outside of China?

21 MR. SHAOULPOUR: Yes, we have. We
22 have tried to go to Europe as a one-source -- as

1 a factor for some of these products.

2 MS. HOLMAN: And what sort of results
3 have you found from your efforts to source
4 outside of China?

5 MR. SHAOULPOUR: Well, we have found
6 that the capacity, one, cannot meet the demands
7 of the U.S.; and two, more importantly, them able
8 to understand the specifications of our products,
9 it does take time and there has been some
10 downtime on that, affecting our supply side for
11 our customers' demands.

12 MS. HOLMAN: Okay. Thank you. And my
13 last question is -- I guess you've already
14 answered that about the obstacles that you've
15 faced in sourcing these products. Do you have
16 anything else to add about what obstacles you've
17 encountered trying to source outside of China or
18 in the U.S.?

19 MR. SHAOULPOUR: I think more
20 importantly is the quality. That, you know, does
21 take -- I would say take many years to get to
22 that level of the quality of the products. And if

1 we do ever consider moving to another source it
2 does take about 12 to 24 months, and that's
3 something that we cannot -- it will hurt our
4 business and it will hurt the business of many of
5 our distributors and buyers.

6 MS. HOLMAN: Uh-huh. And how
7 extensive is your distributor and buyer base?
8 What kind of jobs are we talking about here?

9 MR. SHAOULPOUR: As we said before, we
10 sell it through distribution, and that's across
11 that country. That really trickles down to,
12 really, the retail stores, which is the backbone
13 of the U.S. government -- the U.S. economy, and a
14 lot of these mom-and-pop stores.

15 So that's really how it's going to
16 affect them and also affect the contractors and
17 the installers.

18 MS. HOLMAN: Okay. Thank you very
19 much.

20 MR. CONCEICAO: Good morning. My
21 question is for Mr. Welch. Two questions,
22 actually. First, are there countries other than

1 China from which you source parts for your
2 product?

3 MR. WELCH: Not us directly, but in
4 the industry I'd imagine there would be. The
5 majority of trailer component parts are
6 manufactured in China. Bias trailer tires, it's
7 possibly been a generation since a bias trailer
8 tire has been manufactured in the United States.

9 So I'm sure there would have to be a
10 lot of sourcing to other Asian countries. For a
11 small business like ours who is working day to
12 day to optimize my supply chain, I certainly
13 would not be looking forward to rebuild it.

14 But, yes, there would be other
15 options, and if this does happen, you know, I'll
16 work my tail off to support my company as best as
17 I can to find those options. But I certainly
18 wouldn't be looking forward to it.

19 MR. CONCEICAO: Understood. And
20 perhaps you can outline just briefly what
21 obstacles there might be to source, you mentioned
22 tires and trailer parts, from countries other

1 than China.

2 MR. WELCH: Capacity, quality.
3 Something like a trailer tire, once you have it
4 in your inventory and you've got years of use
5 with that tire, it's not something you want to
6 change quite often. So there would be a lot of
7 obstacles, yeah.

8 MR. CONCEICAO: To your knowledge, are
9 some of these components produced in countries
10 other than China?

11 MR. WELCH: They are. Stateside there
12 are some and, you know, we purchase from domestic
13 manufacturers, Chinese manufacturers, Taiwanese
14 manufacturers. I'm sure there are trailer tires
15 made in countries such as Vietnam. But there
16 would just have to be a lot of movement in the
17 supply chain being that the capacity is so large
18 in China for a lot of these, you know, low-tech,
19 low-cost, heavy steel content trailer-related
20 components. So that would just be a lot of
21 rework that would need to be done.

22 MR. CONCEICAO: Thank you.

1 MR. WELCH: Especially for small
2 businesses.

3 MR. CONCEICAO: Thank you very much.

4 MS. PETTIS: Good morning. This is a
5 question for Ms. Wilson. There are many products
6 in Chapters 84, 85, and 90 which are produced
7 domestically and also in countries outside of
8 China. Is it possible for ITI members to switch
9 their sourcing? And, if so, how long do they
10 estimate this would take? And if you can
11 elaborate any other challenges that you might
12 face.

13 MS. WILSON: Sure. So, as other
14 witnesses have explained, there are often
15 alternate suppliers, either within the East Asian
16 region or in the U.S. But it's a question of
17 cost, capacity, quality, and the time expended in
18 renegotiating these contracts and reworking the
19 supply lines.

20 That has two impacts on a larger -- on
21 a tech company. One is in terms of sheer
22 competitiveness, and this is applicable to small-

1 and medium-sized and startup businesses as well.

2 If your primary task is to rework your
3 supply lines and look for new suppliers and
4 negotiate new contracts, that's time and
5 resources away from competing and innovating
6 against your competitors. Your competitors
7 simply don't have that task to deal with. They
8 have secured these markets. They have secured
9 these suppliers and contractors at probably a
10 very low or competitive rate, and you're
11 searching for alternative sources to try to match
12 that rate.

13 That takes time and energy and, at the
14 end of the day, it may not even be feasible.

15 MS. PETTIS: Thank you very much.

16 MS. HOWE: My question's for Xiao
17 Zhiyuan. In your testimony you state that
18 certain types of flooring products are produced
19 in China because the labor costs are lower than
20 in the U.S. or EU. How many people are employed
21 by Jiangsu Beier Decoration Materials in China
22 that are part of this production process?

1 MR. ZHIYUAN: About 1,000.

2 MS. HOWE: Okay. And are they spread
3 out throughout China or are they in one distinct
4 region?

5 MR. ZHIYUAN: In one region.

6 MS. HOWE: Okay.

7 CHAIR TSAO: A quick follow-up, Mr.
8 Xiao.

9 MR. ZHIYUAN: Sure.

10 CHAIR TSAO: How large is the U.S.
11 market I guess either to your specific company or
12 to the floor industry in China?

13 MR. ZHIYUAN: I have data for the 2016
14 from the U.S. association. It's around \$24
15 billion for total for the flooring -- floor
16 coverings. Everything. Everything in flooring.
17 That is the manufacturer costs. So the retail
18 costs will be -- I believe will be doubled, about
19 \$50 billion U.S. dollars.

20 CHAIR TSAO: What about percentage
21 wise? Is the U.S. 25 percent of China's export
22 market or --

1 MR. ZHIYUAN: No. I mean, it's the --
2 the \$24 billion is for the U.S. market.

3 CHAIR TSAO: Okay. Thank you.

4 MR. BISHOP: We will release this
5 panel with our thanks, and we invite the members
6 of Panel 10 to come forward and be seated. And
7 if the members of Panel 11 will please come
8 forward and be seated in the waiting area.

9 (Whereupon, the above-entitled matter
10 went off the record at 10:17 a.m. and resumed at
11 10:20 a.m.)

12 MR. BISHOP: Mr. Chairman, our first
13 witness on this panel is Jonathan Cowles with
14 Liberty Furniture.

15 Mr. Cowles, you have five minutes

16 MR. COWLES: Good morning. My name is
17 Jonathan Cowles. I'm vice president/owner at
18 Liberty Furniture Industries based in Atlanta,
19 Georgia. On behalf of our entire company, I want
20 to thank you for the opportunity to express our
21 grave concerns regarding the new Section 301
22 tariffs and the devastating effects they would

1 have on our company and the entire furniture
2 industry.

3 A little bit about Liberty. Liberty
4 Furniture was founded in 1992 with a vision for a
5 furniture company that would design value-driven,
6 quality furniture predicated on the values of
7 hard work, fairness, and integrity.

8 Starting with only seven people in a
9 modest section of warehouse in West Atlanta,
10 Liberty Furniture opened its doors selling wood
11 chairs and laminate tabletops. Since then,
12 Liberty has grown into a comprehensive furniture
13 supplier employing over 170 people, including
14 multiple generations working side-by-side in our
15 offices and warehouses.

16 We are a top tier supplier in the
17 furniture industry and are proud to have strong
18 relationships with many of America's top 100
19 retailers. However, I fear that our company's
20 work, our core values, and the livelihood of our
21 employees are in grave danger due to the new
22 Section 301 tariffs placed on products from

1 China.

2 Today, I am here to implore the USTR
3 to remove the 11 HTS codes under Chapter 94 that
4 we listed in our request from the proposed list
5 of products subject to 301 tariffs.

6 The furniture industry is not a high
7 profit margin business and these tariffs would
8 effectively act as an added tax on our company
9 and our customers and have a severe impact on our
10 business, likely forcing Liberty to cut high-
11 paying U.S. jobs. While I applaud the decision
12 to take on Chinese trade practices and actions,
13 the placement of tariffs on furniture products is
14 a misguided endeavor.

15 I cannot overstate the importance of
16 furniture products from China, for not only
17 Liberty but the entire U.S. market. Though the
18 art of creating furniture is antiquated, the
19 supply chain has become highly globalized, much
20 like many other industries across the
21 manufacturing spectrum.

22 Simply put, while the production of

1 furniture in the U.S. does exist, it cannot
2 realistically match the volume and supply to
3 fulfill the market demands due to a shortage in
4 labor and lack of skill in the workforce.

5 Domestic production of furniture has
6 steadily declined over the last few decades as
7 more U.S. workers exit the industry and little
8 onus has been placed upon young individuals in
9 America to learn the trade and take up jobs in
10 furniture plants.

11 Yet this is not a new development.
12 Difficulty finding individuals to employ in
13 furniture production has been problematic for the
14 industry for decades, which is what prompted the
15 shift in reliance on China. Therefore, Liberty
16 Furniture, along with nearly the entire furniture
17 industry, relies heavily on China to match the
18 requirements of our customers.

19 Without China, we would have
20 difficulty meeting the demands of our customers,
21 which would undermine our principle of service
22 and reliability to our clients and result in the

1 loss of business.

2 Additionally, even if there were a
3 labor supply in the U.S. to match our demand,
4 materials would have to be sourced from China.
5 Again, the globalization of the furniture
6 industry means that virtually every company
7 imports from China due to the established supply
8 chain and skilled workforce. Liberty already
9 faces a considerable challenge due to the
10 previously implemented antidumping duties placed
11 on wooden bedroom furniture products from China.

12 These new tariffs would make business
13 with China even more difficult and costly to our
14 company. Moreover, the tariff would force our
15 company to offset the losses imposed by these
16 tariffs through price increases on our products
17 to our customers, which would ultimately be
18 passed on to the American consumer.

19 The combined blow of new tariffs and
20 a price increase on our products would be
21 calamitous for our company and result in the
22 permanent loss of customers and revenue.

1 While I applaud the Trump
2 administration for their efforts at combating
3 Chinese trade malpractice, I cannot emphasize
4 enough the inherent threat the new Section 301
5 tariffs would pose to Liberty Furniture and the
6 entire industry.

7 Although these tariffs have noble
8 intentions, such as defending against
9 intellectual property theft, Liberty Furniture
10 and the whole industry does not experience such
11 problems. Furniture as a commodity and the
12 technology required for production is not
13 surrounded by a shroud of secrecy. Instead, it
14 is knowledge which is transparent and fluid
15 across the industry. For this reason, I cannot
16 help but feel that the intentions of the 301
17 tariffs in relation to furniture are misguided
18 and ill-advised.

19 The belief that these tariffs would
20 have maximum pain on China and minimum pain on
21 U.S. consumers is simply not true, as these
22 tariffs on furniture would be a direct hit on the

1 U.S. consumer. For these reasons and those
2 mentioned above, I ask the USTR to remove tariffs
3 on furniture imports under the HTS codes in
4 Chapter 94 listed in our request to testify.

5 As an industry, these tariffs would
6 lead to serious atrophy in all but cease any
7 opportunity for growth and expansion. These
8 tariffs would be devastating, not only to Liberty
9 Furniture but to many other family-owned small-
10 and medium-sized furniture companies.

11 Please protect our business and the
12 U.S. jobs we employ and save an entire industry
13 from irrevocable damage. Thank you.

14 MR. BISHOP: Thank you, Mr. Cowles.
15 Our next witness is Bill Fagert with the Wooster
16 Brush Company.

17 Mr. Fagert, you have five minutes.

18 MR. FAGERT: Mr. Chairman and members
19 of the Committee, I am Bill Fagert, president for
20 the Wooster Brush Company. I am here to discuss
21 the reasons the USTR should remove certain
22 materials from the proposed list of products

1 subject to additional tariffs that Wooster uses
2 in the domestic production of paint brushes.
3 Those materials include hog bristle and synthetic
4 monofilament of polyester, specifically,
5 chemically-tipped, CT, polyester.

6 Neither hog bristle nor CT polyester
7 are available domestically. The top of my
8 written testimony contains the HTS U.S.
9 subheadings at issue, which Wooster will present
10 more fully in its written comments.

11 The Wooster Brush Company is a
12 dedicated American manufacturer founded over 166
13 years ago. Wooster has remained independent,
14 privately owned, and produces more than 2,000
15 products for painters of all skill levels. We
16 have over 880,000 square feet of manufacturing,
17 shipping, administrative, and warehouse
18 facilities in the U.S.

19 Wooster's experience in the paintbrush
20 industry is unmatched. We maintain the highest
21 quality standards and continue industry-leading
22 innovation with in-house engineering, production,

1 graphic design, and printing departments.

2 Today, we proudly employ more than 600
3 dedicated employees. During the last recession,
4 Wooster was so committed to supporting its U.S.
5 jobs that it refused to reduce its workforce and
6 instead its dedicated employees committed to
7 reducing work hours to seven-hour days so that
8 the company did not have to lay off a single
9 individual. A picture of our employees is at the
10 bottom of my written testimony.

11 To support our U.S. manufacturing,
12 Wooster sources materials in the U.S. and
13 globally, including China. Imposing a 25 percent
14 tariff will negatively impact Wooster and the
15 American consumer, including tradesmen, by
16 significantly increasing Wooster's cost of
17 manufacturing in the United States. It's
18 estimated that the tariffs on these brush
19 materials will negatively impact the company by
20 more than \$1 million annually.

21 To make matters worse, many of
22 Wooster's competitors import complete

1 paintbrushes from China. Finished paintbrushes
2 are not subject to the proposed Section 301
3 tariffs. This means that while Wooster must pay
4 a 25 percent tariff on certain domestically
5 unavailable raw materials in purchased from China
6 to manufacture products in the U.S., its
7 competitors that import paintbrushes from China
8 will not incur these same 25 percent tariffs.

9 In other words, the tariffs will
10 punish American brush manufacturers like Wooster
11 that are trying to achieve the administration's
12 goal of investing in U.S. manufacturing and jobs,
13 but will encourage the foreign production of
14 finished brushes.

15 The subject hog bristles and CT
16 polyester that Wooster is currently important
17 from China are produced from mature technologies.
18 Those products are not considered by China to be
19 strategic or advanced. The technology associated
20 with the production of hog bristles was well
21 established over 150 years ago. The technology
22 behind CT polyester was developed and originated

1 in China more than 15 years ago.

2 Neither CT polyester nor hog bristle
3 imported by Wooster advance China up the supply
4 chain in any way. The hog bristle required by
5 Wooster is no longer produced in the United
6 States or it never was. The hog bristle cannot
7 be produced from U.S. hogs due to their quick to
8 mature growth pattern.

9 U.S. suppliers of polyester and nylon
10 brush filaments show no interest in developing
11 the chemical processes to produce CT polyester.
12 Limited supplies of hog bristle and CT polyester
13 are available in India. However, after five
14 years of trying, Wooster still finds the Indian
15 bristles to be too low-quality for Wooster's
16 paint brushes.

17 In conclusion, Wooster believes that
18 imposing tariffs on low-technology hog bristle
19 and CT polyester from China will do nothing to
20 influence the Chinese government's trade
21 policies. Instead, imposing a 25 percent tariff
22 on these materials will harm U.S. manufacturers

1 like Wooster who committed to making paintbrushes
2 in the United States, while its competitors who
3 import finished paint brushes will not be harmed
4 by these tariffs.

5 As a result of these tariffs, Wooster
6 will likely have to pass on some costs to U.S.
7 consumers, including tradesmen, as well as
8 curtail its investments in manufacturing growth
9 in the United States.

10 Therefore, on behalf of the Wooster
11 Brush Company, I respectfully ask this commission
12 to remove synthetic filament and hog bristle from
13 the list of items proposed for the 25 percent
14 tariff.

15 I do have a sample to display. You
16 know, this is the product that we make. This is
17 the product that our competitors import directly.
18 We manufacture this. This is the polyester
19 brush. This is the natural bristle brush.

20 So, thank you for your time and
21 attention.

22 MR. BISHOP: Thank you, Mr. Fagert.

1 Our next witness is Paul Gosnell with Patriot
2 Timber Products.

3 Mr. Gosnell, you have five minutes.

4 MR. GOSNELL: Good morning. My name
5 is Paul Gosnell, vice president of Patriot Timber
6 Products. Patriot is a 73-year-old company
7 employing 12 Americans in Greensboro, North
8 Carolina.

9 We are a developer of innovative wood
10 products, often used as what we call
11 underlayment, which is the layer of plywood
12 installed underneath a variety of flooring
13 surfaces. We hold numerous patents, and because
14 of this we fully support enhancing patent
15 protection.

16 However, imposing tariffs, whether 10
17 percent or 25 percent, on Patriot's imports of
18 our patented products would be counterproductive,
19 harming American jobs.

20 For this reason, we ask you to remove
21 HTS Codes 4412.39.10, 4412.39.30, 4412.39.40,
22 4412.39.50 from any final retaliation list.

1 These products are plywood with a face and back
2 of various kinds of softwood species, such as
3 radiata pine. Because they are all subheadings
4 of the same six-digit code, I will refer to them
5 simply as HTS 4412.39.

6 Plywood imported under these HTS codes
7 does not compete with any domestically produced
8 plywood. In fact, the group of companies who
9 filed an antidumping and countervailing duty case
10 in November of 2016 against hardwood plywood
11 products explicitly did not include softwood-
12 faced plywood in their petition.

13 Our plywood underlayment panels are
14 typically very thin, much thinner than any
15 plywood the domestic manufacturers have made in
16 decades.

17 Patriot Timber holds two patents for
18 environmentally-friendly substitutes for various
19 tropical species that have been sourced from
20 Southeast Asia for decades.

21 Our patent covers plywood of a type
22 classified in HTS 4412.39. This product was not

1 developed to compete with any domestic product.
2 Our products do not have to be beautiful, only
3 stable, very consistent in dimension, two
4 characteristics that are enhanced by how our
5 patented products are made.

6 Imposing retaliatory duties on HTS
7 4412.39 would not assist the U.S. goal of
8 enhancing intellectual property protection. In
9 our case, it would be the opposite effect,
10 impairing our ability to import our own product
11 that is covered under valid registered U.S.
12 patents.

13 Duties would have a negative impact on
14 our American employees and those of our valued
15 customers and no benefit to the Committee's
16 stated goal. For this reason, we ask you to
17 remove HTS 4412.39 from the retaliation list.
18 Thank you for allowing me to testify today.

19 MR. BISHOP: Thank you, Mr. Gosnell.
20 Our next witness is Jerome Kearns with Four
21 Hands, LLC.

22 Mr. Kearns, you have five minutes.

1 MR. KEARNS: Members of the committee,
2 good morning. I am Jerome Kearns, chief
3 operating officer of Four Hands, LLC. I am here
4 today to discuss the reasons USTR had removed
5 certain furniture that Four Hands imports from
6 the proposed list of products subject to
7 additional tariffs. The top of my written
8 testimony contains the HTS U.S. subheadings at
9 issue, which Four Hands discusses more fully in
10 its written comments.

11 The company is a leading supplier of
12 furniture to large retailers, interior designers,
13 and individual customers across the United
14 States. Established in 1996, Four Hands is a
15 thoroughly American company based in Austin,
16 Texas. The company employs 250 people across the
17 United States and supplies an estimated .4
18 percent of the furniture market.

19 The goal of Four Hands is to supply
20 qualify furniture to American business and
21 consumers. To meet that goal, the company
22 purchases furniture and decorative accessories

1 from the United States as well as globally,
2 including China.

3 Imposing a 10 percent tariff, let
4 alone a 25 percent tariff, on the goods we import
5 from China will negatively impact Four Hands and
6 the American consumer by significantly increasing
7 the cost of our customers' end products.

8 Although the company understands the
9 philosophy of the administration to target
10 industries and products that China aims to
11 support in its Made in China 2025 strategy,
12 targeting furniture products does nothing to
13 inhibit China's technological advancements and
14 only serves to hurt the American consumer.

15 The above classification should be
16 excluded from the additional tariffs because,
17 one, the products do not fall under the ten
18 industries targeted in the Made in China 2025
19 policy; two, Four Hands has attempted to source
20 its product lines in countries outside China; and
21 three, the economic impact of the tariffs will
22 disproportionately impact American jobs and

1 consumer prices.

2 Our sources construct product mainly
3 using common hand tools and not sophisticated
4 equipment. Four Hands products targeted for
5 additional tariffs cannot be considered high-
6 level technology that China is targeting to
7 advance its Made in China 2025 strategy. These
8 products are not made with leapfrog technology.
9 Products sourced from China consist of wooden and
10 upholstered products utilizing low-technology
11 labor and craftsmen to produce tables, chairs,
12 and other home furnishings.

13 Four Hands also appreciates the
14 administration's attempt to source these products
15 from outside China. Four Hands sources from
16 Vietnam, Mexico, Indonesia, and the United
17 States.

18 For products that remain China, for
19 various reasons it is the only country from which
20 to source these products. Finding suppliers
21 outside of China that can combine fabric and
22 leather along with metal or wood into a viable

1 commercial furniture product, produced at the
2 capacity needed to fulfil the company's needs,
3 has proven to be difficult.

4 The fabrics used to upholster Four
5 Hands' seating collections are dependent on the
6 scale and capability of Chinese textile mills.
7 In the event we were able to find sources for the
8 assembly of the product, the textiles used are
9 only available through Chinese sources.

10 The economic impact of an additional
11 10 percent duty on our products would have an
12 immediate impact on our business. As a small
13 business, we will not be able to sustain the
14 economic impact to our margin and we'd be forced
15 to pass some costs downstream.

16 As an initial response, we would
17 implement austerity programs that would freeze
18 hiring and wages and curtail discretionary
19 spending. Our company has been growing rapidly
20 and current plans call to expand our U.S.
21 offices and warehouses in 2019. These plans
22 would be placed on hold.

1 In addition, profits, and subsequently
2 our profit-sharing with employees, would be
3 impacted. For the last several years, profit-
4 sharing has accounted for 15 percent of employee
5 income and is a significant element of our
6 recruiting.

7 Costs that we couldn't absorb would be
8 passed down on to our customers in the form of
9 higher prices. Our customers would put
10 increasing pressure on Four Hands to absorb the
11 tariffs' impacts, leading to negative customer
12 interaction and a potential loss of business.

13 A 25 percent tariff would compound
14 this dramatically. These impacts would last at
15 least two years, as we must cycle out of these
16 products and source from other countries. Sales
17 of popular items would be lost forever and
18 customer relationships that have been in place
19 for up to 20 years will be strained and
20 potentially damaged beyond repair.

21 Imposing a tariff on the imports
22 described above would not in any way influence

1 the Chinese government to alter or change the
2 policies and practices identified by USTR in its
3 Section 301 report.

4 Instead, the additional tariffs would
5 damage U.S. companies and consumers. Harming a
6 company like Four Hands, which is investing
7 heavily in the American economy, should not be
8 the goal or consequences of tariffs. We have
9 added over 100 jobs in the last four years in the
10 United States.

11 Therefore, Four Hands urges the USTR
12 not to impose a 10 percent tariff, let alone a 25
13 percent tariff, on products classified under HTS
14 U.S. subheadings mentioned above.

15 Thank you for the opportunity to
16 testify today. I have included some pictures of
17 the products that we source from China that we
18 cannot source from other countries.

19 MR. BISHOP: Thank you, Mr. Kearns.
20 Our next witness is Gary Trapp with Cascade Wood
21 Products, Incorporated.

22 Mr. Trapp, you have five minutes.

1 MR. TRAPP: Thank you for allowing me
2 the time to express my deep concern over the
3 impact of China's trade policies and practices on
4 Cascade Wood Products and other United States
5 millwork manufacturing companies.

6 Until recently, Cascade could be
7 considered a strong reflection of the American
8 dream. The two principal owners started working
9 at Cascade not long after graduating from high
10 school. After years of hard work and by being
11 willing to risk all, they bought the company in
12 1978. From that point forward, they ran the
13 company with the focus on providing well-paying
14 jobs with great benefits for families in the
15 community.

16 They view the employees as an
17 extension of their family and are very concerned
18 about the welfare of both the employees and the
19 community. Indeed, many of the employees have
20 been with the company for more than 25 years, and
21 for some their entire working career will be at
22 Cascade.

1 Over the last 40 years, Cascade has
2 faced and overcome many different challenges.
3 These range from the 1981-82 downturn in housing,
4 reduced and restricted supplies of raw materials
5 in the '90s, an influx of South American
6 competition in the early 2000s, and the collapse
7 of the housing industry in 2008 and '09.

8 While these periods were difficult,
9 Cascade was able to manage and adapt to the
10 challenges and continued to provide good jobs for
11 families in southern Oregon. We were able to do
12 this through innovation, investment, and by
13 focusing on areas of strength during these
14 difficult times.

15 Unfortunately, the challenge we face
16 today from cheap Chinese imports is far more
17 difficult and poses a grave threat to Cascade and
18 the 200-plus families that are dependent upon
19 Cascade.

20 The two main areas of concern are the
21 broad HTS Codes 4409.10 and 4418.20. Since 2003,
22 the combined import value of these two codes has

1 risen from \$29,355,000 to \$284,666,000 in 2017.
2 This translated into a total percent growth from
3 2003 of 870 percent. In comparing this to actual
4 U.S. housing starts over this period, the
5 combined number of Chinese moldings and frames
6 used per housing start rose from \$15.89 in 2003
7 to \$236.65 in 2017.

8 While this may not seem like a large
9 increase considering the overall cost of a new
10 house, the loss of just a couple dollars per
11 start is devastating to Cascade and our
12 employees.

13 Of course, the natural question is
14 what's driving the move to Chinese imported
15 moldings and frames. The answer is very simple:
16 below market prices.

17 Currently, a pair of molded, primed,
18 and delivered door frames is being imported at a
19 cost of \$8.94 per pair; or, to use the common
20 measurement in our industry, \$1,242 per thousand
21 board feet. These prices are barely above the
22 cost of raw material.

1 Most of the Chinese frames are made
2 from radiata pine lumber sourced from Chile and
3 New Zealand. And based on the currently
4 published price of Radiata #3 Shop plus freight,
5 divided by the percent of recovered wood, their
6 cost of materials is approximately \$1,014 per
7 thousand board feet, or \$7.30 per pair of frames.
8 This is before any labor and overhead for
9 cutting, joining, molding, priming, and shipping
10 costs to the United States.

11 In other words, raw materials costs
12 are 82 percent of their selling price and they
13 only have \$1.64 to cover all of the manufacturing
14 and shipping costs plus any profit.

15 While labor costs are lower in China,
16 it is very unlikely the prices they are charging
17 cover all their costs or provide any profit for
18 the seller. These prices are simply designed to
19 gain market share and drive U.S. producers out of
20 business. These pricing policies are already
21 having an impact on U.S. companies with a number
22 of facilities reducing production or closing

1 operations.

2 Unfortunately, if nothing is done,
3 more jobs will be lost. The impact is not just
4 limited to the molding and millwork manufacturers
5 but will also impact the lumber mills that supply
6 Cascade and other producers of millwork. With
7 fewer customers for shop grade lumber, more
8 lumber mills will close, impacting smaller
9 communities and the health of our forests.

10 Although we have heavily invested in
11 creating one of the most effective and efficient
12 cutting systems for shop lumber, we cannot
13 compete with prices that are below cost and,
14 respectfully request that you increase the posed
15 tariff on the previously identified HTS codes not
16 just 10 percent but to a minimum of 25 percent.

17 The recent devaluation of the Chinese
18 yuan has already offset most of the proposed 10
19 percent tariff. This tariff will help ensure the
20 continued viability of both Cascade and other
21 U.S. wood product companies and retain valuable
22 jobs for families and smaller communities.

1 Thank you for your time.

2 MR. BISHOP: Thank you, Mr. Trapp. Our
3 next witness is Mike Pedersen with Alta Forest
4 Products.

5 Mr. Pedersen, you have five minutes.

6 MR. PEDERSEN: Thank you. My name is
7 Mike Pedersen and I am CEO of Alta Forest
8 Products, headquartered in Chehalis, Washington.
9 We are the largest U.S. producer of fencing
10 boards and we employ over 400 people at family-
11 wage jobs.

12 This hearing could not have come at a
13 better time as our industry is under attack from
14 a flood of Chinese imports. Not long ago, we had
15 to look 40 of our workers in the eye at our
16 Shelton, Washington sawmill and lay them off, an
17 entire shift, because of the unfair competition
18 from these Chinese imports.

19 I am here today to urge you to
20 maintain fencing products on the final tariff
21 list and to impose a tariff of at least 25
22 percent. Tariffs on Chinese imports of fencing

1 products are urgently needed to protect American
2 jobs.

3 I have worked at Alta Forest Products
4 or our predecessor companies for 45 years. I
5 grew up in Morton, Washington, a small town in
6 the Cowlitz River Valley, overlooked by Mount
7 Rainier, the same town where our flagship mill
8 sits. I started as a lumber grader and stacker
9 in 1973. I worked my way up through the
10 organization, eventually rose to CEO.

11 Today, our company is the largest
12 domestic producer of wood fence boards,
13 specializing in western red cedar and other
14 premium species found in our Pacific Northwest
15 forests. We operate fence board sawmills in the
16 rural communities of Morton, Shelton and Amanda
17 Park, Washington, as well as Naples, Idaho.

18 Alta's mills are uniquely designed to
19 efficiently cut boards that make beautiful and
20 natural fences and leaves zero waste in the
21 process. In addition to producing fence boards,
22 we produce byproducts such as garden mulch and

1 biofuel used in clean energy production, as well
2 as wood chips and sawdust, which are used to
3 produce protective garments in the medical
4 industry.

5 You can buy our fence boards at home
6 improvement retailers such as the Home Depot and
7 Lowe's, as well as many other distributors and
8 fence installers throughout the U.S. We use
9 genuine western red cedar sourced from North
10 America, including public and private lands in
11 Alaska, Washington, Oregon, Idaho, Montana and
12 California.

13 In addition to providing revenue to
14 local counties, state schools, and forest service
15 programs, Alta's purchases of wood from public
16 lands help land managers achieve forest health
17 and fire prevention goals.

18 Over the last five years, Alta has
19 invested more than \$25 million of capital into
20 its manufacturing and operational facilities. We
21 directly employ more than 400 people and we are
22 proud to provide family-wage jobs that include

1 family healthcare and retirement benefits to our
2 workers, in areas where these opportunities are
3 increasingly rare, especially for individuals
4 without college or graduate degrees. Our
5 employees are the heart of our company and our
6 rural communities. They are the strong middle
7 class men and women who live out the American
8 dream.

9 The U.S. fencing industry is facing
10 ongoing and severe injury from Chinese imports.
11 The domestic market is currently being flooded
12 with Chinese fencing products. Chinese cedar is
13 actually softwood grown primarily in northeast
14 Asia. It's a member of cypress family. Before
15 being described as a "cedar" for marketing
16 purposes, this species was more commonly called
17 Chinese fir or China fir.

18 Based on products arriving to Texas
19 during the second quarter of 2018, these imports
20 are presently undercutting American products by
21 as much as 38 percent. Arguably, this data could
22 support a duty of up to 60 percent if the

1 objective is to equalize pricing levels. So a
2 tariff of 25 percent or is entirely appropriate.

3 Published shipping data shows how the
4 Chinese imports are flooding the market. The
5 number of containers of Chinese fencing imports
6 has increased from 92 containers in 2014 to 1,293
7 containers in 2017 and 909 in the first half of
8 2018. Thus, Chinese fencing products imports
9 will have increased by a factor of 20 in only
10 four years.

11 Based on the revenues we have lost due
12 to the Shelton shift layoff, we estimate the
13 current impact to the industry as approximately
14 \$43 million on an annual basis. This does not
15 include lost wages from laid-off workers or
16 losses to the local economy from the expenses
17 these workers can no longer cover.

18 American companies and workers in our
19 industry are thus competing on an uneven playing
20 field. By imposing a tariff you will preserve
21 family-wage jobs in our communities.
22 For these reasons, we appreciate the

1 administration's efforts to promote fair trade
2 with China and believe the inclusion of fencing
3 products on the proposed tariff list as listed in
4 my written testimony would be an effective means
5 of achieving this goal.

6 We therefore urge you to maintain
7 fencing products on the final list. Moreover, in
8 light of the harm currently being caused to our
9 industry by Chinese imports, we urge the
10 committee to consider increasing the tariff on
11 these particular products to 25 percent or more.

12 Thank you.

13 MR. BISHOP: Thank you, Mr. Pedersen.
14 Our final witness on this panel is Wu Shengfu
15 with the China National Forest Products Industry
16 Association.

17 Mr. Shengfu, you have five minutes.

18 MR. SHENGFU: Good morning, ladies and
19 gentlemen. My name is Wu Shengfu and I am the
20 vice president of China National Forest Products
21 Industry Association. My association represents
22 Chinese producers of various wood products,

1 including producers of plywood, multi-layer wood
2 flooring, laminated flooring, vinyl flooring,
3 bamboo flooring, and cabinets.

4 I am here today to request the USTR
5 remove such products from the proposed list.
6 Imposing additional duties of 25 percent on these
7 products will not achieve the objectives of the
8 administration. The initial list of the products
9 proposed by USTR identified products that
10 allegedly benefit China's industrial policies,
11 including Made in China 2025.

12 The products I am discussing today
13 here have nothing to do with Made in China 2025.

14 First, the objective of the
15 administration will not be achieved by the
16 imposing of additional tariff on wood products.

17 USTR investigated certain alleged
18 acts, policies, and practices by the government
19 of China related to technology transfer,
20 intellectual properties, and innovation.

21 Our industry is labor intensive rather
22 than the kind of high-technology industry that

1 the government of China is allegedly trying to
2 promote. An imposition of additional tariff on
3 wood products from China will not change
4 anything.

5 Second, the imposition of additional
6 duties will have a negative impact on the U.S.
7 wood industry, both on the domestic side and also
8 in export side. On the U.S. domestic side, there
9 is no sufficient capacity in the next couple of
10 years to produce many of these items that are
11 currently bought from China. But a cutback of
12 Chinese import of these products will also affect
13 the U.S. exporters because China simply will use
14 less wood imported from the U.S.

15 In 2017, China imported over \$1.5
16 billion of U.S. hardwood lumber, which is used in
17 the production of downstream wood products
18 produced by our member companies. For example,
19 American walnut and red oak are in high demand
20 from Chinese manufacturers. Red oak going to
21 China accounts for 78 percent of all red oak
22 exported by value from the U.S.

1 Higher tariffs on Chinese wooden
2 products will lead to lower demand for the
3 products produced by our member companies, which
4 will in turn lead to lower demand for the U.S.
5 hardwood lumber.

6 Some products are produced only in
7 extremely limited quantities in the U.S. For
8 example, bamboo flooring has been a growing
9 category in the market and much of the world
10 supply is in China. The U.S. grows little bamboo
11 and produces almost no bamboo flooring. But even
12 in some more traditional categories of flooring,
13 there is not a sufficient production capacity in
14 the U.S. to supply the demands of the market in
15 the time when the product is needed.

16 Finally, the imposition of additional
17 duties will also lead to higher prices for our
18 customers in the U.S. The wooden products I
19 mentioned are used primarily in new home
20 construction and existing house remodeling, and
21 any additional tariffs will have a huge impact on
22 these sectors in the U.S., especially in

1 combination with the other tariffs already
2 imposed by the administration.

3 Hardwood plywood and the multi-layer
4 wood flooring are already subjected to additional
5 tariffs under the current antidumping and the
6 countervailing duty laws.

7 Ultimately, all of these tariffs have
8 or will negatively impact the U.S. housing market
9 and housing affordability, particularly for low
10 income families. The National Association of
11 Homebuilders has estimated that for every \$1,000
12 increase in the price of a house, 150,000
13 Americans are priced out of the market.

14 For all of these reasons, we
15 respectively request that USTR remove the tariff
16 subheadings covering plywood, multi-layer wood
17 flooring, laminated flooring, vinyl flooring,
18 bamboo flooring, and cabinets. The tariff
19 numbers of these products were contained in our
20 request to appear at this hearing and also will
21 be resubmitted with our written comments.

22 Thank you, and I will be happy to

1 answer any questions.

2 MR. BISHOP: Thank you, Mr. Shengfu.

3 Mr. Chairman, that concludes direct
4 testimony from this panel.

5 MR. JOHNSON: My question is for Mr.
6 Cowles, Liberty Furniture. In your testimony you
7 argue that the U.S. does not have capacity to
8 produce the kinds of furniture that are currently
9 imported from China. Can you expand on this?

10 MR. COWLES: Yes. As far as if these
11 new tariffs were placed on China, I think the
12 overall demand currently coming out of China we
13 don't currently have the capacity in the U.S. to
14 support that. It would overwhelm many of our
15 existing resources.

16 MR. JOHNSON: Do your competitors
17 source from China as well?

18 MR. COWLES: Yes.

19 MR. JOHNSON: And as far as the design
20 of the furniture, is that something you do or is
21 that something you do in partnership with your
22 Chinese supplier?

1 MR. COWLES: The design is done here
2 in the States.

3 MR. JOHNSON: Is here in the States.

4 MR. COWLES: Yes, sir.

5 MR. JOHNSON: Okay. And do you source
6 from countries outside of China?

7 MR. COWLES: Yes, sir.

8 MR. JOHNSON: What other countries?

9 MR. COWLES: Primarily Vietnam and
10 Malaysia.

11 MR. JOHNSON: And are they specific to
12 particular product lines?

13 MR. COWLES: Yes. You know, I
14 mentioned in the testimony the dumping of bedroom
15 furniture out of Vietnam and dining primarily out
16 of Malaysia. There are certain products we just
17 can't -- the skill force and the nimbleness of
18 the supply chain we can't replicate in those
19 countries.

20 MR. JOHNSON: Okay. So those are the
21 constraints to shifting --

22 MR. COWLES: Those are some of the

1 constraints.

2 MR. JOHNSON: -- furniture lines from
3 China to at least Vietnam. What was the second
4 country?

5 MR. COWLES: Malaysia.

6 MR. JOHNSON: Malaysia. All right.
7 Thank you very much.

8 MR. MULLIS: Hi. I have a question
9 for Bill Fagert of the Wooster Brush Company. You
10 mentioned that the Wooster Brush Company tried to
11 source the hog bristle and the CT polyester from
12 India and there was problems with the hog bristle
13 quality from India. Could you mention -- were
14 there any concerns with the CT polyester from
15 India?

16 MR. FAGERT: We haven't developed that
17 sufficiently to know. At this point, the quality
18 is not there. You know, it could be brought
19 along but it would take a long time.

20 There is a number of barriers that
21 come into effect. One is quality. Two is
22 capacity. Three is logistics.

1 And I'll try to be brief, but, you
2 know, we manufacture over 95 percent of what we
3 sell here in the United States. We do import
4 other products, including, for example, finished
5 paint roller frames. We manufacture high-end
6 paint roller frames, but we import some consumer-
7 level roller frames.

8 So, you know, for us to be effective
9 logistically, we have to fill containers, and
10 we're able to fill containers with hog bristles,
11 CT polyester, and roller frames, as an example.

12 Those roller frames are subject to the
13 Section 301 tariff. We are not objecting to
14 that, because that's a level playing field on a
15 finished good. What we are objecting to is, you
16 know, we make this and our competitors bring in a
17 finished good and we are being penalized.

18 Did I answer your question?

19 MR. MULLIS: Yes.

20 MR. FAGERT: Okay.

21 MR. MULLIS: I have a follow-up
22 question. Can you provide any more details on

1 the attempts to get CT polyester from other
2 countries besides India and China?

3 MR. FAGERT: There -- CT polyester is
4 not available in any other countries that I am
5 aware of.

6 MR. MULLIS: Okay. Thank you.

7 CHAIR TSAO: I have a quick follow-up
8 to that. The brushes that Wooster makes, is that
9 of a higher quality product or does it compete
10 equally, the same level entry point product as do
11 the similar products as imports?

12 MR. FAGERT: Yes. Over the years, our
13 market share has gravitated towards the upper end
14 because we have trouble competing in the lower
15 end price-wise. We do make some lower end
16 products. We think they are the best lower end
17 products on the market, but we have challenges
18 competing on price with those.

19 MR. CONCEICAO: Good morning. My
20 question is for Mr. Gosnell. Mr. Gosnell, does
21 Patriot Timber Products import plywood from any
22 other countries in Asia?

1 MR. GOSNELL: At the moment, we don't.
2 We have over the years. These panels,
3 underlayment panels have never been domestically
4 made. Traditionally, in the last 50 years,
5 they've come from any tropical -- any country
6 that has tropical species: Philippines,
7 Indonesia, Malaysia, Brazil.

8 But when the U.S. put wood products on
9 the Lacey Act in 2008, a lot of scrutiny came
10 upon those countries because a lot of those
11 tropical species were coming from illegal
12 sources. So most of these thin panels gravitated
13 to China because they are sustainable and
14 plantation sources. So that's where the industry
15 gravitated after going through all these other
16 countries.

17 MR. CONCEICAO: Okay. Is there
18 something that might prevent you from sourcing a
19 similar product either elsewhere in Asia or
20 elsewhere in the world even?

21 MR. GOSNELL: We can still source from
22 those countries. They would not have the volumes

1 needed to cover it because of the sustainability
2 issues.

3 Also, from our products, we have
4 patents on a couple of our -- on our products.
5 These other countries have never been flexible
6 enough to make or to develop new panels. They
7 are not exactly market-driven. They are, "here's
8 what we make, you buy it." Whereas in China
9 they've shown the flexibility that if you go with
10 them with new ideas, new innovations, that they
11 are willing to look at it and produce it.

12 MR. CONCEICAO: All right. Thank you
13 very much.

14 MS. SMITH: Good morning. Thank you
15 for your testimony. My question is going toward
16 Mr. Kearns. Mr. Kearns, how many years has Four
17 Hands been sourcing furniture products from
18 China?

19 MR. KEARNS: We've been sourcing
20 furniture products from China -- we started
21 importing from India and China in 1996.

22 MS. SMITH: Okay. And my second

1 question is: by what percentage do you estimate
2 your costs would increase if you moved production
3 outside of China?

4 MR. KEARNS: We're not quite sure what
5 the production cost would increase. But the
6 logistics costing also would go up. As Liberty
7 Furniture mentioned earlier, the cost of -- first
8 of all, we are a style-based company and it's
9 very difficult -- the reason I included pictures
10 in our testimony is that it's very difficult --
11 if you look at the pictures in the back you'll
12 see two chairs and a table, and we can't source
13 the craftsmanship elsewhere.

14 So we are not sure what the cost would
15 be. Every time we've moved a product from Mexico
16 to Vietnam, eventually the product did not take
17 off. We lost the business. We have also moved
18 product from China to Vietnam recently, about
19 three years ago, and we lost that business as
20 well.

21 It's very difficult for us to take the
22 same exact style -- it's a craftsman-based

1 business -- to take that same exact style and
2 have it replicated. The product never comes out
3 the same.

4 MS. SMITH: All right. Thank you.
5 That's a very nice product.

6 MR. KEARNS: Thank you.

7 MS. SMITH: Thank you.

8 CHAIR TSAO: That's not an official
9 endorsement by the U.S. government, just to be
10 clear.

11 (Laughter.)

12 MS. HOLMAN: Good morning. My
13 question is for Mr. Trapp. Thank you very much
14 for your testimony. If tariffs were to be
15 imposed on the products you mentioned in your
16 testimony, does your company, Cascade, or the
17 domestic industry, have the capacity to supply
18 the domestic demand for these products?

19 MR. TRAPP: We could meet a great deal
20 of it. Currently, we are operating at, roughly,
21 40 percent of our capacity due to the rapid
22 influx of these products.

1 I know you're going to hear testimony
2 tomorrow from one of our American competitors who
3 has recently closed a facility in Kentucky
4 because of the imports. Other companies have
5 also curtailed production. Sierra down in
6 California has shut down a shift. All of us
7 still have most of our facilities in place to
8 rapidly increase if we could be competitive.

9 Unfortunately, the pricing is such
10 that there is no way for us to compete against
11 products coming in with the raw material cost of
12 over 82 percent.

13 We have close relations with a number
14 of the big producers out of Chile and they've
15 told us that often they are not pricing based on
16 random lengths but the prices are even higher
17 than that of what they ship to China.

18 MS. HOLMAN: Thank you very much.

19 MS. PETTIS: Mr. Pedersen, I have a
20 question for you. If tariffs are imposed on
21 these wooden fence products, does Alta and the
22 domestic industry have the capacity to supply

1 domestic demand? And, if not, how long would it
2 take the domestic industry to build the capacity?

3 MR. PEDERSEN: Yes. Alta has idled
4 capacity at this time. As I stated in my
5 testimony, we have recently laid off a shift at
6 one of our facilities, as well as our competitors
7 who are -- we have two fairly sizeable
8 competitors that are both running single shifts
9 at this time.

10 Currently, we are all sitting on some
11 of the highest both finished goods and raw
12 material inventories in our history. So there is
13 a backlog of material and idled capacity right
14 now.

15 MS. PETTIS: Okay. Thank you very
16 much.

17 CHAIR TSAO: This is a follow-up for
18 Mr. Trapp and Mr. Pedersen. In your view, what
19 are the reasons for the very cheap low prices of
20 your Chinese competitors' products?

21 MR. PEDERSEN: Well, from my
22 standpoint, with the fencing, the wood coming in

1 is used to be, like I commented on, it's actually
2 a fir being marketed as a cedar. It's also not
3 being properly heat treated. It's something we
4 are also dealing with the Department of
5 Agriculture on. There are shortcuts being taken.

6 So this wood is arriving over here
7 without even being properly processed. So that's
8 why I think we are seeing the flood of it. It's
9 just cheap.

10 MR. TRAPP: From our perspective, we
11 believe they are getting some supports in order
12 to gain market share. The pricing cannot be
13 sustained with the level of material costs that
14 they have. So there has to be some supports,
15 either through government or some other form, in
16 order to be importing products at that level.

17 MS. HOWE: My question is for Mr. Wu.
18 So, can you tell us if the majority of the
19 exports from your Association Members go directly
20 to the United States?

21 MR. SHENGFU: You mean how many by
22 volume or by the numbers?

1 MS. HOWE: Both.

2 MR. SHENGFU: Come directly China on
3 the production side actually -- understand. And
4 so for the products covered by the flooring
5 plywood and the cabinets as well as the
6 furniture.

7 Since the products are labor intensive
8 which is suitable for China to manufacture and
9 America nowadays, is one of the biggest markets
10 for Chinese, and also on the other hand, we
11 import a lot of materials from the U.S.

12 Like for the number, we import over
13 \$1.5 billion from the U.S. for the downstream
14 production.

15 So the products we deliver for
16 furniture, for flooring, for cabinets, there's
17 quite many of the raw materials are coming from
18 the U.S., especially for the Red Oak and walnut
19 species.

20 So I think these products are quite
21 good and suitable for the consumers here for the
22 U.S., beneficial for the U.S. houses, and the art

1 decorations.

2 MR. SHENGFU: Do you have other major
3 export destinations aside from the United States?

4 MS. HOWE: Oh, yes, actually nowadays
5 China also imports and exports products, not only
6 for America but also for Europe, the Middle East,
7 Africa, and the South America as well. Also our
8 neighbor countries like Japan.

9 MR. SHENGFU: And then, you know,
10 aside from the raw materials that you mentioned
11 also in your testimony, do your members import
12 finished products from the United States?

13 MS. HOWE: Oh, yes. Actually, a
14 number of the products are also imported like the
15 furniture. We also import from the U.S. as well
16 as we import flooring from the U.S. for those
17 niche products because these are the products
18 made for both sides markets.

19 MS. HOWE: Do you know what China's
20 tariff rate is on those U.S. products?

21 MR. SHENGFU: You mean tariff rate?

22 MS. HOWE: Yes, any of the government

1 tariff rates on the U.S. imported products.

2 MS. HOWE: Nowadays, for timber it's
3 actually zero and for the product side, there are
4 certain on the product side which I do not
5 exactly know for those.

6 I can submit later or by request via
7 the written comments.

8 MR. BISHOP: We release this panel
9 with our thanks and we invited the Members of
10 Panel 11 to please come forward and be seated.

11 Will the room please come to order?
12 If everyone can take their conversations out into
13 the outer lobby, please? If the room will come
14 to order?

15 Mr. Chairman, our first witness on
16 this panel is James Archibald with William T.
17 Burnett & Company. Mr. Archibald, you have five
18 minutes.

19 MR. ARCHIBALD: Let me try that again.
20 Good morning, Mr. Chairman, and Members of the
21 Committee. My name is James Archibald, I am the
22 Vice President of administration and regulatory

1 affairs for the William T. Burnett Company.

2 Burnett is a family-owned company
3 that's been in existence for over 100 years. Our
4 company and the U.S. consumers of the products we
5 make will be harmed greatly by the proposed
6 tariff on goods.

7 That's submitted under Subheading
8 5504.10.00, that being viscous rayon. We urge
9 that this Subheading be removed from the proposed
10 supplemental action.

11 We have a manufacturing plant in
12 Statesville, North Carolina that employs around
13 155 people and we have one in Phoenix, Arizona
14 that employs around 25.

15 These particular plants make a fire
16 barrier material for mattresses that enable the
17 mattresses to pass U.S. flammability regulations
18 and requirements.

19 We're not making the mattresses
20 themselves, rather, it's a barrier that the
21 manufacturers of the mattresses put on. The
22 mattresses are then tested to show that they

1 comply with the flammability requirements.

2 Due to the competitiveness of the
3 bedding business and particularly foreign inputs
4 to the bedding business, our margins on these
5 fire barrier products have steadily declined over
6 the years.

7 This is a product that's been in place
8 since around 2006 when the flammability
9 regulations came into being and the manufacturer
10 of mattresses had to comply with them.

11 The importance to us is a subcategory
12 of rayon, specifically fire-retardant rayon, FR
13 rayon. It's a necessary raw material for our
14 fire barrier products and unfortunately, there's
15 no production of that FR Rayon in the United
16 States.

17 Thus, we have no choice but to import
18 it. We import it under the rayon subheading for
19 a broader category than our particular concern.

20 I'd like to remind the Members of the
21 Committee that this kind of a circumstances where
22 a critical raw material for us is not available

1 has to be purchased somewhere and also imported.

2 It's something Congress has been
3 looking at in the miscellaneous trade bill. The
4 Senate recently, of course, took that up, and
5 Senator Hatch I think in his statement, as the
6 Senate passed that legislation, sent it back to
7 the house, spoke about the predicament that we
8 and others have, noting that it'll help American
9 companies compete across the globe and create
10 economic benefits domestically for those
11 companies, reducing the trade barriers for those
12 American manufacturers like Burnett that need
13 products that are, Senator Hatch called it,
14 difficult to obtain in the U.S.

15 We're not facing this issue where it's
16 difficult to obtain, we're facing this situation
17 where it's impossible to obtain it domestically.

18 As noted in my materials, we're
19 looking at an annual production globally of about
20 20,000 tons, China being the great majority in
21 terms of the production of that.

22 A few others, a little bit from India,

1 Germany has gotten out, Japanese have gotten out,
2 largely because the margins that can be made on
3 rayon generally are significantly higher than on
4 this smaller product.

5 And the significance is the fire
6 barrier or the fire chemicals are infused into
7 the rayon as it's being manufactured. When it's
8 in that liquid state going from the wood pulp to
9 the finished product to try and impregnate it
10 here with rayon that comes in from somewhere
11 else, it just doesn't work.

12 The testing shows that this particular
13 methodology of creating the FR rayon is critical,
14 it's critical to us, it's critical to, we
15 believe, the whole bedding market in terms of
16 what we're trying to do domestically with it.

17 If, in fact, the Committee were to
18 conclude that rayon should continue to have the
19 higher tariff, we would urge, as was done in the
20 first round so that an opportunity be given for
21 specific product exceptions for this particular
22 subproduct.

1 Thank you very much.

2 MR. BISHOP: Thank you, Mr. Archibald.

3 Our next witness is Sheila Eads with ERB Safety.

4 Ms. Eads, you have five minutes.

5 MS. EADS: Hi, good morning, my name

6 is Sheila Eads, I'm the CEO of ERB industries.

7 We're a U.S.-based manufacturer located in the

8 metropolitan area of Atlanta, Georgia.

9 We've been in business since 1956

10 manufacturing plastic products. In 1972, we

11 added the manufacturing of sewing products. Our

12 brands are ERB Safety and Fame Fabrics.

13 Coincidentally, also in 1972, OSHA was

14 created and at that point, ERB industries began

15 producing and selling the hard hats to industry.

16 And from that point on, we began to provide other

17 personal protection products to assist in the

18 health and safety of workers.

19 Until 2001, our sewing products were

20 manufactured in our U.S. plant but as competitors

21 moved to NAFTA countries and then again to

22 Central America due to CAFTA.

1 We also moved our sewing manufacturing
2 to offshore locations, which helped us remain
3 competitive. This did result in a decline of
4 over 100 employees from its peak so I feel like
5 we know intimately what it's like to lose
6 employees due to trade issues.

7 Our Personal Protection Products
8 Division, again, known as ERB Safety, makes
9 headgear from predominantly hard hats and related
10 items in the United States.

11 We have a sizeable employee base to
12 support the manufacturing process, which includes
13 injury molding operators as well as tool-making,
14 R&D, process control, quality assurance,
15 assembly, production scheduling amongst others.

16 We also employ a sales and marketing
17 team whose primary focus is selling and growing
18 our hard hat business throughout the country.

19 Growing our market share has not
20 always been easy due to incoming imports which
21 are less expensive, helping China-manufactured
22 hard hats gain acceptance in the marketplace

1 based on price alone.

2 In reviewing tariff codes 6506.10.60
3 and 6506.10.30, since 1998, just 20 years ago,
4 there has been a 23.5-fold increase in headgear
5 imports from China, from \$12.5 million to \$292.5
6 million, driven primarily by two factors.

7 Some hard-hat producers that were in
8 the U.S. outsourced their hard-hat production
9 capacity to China, obviously to obtain the lower
10 cost. Second, there has been an explosion of
11 China domestic firms who have adopted the
12 technology.

13 Many have entered the U.S. hard-hat
14 market often at what seems to me as non-
15 competitive cheap pricing. Furthermore, we also
16 knew through testing at our in-house laboratory
17 that imported products have issues complying with
18 American performance standards so not only do we
19 compete on price alone but on the price of a
20 generally inferior and sometimes dangerous
21 product.

22 We and other U.S. producers are aware

1 that some of the inherent cost of production for
2 hard hats, the cost of testing, standard
3 compliance and other costs may not be
4 incorporated into the prices of China's imports
5 of these products.

6 With the cost of U.S. regulations and
7 the large variance of labor costs in the United
8 States as compared to China, it's a disadvantage
9 to U.S. headgear manufacturers as much of the
10 growth in the market is from China price-point
11 products.

12 As you know, tariffs are widely
13 different and seemingly not systematic, where a
14 sewn garment bears a tariff at 23 to 32 percent
15 as compared to a hard hat or headgear product,
16 which has a zero tariff.

17 The result of the zero tariff has
18 opened the door for growth and oversees
19 manufacturers to enter the U.S. market. The
20 lopsided increase in imports, as noted
21 previously, of headgear products from China as
22 compared to all other countries points to the

1 Chinese Government's trade policies.

2 We do not believe that a tariff of 10
3 percent is suggested as balanced trade. The
4 tariff should be much higher.

5 If fair trade is implemented, we
6 should be able to, our company should be able to,
7 double our hard-hat business, a very probable
8 scenario based on the volume of headgear products
9 that are now made in China.

10 This growth would allow ERB to invest
11 in the purchase of additional machinery and
12 equipment, the hiring of more employees, and
13 raising wages.

14 I do have two closing comments and a
15 question.

16 First, ERB industries would like to
17 say that we faithfully comply with all U.S.
18 Government rules and regulations and we expect to
19 and do participate in the health and welfare
20 benefits of our employees and the payment of all
21 taxes to support our country.

22 Second, ERB and other U.S. firms have

1 been at the forefront of development and
2 standardization of safety equipment for many,
3 many decades. Through our collective efforts in
4 U.S. standard-setting and compliance, we have
5 made the workplace a safer place.

6 This process takes years of work and
7 a lot of investment in R&D expenses but my
8 question has always been how is our Government
9 helping us?

10 Based on the current tariff structure,
11 it seems that our government has been more
12 interested in helping companies source products
13 from overseas through a zero tariff, rather than
14 assisting manufacturers who make products and
15 employ citizens right here in our country.

16 So I want to thank you, the Panel, and
17 the Trump administration for giving me this
18 opportunity to voice these issues today. Thank
19 you so much.

20 MR. BISHOP: Thank you, Ms. Eads. Our
21 next witness is John Howard with Coil Wholesalers
22 LLC. Mr. Howard, you have five minutes.

1 MR. HOWARD: Hi, good morning, thank
2 you. So, my name is John Howard, I live in
3 Frisco, Texas. I'm a U.S. citizen, I am a
4 majority owner and president of a small, two-
5 person business.

6 I earn my living importing things
7 called atomizer coils into the United States and
8 distribute them to vape shops.

9 I believe my business would be
10 adversely affected by the proposed Section 301
11 tariffs in Tranche 3, that specifically being
12 U.S. tariff -- I don't know what HTSUS stands for
13 but tariff code 8543.90.8860.

14 If you look at Exhibit 1 in my packet,
15 I want to just give you a rough idea of what
16 we're talking about. So in the vape industry,
17 this is a vape mod. I'm not a consumer of this,
18 I just make a living distributing parts to it.

19 This entire device is covered under
20 854379940. That is a personal electric or
21 electronic vaporizer. I have carved out a niche
22 supplying vape shops with a consumable for these

1 devices and that's called an atomizer coil.

2 There's over 600 different designs of
3 these things, they're machined in a way that fits
4 inside this tank. Kind of like a lightbulb, they
5 heat up, they burn out.

6 So this is what we're talking about
7 and this is classified as parts of personal
8 electric vaporizers. That's 8543.90.8860 so
9 that's what we're talking about today.

10 The above referenced products that
11 we're talking about are only available from China
12 due to some FDA regulatory issues. Basically,
13 that's the only way or the only thing that's
14 legal for sale in the United States right now.

15 As I've said, my business will suffer
16 economic harm from this proposed duty on these
17 items. Further, I believe that will severely
18 impact the small businesses that I serve.

19 Conjointly with that, stuff that's
20 consumed in these devices is called e-liquid and
21 almost all of that is made in the United States.

22 And as these are consumer products, if

1 you increase or put a tariff in the value chain,
2 we're going to increase prices at retail, you're
3 going to essentially decrease volume of the
4 product sold if you have the same law it's been,
5 and that's going to decrease the amount of e-
6 liquid consumed in the United States that was
7 made in the United States.

8 And e-liquid sales are probably five
9 times the size of coil sales. So, by increasing
10 the price of these items through tariffs, you
11 will decrease the consumption of a U.S.-made
12 good.

13 So, what else do I have for you? As
14 a small business, I am a two-person company. I
15 have probably spent 30 hours on this document. I
16 don't have any law firms or trade associations
17 helping me.

18 I do hope you'll read it, I really
19 spent a lot of time on this trying to convey in
20 words instead of testimony what's going on with
21 all this. I have spent \$1035 coming here today.

22 This is a burden on small businesses.

1 We don't have a good trade association so to
2 speak but I want to speak for my industry today.
3 So, let's make it real.

4 So we talked about what I sell, we've
5 talked a little bit about the lack of
6 substitutes, and this is on Page 2 of my
7 testimony.

8 Looking at the U.S. census data,
9 you'll see 97 percent of this class code is
10 imported from China and I just want to convey to
11 you really there are no substitutes.

12 These little items are OEM only,
13 nobody else makes them so there's one source for
14 them, China. You put the tariffs in, the tariffs
15 are going to hit the retailers. Let's see here.
16 So our customers, let me tell you a little bit
17 about our customers.

18 That would actually be Exhibit 3.
19 This is an example customer, this is a guy named
20 Mickey Jones. He owns Southern Vape in Selma,
21 Alabama. Last year he bought about \$26,000 worth
22 of coils for me.

1 It's just a one-person shop, he
2 supports his family with it but there's 17,500
3 guys like Mickey Jones in my leads database.
4 I've only got 265 customers right now but I know
5 who these people are in this industry.

6 And in contrast to Mickey Jones, on
7 Thursday of last week the Wall Street Journal had
8 this piece on the front page of Section B, which
9 basically said that BMW has looked at the tariffs
10 and new-model introductions should offset the
11 shortfall.

12 Basically, net-net, there's no effect.
13 So BMW can be involved in this trade war
14 according to Wall Street Journal and it's going
15 to come out just fine.

16 It's got patient investors, it's got
17 economists, it's got everything going for it, but
18 my industry is a whole bunch of little one and
19 two-person family businesses and none of us know
20 how this really works.

21 It will affect us and we're being set
22 up there with this 301 action right next to these

1 guys. They know what they're doing, we don't.

2 So, in conclusion, I guess I'd really
3 like to say that I don't think including
4 8543.88.9960 in the 301 action is in the interest
5 of the United States.

6 I think it will do more economic harm
7 for my industry than good, and I ask that you
8 guys exclude it from this Tranche 3. Thank you.

9 MR. BISHOP: Thank you, Mr. Howard.
10 Our next witness is Gary Philbin with Dollar
11 Tree, Incorporated. Mr. Philbin, you have five
12 minutes.

13 MR. PHILBIN: Good morning, my name is
14 Gary Philbin and I'm the CEO of Dollar Tree.

15 I want to thank the Committee for this
16 opportunity to appear before you to discuss the
17 serious negative impact the proposed duties would
18 have on our customers, company, and 175,000
19 associates.

20 For over 30 years, Dollar Tree has
21 operated variety stores that sell all merchandise
22 at the single-dollar price point. We also own

1 Family Dollar, a leading operator of discount
2 variety stores selling low-cost needed goods.

3 Altogether, we operate nearly 15,000
4 stores in the U.S. and employ over 175,000 U.S.
5 workers, placing us in the top 50 employers in
6 the USA.

7 Dollar Tree and Family Dollar
8 primarily serve the low and low middle income
9 segments of the U.S. population, the most
10 vulnerable of all consumers to price increases.

11 Over 60 percent of Family Dollar
12 customers have annual household incomes of less
13 than \$40,000 and half of these customers earn
14 \$20,000 or less.

15 If the administration imposes 10 to 25
16 percent duties on the products we import from
17 China, it will have a severe impact. The
18 proposed duties would impact the cost of several
19 thousand or around ten percent of the products we
20 sell.

21 All of the impacted products sell for
22 a dollar at Dollar Tree and the vast majority

1 sell for \$3 or less at Family Dollar. Among
2 other things, we may be forced to discontinue
3 offering thousands of impacted products, which
4 may have the following consequences.

5 First, our stores will offer fewer
6 products and we will most likely substitute other
7 products of lower value, meaning the U.S.
8 customer will suffer.

9 Second, this could result in slower
10 growth for our companies. The uncertainty of
11 these changes will impact our customers adversely
12 and require us to review future investments in
13 stores and supply chain.

14 We opened 603 stores last year and we
15 have plans to open more this year. Our 4000
16 rural stores are often one of the best job
17 opportunities in rural America. We hire over
18 6000 new retail associates nationwide every year.

19 The proposed duties put these new jobs
20 and possibly existing jobs at risk. We also
21 operate 23 distribution centers in the United
22 States and our planning to open one new

1 distribution center every 12 to 18 months.

2 Each distribution center will be at
3 least 1,000,000 square feet at around 400 jobs
4 and bring \$100 million of investment, most often
5 in rural America. If the duties are put into
6 effect, we could need less growth and
7 distribution capacity.

8 We strongly support U.S. jobs and U.S.
9 manufacturing. We purchase approximately 60
10 percent of our Dollar Tree products and 75
11 percent of our Family Dollar products from U.S.-
12 based vendors.

13 But many of the products we sell that
14 we need to sell at our stores and that our
15 customers depend on to make ends meet are simply
16 not commercially available from any country other
17 than China.

18 There are numerous reasons we can now
19 obtain these products from U.S. sources. For
20 example, many of our products are crafted or
21 packaged by hand and have relatively high labor
22 cost for a dollar price point.

1 Also, some parts require manufacturing
2 capabilities that are not available in the U.S.
3 such as certain types of injection plastic
4 molding and dying techniques.

5 Sufficient production capacity does
6 not exist in the United States at a price our
7 customers can afford, and at the locations and
8 quantities that will meet our distribution
9 requirements.

10 We also cannot currently obtain the
11 products we need from third-country suppliers.
12 While we have begun working with our vendors to
13 explore options for improving third-country
14 production outside of China.

15 We believe it will take two to four
16 years to improve those supply chains. In the
17 meantime, our customers and U.S. workers will
18 suffer.

19 Finally, imposing duties on our low-
20 cost products will have no effect in eliminating
21 China's unfair trade practices related to
22 intellectual property and forced technology

1 transfer.

2 China's Made in China 2025 program is
3 part of the country's effort to move beyond the
4 type of labor-intensive, low-cost manufacturing
5 that our vendors currently perform in China.

6 Imposing duties on these prices will
7 only accelerate the Chinese Government's efforts
8 to move to higher value, higher-tech
9 manufacturing, the opposite of what our country
10 needs.

11 I respectfully urge you to reconsider
12 the proposed additional duties on our products
13 and we will provide a full list of the impacted
14 tariff lines in our written comments. Thank you
15 very much.

16 MR. BISHOP: Thank you, Mr. Philbin.
17 Our next witness is David Scheer with ECM
18 Industries LLC. Mr. Scheer, you have five
19 minutes.

20 MR. SCHEER: Good morning, Chairman,
21 and the Section 301 Committee. I am David
22 Scheer, CEO of ECM Industries.

1 ECM is a small business with a long
2 history of manufacturing and supplying electrical
3 components and products for the commercial,
4 residential, and industrial construction markets.

5 We are proud that every day thousands
6 of people in businesses around the U.S. rely on
7 ECM's products. We are Headquartered in
8 Menomonee Falls, Wisconsin, and have a global
9 presence with six locations across the U.S.,
10 Mexico, and China.

11 We operate three manufacturing plants
12 in the U.S., one in the Milwaukee area, one
13 outside of St. Louis, and one in Alexandria,
14 Minnesota.

15 Our company is one of the world's pre-
16 eminent suppliers of innovative and niche
17 electrical products and systems and we are
18 dedicated to providing our customers with
19 innovative and labor-saving solutions for their
20 most demanding electrical requirements.

21 On behalf of ECM's 350 employees, I
22 thank you for the opportunity to appear before

1 you today. ECM respectfully requests that the
2 USTR remove 27 different items proposed on List 3
3 of product subject to additional retaliatory
4 Section 307 tariffs.

5 These items range from products such
6 as heat shrink to hand tools from cable ties to
7 wire management accessories.

8 While ECM is supportive of the goals
9 USTR and the administration have outlined in
10 various reports detailing China's aggressive and
11 discriminatory policies, today I would like to
12 outline three reasons why these 27 HTS codes
13 should be excluded from the list of proposed
14 tariffs.

15 First, the tariff on these products
16 would significantly harm ECM's small business.
17 Many of these products are already subject to a
18 duty.

19 The proposed additional duty on these
20 products added to the duties already in place
21 will cause irreparable harm to ECM. The proposed
22 up to additional 25 percent duty applied to our

1 products on List 3 will cost our company more
2 than a half million dollars per year.

3 These additional unexpected costs for
4 our small business are layered on top of the
5 detrimental impacts from the 301 tariffs already
6 imposed on our products on List 1 and 2 that are
7 totaling over \$3 million annually.

8 We are already running into
9 difficulties guaranteeing supply on certain
10 products and have already seen increased prices
11 for ECM for those products we source in the U.S.
12 that use China's components.

13 Overall, these 301 tariffs are
14 crippling ECM. Additionally, ECM works in a
15 highly price-sensitive market.

16 More than 95 percent of our customers,
17 including distributors, manufacturers, and large
18 retailers like Home Depot, Ace Hardware, and
19 Walmart are based in the U.S. and use and sell
20 our products for electrical construction
21 maintenance, repair and remodel applications.

22 We are now between a rock and a hard

1 place. If we try and pass the full amount of
2 these duties onto our customers, we run the risk
3 of losing our contracts with major customers and
4 with that, millions of dollars of sales and
5 profits.

6 The alternative is not a good one and
7 that means reducing our workforce in the U.S. in
8 order to absorb the costs of these tariffs. We
9 have been a healthy and growing business and have
10 not laid anyone off in over five years. In fact,
11 we've been hiring people.

12 I do not want to be in a position to
13 tell 50 or 60 people they are losing their jobs
14 as a result of these tariffs but I may have no
15 choice.

16 Second, shifting to a non-Chinese
17 source for these products is not a viable option
18 at this time. We have explored the possibility
19 of sourcing these products from other countries
20 but uprooting our supply chain is extremely cost-
21 prohibitive and impractical.

22 We have been working with our

1 suppliers in China for over 20 years and have
2 invested millions of dollars in tooling and
3 training. Many of our products are designed and
4 packaged to meet unique specifications of our
5 U.S.-based customers.

6 We believe that developing the
7 necessary manufacturing capacity within America
8 is technically and economically infeasible in the
9 short term to meet our customers demand
10 requirements.

11 Lastly, while we understand these
12 tariffs are imposed under Section 307 of the
13 Trade Act in response to China's retaliation to
14 the Section 301 tariffs, the imposition of this
15 additional 25 percent ad valorem duty on these 27
16 products will not be effective in eliminating
17 China's predatory acts.

18 USTR Section 301 report found that
19 various policies and practices of the Chinese
20 Government are designed to promote Chinese
21 companies as leaders in supplying certain
22 advanced technologies around the world and to

1 reduce imports of these technologies that Chinese
2 industries rely upon.

3 ECM products have been on the market
4 for many years and do not contain sensitive
5 technology or intellectual property that is the
6 target of China's practices.

7 In fact, ECM has been sourcing these
8 products from China since the 1990s and has not
9 experienced these challenges.

10 To the contrary, ECM has enjoyed a
11 constructive relationships with its Chinese
12 suppliers and has not encountered any of
13 intellectual property theft, cyber theft, or
14 other technology-related complications that
15 advanced technology industries have faced.

16 In sum, our importation of the 27
17 products from China is not linked to any
18 purportedly unfair practices.

19 Imposing punitive tariffs on our
20 imports would only harm our small business and
21 the U.S. customers we serve without advancing the
22 stated objectives of the Section 301 proceeding.

1 I thank you for your consideration, I
2 welcome any questions the Committee may have.

3 MR. BISHOP: Thank you, Mr. Scheer.
4 Our next witness is Mo Siegel with Ice Air, LLC.
5 Mr. Siegel, you have five minutes.

6 MR. SIEGEL: Good morning and thank
7 you for allowing me to testify today.

8 I'm Mo Siegel, President and Co-CEO of
9 Ice Air, the small privately-owned heating,
10 ventilating and air conditioning manufacturer
11 based in Mount Vernon, New York.

12 The proposed 10 or 25 percent ad
13 valorem duty on certain HVAC products will have
14 the severely harmful effect on our
15 competitiveness, our growth, and our ability to
16 maintain and create U.S.-based jobs.

17 Ice Air imports Air Conditioning
18 equipment designed for our customers' specific
19 requirements from our manufacturing facilities in
20 China. This equipment appears to be general
21 included in the product list identified by USTR,
22 specifically Sections 8415.10.30, 10.60, and

1 82.01.

2 The imposition of a 10 percent duty on
3 this equipment and more so with a 25 percent duty
4 would seriously harm Ice Air's business, the
5 interest of our customers, our employees and
6 their families, and everyone who depends on Ice
7 Air for U.S. employment.

8 At the same time, it would not appear
9 that these specific tariffs would have the
10 intended impact on China's predatory trade
11 policies. Therefore, Ice Air is requesting that
12 these products be excluded from the proposed
13 tariff list.

14 Ice Air is a small business
15 Headquartered in Mount Vernon, formed in 2003 by
16 my partner and myself, with us and one additional
17 employee.

18 We now employ 45 people in Mount
19 Vernon and our downstream distributors and
20 servicers and installers employ conservatively at
21 least 200 to 250 employees, whose jobs are
22 directly dependent on our provision of our

1 equipment.

2 We're an American success story that
3 until now has relied on the benefit of open
4 markets. These tariffs will be financially
5 disastrous to Ice Air and to everybody that
6 depends on us.

7 Our business focuses on designing and
8 manufacturing niche HVAC terminal equipment,
9 mainly for high-rise multi-family projects, the
10 lodging industry, and educational dormitory-type
11 facilities.

12 Our products are specialized for the
13 markets that we service and we've spent 15 years
14 building an efficient and cost-effective supply
15 chain in China that allows us to compete against
16 the much larger, multinational companies that
17 dominate the North American HVAC market.

18 This supply chain ensures that we can
19 continue to provide high-quality, cost-effective,
20 energy-efficient, and innovative products to our
21 customer base.

22 We have searched for alternative

1 suppliers of our equipment but have concluded
2 that there are currently no commercially or
3 technically viable substitutes for our current
4 supply chain.

5 Just as an aside, we've looked for
6 suppliers in Thailand, in Canada, in Mexico, in
7 Israel and other countries and would be gladly
8 open to anybody that could be commercially viable
9 as a supplier but have not been able to do so.

10 In the specialized markets we service,
11 it's important to note that all of our
12 competitors, U.S.-based or outside the U.S., were
13 sourcing the finished goods or components from
14 China.

15 As well, additionally, many of these
16 competitors are importing China-based parts and
17 components into their factories in Mexico and
18 China and thereby evading any proposed tariffs
19 and fabricating finished goods in those two
20 locations.

21 One additional point is that HVAC
22 manufacturing at the level we're engaged in is

1 not any type of cutting-edge technology that has
2 been identified on China's Made in China 2025
3 report or emphasized by the Chinese Government
4 for further promotion.

5 In terms of intellectual property, Ice
6 Air has gone to great lengths to protect our IP
7 and technology by closely vetting our supplier
8 base, dealing mainly with small or closely-held
9 businesses in China and having a vigorous IP
10 protection policy.

11 We are a key supplier of HVAC
12 equipment to the affordable housing industry and
13 they rely on us to provide competitively-priced
14 goods and equipments for their projects.

15 Almost all of our contracts, supply
16 contracts, are non-recourse long-term agreements
17 that live for the life of a new construction
18 project or major retrofit.

19 We have no ability to increase prices
20 once we've signed the contract and, therefore, as
21 one of the predecessors said, we're between a
22 rock and a hard place if, indeed, we have to pay

1 additional tariffs on goods we've already
2 contracted to deliver.

3 We do not have the ability to pass
4 through any of these increased costs, including
5 new tariffs.

6 They'll not only severely affect our
7 profitability but also likely our ability to
8 continue to do business, grow our company, and
9 employ our current and future personnel in the
10 United States.

11 We therefore respectfully request that
12 the proposed 10 or 25 percent tariffs on the
13 listed HVAC equipment under the Sections I
14 mentioned be withdrawn so that American companies
15 continue to grow and prosper and we can employ
16 more American workers here in the U.S.

17 I'll be glad to answer any further
18 questions you have and I thank you again for
19 hearing my testimony today.

20 Thanks.

21 MR. BISHOP: Thank you, Mr. Siegel.

22 Our final witness on this panel is Nathan Walker

1 with Goodman Global. Mr. Walker, you have five
2 minutes.

3 MR. WALKER: Mr. Chairman and Members
4 of the Committee, I'm Nathan Walker, Senior Vice
5 President of Goodman Manufacturing Company, a
6 Texas-based U.S. manufacturer of HVAC equipment
7 since 1975.

8 I am here again today to discuss the
9 reasons why USTR should remove certain components
10 that Goodman uses in the production of heating,
11 ventilation and air conditioning equipment from
12 the third list of products proposed by the USTR
13 for additional tariffs.

14 The components Goodman imports that
15 are impacted by this proposed list includes
16 certain permanent split capacitor motors and
17 electronically-commutated motors, transformers,
18 membranes, printed circuit Board assemblies, base
19 valves and reversing valves.

20 The top of my written testimony
21 contains the specific HTSUS subheadings at issue,
22 which Goodman discusses more fully in his written

1 comments.

2 At this point, you've already heard
3 our story twice, one for List 1 and once for List
4 2, however, for those new to the Panel, Goodman
5 is one of the largest HVAC manufacturers in the
6 United States.

7 In 2012, Daikin Industries, which is
8 one of the largest HVAC manufacturers in the
9 world purchased Goodman.

10 Since that time, Daikin Industries and
11 Goodman have constructed a factory outside of
12 Houston, Texas, known as the Daikin Texas
13 Technology Park, or DTTP, at an investment cost
14 of approximately \$500 million.

15 It's not an ordinary plant, it is the
16 third largest manufacturing plant in the United
17 States. To put its size in perspective, the roof
18 covers the equivalent of 74 football fields. We
19 anticipate having 7000 skilled American workers
20 at the DTTP by 2020.

21 Included within the DTTP is the North
22 American Research and Development Center, which

1 has increased the number of engineers and
2 technical professionals working at Goodman by 2.5
3 times the number of American workers we had
4 employed prior to Daikin's acquisition of
5 Goodman.

6 Goodman understands the philosophy of
7 the administration is to have short term pain for
8 U.S. companies for a greater long-term success.
9 However, this is feasible only when all of the
10 competitors are located in the United States and
11 can share equally in the burden.

12 Because many of Goodman's U.S.
13 competitors have moved production of some
14 products sold in the U.S. market to other
15 countries such as Mexico, they will not be
16 subject to the same tariffs on the components in
17 question, and therefore, will not share in the
18 same short-term pain as Goodman.

19 The competitors that are produced in
20 Mexico are also not subject to tariffs on the
21 finished goods. This, in essence, rewards
22 companies that have invested outside the U.S. and

1 punishes companies like Goodman that have
2 invested heavily in the U.S. production.

3 It puts Goodman at a strategic and
4 competitive disadvantage vis-a-vis its
5 competitors that move production into Mexico.
6 Moreover, the production of these components have
7 moved to China because they are mature
8 technologies.

9 Therefore, for many of the components
10 in question, Goodman does not know of any U.S. or
11 third-country suppliers capable of supplying us.

12 Goodman is confident we know the
13 supply chain both domestically and globally well
14 enough for the components we use in our products
15 to state that there's not a domestic source
16 capable of producing AC motors, electrical
17 transformers, electronic touch panels, PCBs, for
18 Goodman's room air conditioners and basin-
19 reversing valves.

20 For example, Goodman uses several
21 million motors, several million transformers,
22 several hundred thousand touch control panels,

1 and several million base valves per year.

2 If a domestic or third-country source
3 were to invest in these technologies, we believe
4 it would take two to five years to come on board
5 with appropriate capacity to meet Goodman's high-
6 volume requirements.

7 In Goodman's post-Hearing comments for
8 List 2, we went into significant detail
9 concerning the length of time necessary to
10 qualify it as a supplier, assuming that a
11 supplier exists outside of China that is willing
12 to invest in the production of the component in
13 question.

14 Anytime Goodman modifies components
15 within a finished product, we must reevaluate the
16 product's performance via extensive engineering
17 analysis testing, documentation review, and
18 simulations.

19 Goodman is then required to submit
20 extensive information and data to the Department
21 of Energy and the Environmental Protection
22 Agency.

1 For example, Goodman is required to
2 comply with 10 CFR 429 for certification,
3 compliance, and enforcement for consumer products
4 and commercial and industrial equipment.

5 In addition, any modified products
6 must meet applicable safety standards and codes,
7 assuming that Goodman could identify a supplier
8 with enough capacity to supply these components.

9 It could take two to five years to
10 change supplier and get the relevant Agency
11 approvals.

12 In our written comments, Goodman will
13 once again submit the business confidential
14 details concerning the length of time it takes to
15 qualify a new component for use in a Goodman HVAC
16 product.

17 As stated previously, Goodman just
18 began production at the DTTP last year. It is
19 our goal to move as much production as possible
20 to the new facility, but that takes time.

21 Devoting a considerable amount of
22 effort to qualify new suppliers will hamper our

1 ability to produce new products and technology in
2 the United States.

3 Again, this additional work to qualify
4 the suppliers is something our U.S. competitors
5 that moved production outside the United States
6 will not be required to do.

7 Finally, imposing a 25 percent tariff
8 as opposed to a 10 percent tariff would only
9 exacerbate the overall situation and make Goodman
10 products less competitive vis-a-vis its
11 competitors that moved production outside the
12 United States.

13 Based on the foregoing, Goodman urges
14 the USTR to exclude the components in question
15 from additional tariffs. Thank you and I'll be
16 glad to answer any questions you may have.

17 MR. BISHOP: Thank you, Mr. Walker.
18 Mr. Chairman, that concluded direct testimony
19 from this Panel.

20 CHAIR TSAO: We'll begin questions in
21 about a minute.

22 MR. JOHNSON: Yes, my question is for

1 Mr. Archibald, William T. Burnett and Company.

2 As I understand your testimony, the fire
3 resistant rayon is just one kind of rayon that is
4 imported under this HS code.

5 Is that correct?

6 MR. ARCHIBALD: That's correct, yes.

7 MR. JOHNSON: And what share of that
8 class does fire-resistant rayon account for?

9 MR. ARCHIBALD: Well, if we talk about
10 an annual NEFR of about 20,000 tons, we would
11 need to look at what the overall import is of
12 rayon generally and that would be the fraction of
13 it.

14 MR. JOHNSON: So, I don't know that
15 bigger number off the top of my head and you
16 don't either?

17 MR. ARCHIBALD: I don't but I'd be
18 happy to supply it in a follow-up.

19 MR. JOHNSON: Thanks. Your domestic
20 competitors, are they importing from China as
21 well?

22 MR. ARCHIBALD: Yes, they are.

1 Milican is on the list I believe to testify on
2 Thursday. They are a competitor that's similarly
3 situated.

4 MR. JOHNSON: And do you have foreign
5 competitors that export the stuffing, for lack of
6 a better word, than just the simple rayon
7 product?

8 So they compete with you directly
9 rather than supply you with the fire-resistant
10 rayon?

11 MR. ARCHIBALD: Yes, and it also
12 affects the mattress market generally because
13 we're supplying, for example, to Seeley, just to
14 pick one name out.

15 But we in the United States are facing
16 imports of mattresses from all other parts of the
17 world so it creates a problem there.

18 MR. JOHNSON: And are there Chinese
19 suppliers of your product or a competing product
20 to you? So, rather than supplying the fire-
21 resistant rayon, they compete with you in sales
22 to mattress-makers?

1 MR. ARCHIBALD: Yes, it's a problem
2 that China is bringing mattresses in.

3 MR. JOHNSON: All right, thanks. If
4 these tariffs were to be imposed, how much do you
5 think that your cost of production would be
6 increased by, total cost?

7 MR. ARCHIBALD: A very substantial
8 percentage. For competitive reasons, I'd like to
9 submit that if I could in a private
10 communication.

11 MR. JOHNSON: And as far as making the
12 fire-resistant rayon, is it an involved process
13 to change over from just a pure rayon to a fire-
14 resistant rayon?

15 MR. ARCHIBALD: It's almost
16 impossible. It's been looked at but the problem
17 is the FR rayon is infused as the raw material
18 which is, essentially, a wood pulp material
19 that's being made into the rayon.

20 The wood pulp can either go into
21 cellophane or into rayon and so it's in
22 essentially that slurry-type state, or liquid-

1 type state when it's being manufactured.

2 And the further problem is that
3 basically, it's all out of China. As I
4 mentioned, there are very few other places,
5 nowhere near enough to satisfy the demand. We
6 used to get some from Germany, a company Kelheim,
7 but they're not making it anymore.

8 MR. JOHNSON: I believe that answers
9 all my questions, thank you very much, sir.

10 MR. ARCHIBALD: Thank you.

11 MS. PETTIS: Ms. Eads, if tariffs are
12 to be imposed on safety headgear, would your
13 company or other domestic companies be able to
14 supply the domestic demand for these products?

15 MS. EADS: I would say yes because
16 some of the manufacturers that are manufacturing
17 in the United States are quite large and I
18 believe there's capacity there.

19 CHAIR TSAO: Excuse me, ma'am, I have
20 a follow-up question. You mentioned earlier that
21 the imported safety head gears are not up to U.S.
22 regulation or they're inferior products.

1 Are safety gears regulated by a State
2 or a Federal Agency?

3 MS. EADS: Well, basically, it's the
4 American National Standards Institute with the
5 ANC standards and so headgear or hard hats
6 particularly is Z89, ANSI Z89, and there is no
7 enforcement body in the U.S. Government that
8 watches to ensure that products meet the
9 standard.

10 So, it's all compliance based on the
11 manufacturers who are making the product and so
12 imports, because we have our own in house lab,
13 we've tested many imports including products
14 coming from China and often times, they do not
15 pass testing.

16 Now, as you know, they're out of the
17 reach of litigation, of U.S. litigation, so if
18 their product causes an injury to someone, it
19 would be the person who imports the product that
20 is liable.

21 And often times, those importers are
22 not someone who test product here in the United

1 States or has anything but the assurances from
2 the imported manufacturer saying that they meet
3 the Z89 standard and just from testing in our
4 lab, I can tell you that there are products today
5 in the marketplace that are being sold today that
6 do not meet the standards.

7 MR. MULLIS: I have a question for Mr.
8 Howard and the Coil Wholesalers. Thank you for
9 your testimony and I noticed in your written
10 submission that you claim that ten percent of the
11 atomized coils make up the ten percent of revenue
12 from vape shops.

13 Do you have an estimate on the
14 percentage of the finished product that these
15 consist of or make up?

16 MR. HOWARD: I don't understand the
17 question, I'm sorry.

18 MR. MULLIS: So, the finished product,
19 the e-cigarettes, how much of that product is the
20 cost attributed to atomized coils? How much of
21 that cost is not e-cigarettes?

22 MR. HOWARD: I'm speaking specifically

1 to the vape device in this picture and so when
2 you buy that, it comes with a couple of starter
3 coils so to speak.

4 MR. MULLIS: And what does it cost?
5 So when you buy the device, how much does that
6 cost?

7 MR. HOWARD: Let me try and describe
8 some numbers and see if that answers your
9 question. A device, as shown in this picture,
10 could cost at retail about \$85. A five-pack or
11 three-pack of these coils at retail could cost
12 \$12 to \$18.

13 MR. MULLIS: For three to five of
14 them?

15 MR. HOWARD: For three to five of
16 those, yes.

17 MR. MULLIS: And how long do they
18 last? I know it's dependent on usage but on
19 average?

20 MR. HOWARD: The general estimate is
21 an average consumer in the USA will go through
22 two packs of coils per month, a pack of coils

1 consisting of three, four, maybe five coils per
2 pack.

3 MR. MULLIS: That's all my questions,
4 thank you.

5 MR. HOWARD: Thank you.

6 MS. SMITH: Good morning, my question
7 is for Mr. Philbin at the Dollar Tree.

8 You said that you would provide a list
9 of HTS codes but what I'd like to ask is that if
10 you could, for each code, identify whether the
11 product could be sourced for the United States or
12 another country other than China?

13 And my second question is if the
14 proposed tariffs go into effect, who would bear
15 most of the additional duties, a Chinese
16 supplier, the Dollar Tree, the consumer?

17 MR. PHILBIN: We will provide in
18 written testimony the HTS codes affected, but for
19 instance, we sell batteries at Dollar Tree, they
20 are carbon zinc. I'm not sure there's a carbon
21 zinc battery factory in the United States.

22 And our ability find capacity outside

1 of China is limited both for the reasons that we
2 need to find folks that have the capacity, the
3 ability to make the same kind of quality, and to
4 invest in a supply chain in a country outside of
5 China.

6 Those are some of the hurdles we'll be
7 faced with on a myriad of items as we take a look
8 at the items affected by the tariff.

9 In our case for the customer, to me
10 it's very simple. Our customers make choices
11 every day, both at Dollar Tree and Family Dollar.
12 We need to find the solutions for them on these
13 products which we've tried to do every day with
14 the items that we import and source domestically.

15 When we're faced with a cost increase,
16 often times at Dollar Tree we have to find a
17 different kind of item or we have to change the
18 spec for it. At Family Dollar, often times our
19 customer does not have that extra dollar to spend
20 on an item and they go without the purchase.

21 Our own research and third parties,
22 Nielson, shows that this low-income customer is

1 three times more price-sensitive than any other
2 customer in the United States.

3 They are the most vulnerable customers
4 we serve and it's often the only location near
5 them that can provide all the items that we
6 provide in both banners, Family Dollar and Dollar
7 Tree.

8 So, it will be the customer that's
9 impacted first and foremost.

10 MS. SMITH: Thank you.

11 MR. CONCEICAO: Mr. Scheer, in your
12 submission you listed about 27 different product
13 lines that you wanted to see removed from the
14 proposed list.

15 Do you source any of those products
16 from countries other than China?

17 MR. SCHEER: Most of those are sourced
18 from China for some of the reasons already
19 mentioned, the capacity, the fact that we've been
20 working with suppliers there for more than 20
21 years.

22 We do have an Office in Shanghai. We

1 employ nearly 20 Chinese people who are full-time
2 employees for us and they're engineers, they help
3 us with compliance issues with factories, they
4 host our U.S.-based customers who actually have
5 to go in and audit the factories.

6 Because many of the customers we deal
7 with, the big-box chains, have to certify your
8 factories and make sure they're in compliance
9 with their own ESG rules in human trafficking and
10 so on and so forth.

11 The other thing I would say is we've
12 developed these suppliers over a number of years
13 because mostly what we saw are electrical
14 products. And we're working with current so
15 almost everything we saw has to be UL-listed.

16 We pay for that cost and the UL
17 inspectors go into these factories and so we have
18 a team of people that have worked with these
19 suppliers to bring them up to the right
20 manufacturing standards to be compliant with UL.

21 So I mentioned we have the people over
22 in China but we do source from Taiwan, we do

1 source from India, we source from Vietnam, we
2 source some things from Indonesia, but the vast
3 majority of what we sell is sourced from China.

4 The vast majority of things that we
5 source is sourced from China really for the
6 reasons that we've been working with these
7 factories for so many years and many of them are
8 captive to us.

9 I can cite a number of factories where
10 70 or 80 percent of their production is really
11 dedicated to our requirements so they're
12 integrated into our entire company.

13 And I mentioned we have three plants
14 in the U.S. so we manufacture a lot of our
15 products in the U.S. but the things that we found
16 that China is better at in terms of their
17 capabilities are sourced from China.

18 So, it would be nearly impossible for
19 us, and I couldn't even put a number on the
20 amount of investment it would take to replicate
21 the tooling cost, the compliance cost, the UL
22 cost, to set that up in another facility for the

1 amount of products that we're sourcing from China
2 for the customers that I mentioned.

3 MR. CONCEICAO: Okay, thank you very
4 much, and one follow-up.

5 In looking at the list, I was
6 wondering how much of those products that you
7 source are finished goods versus components that
8 will be further assembled once they're imported
9 into the United States?

10 MR. SCHEER: I would say on List 3,
11 the vast majority of these products are finished
12 goods now and we actually do the packaging and
13 the labeling.

14 The entire supply chain is based in
15 China and there were other products on List 1 or
16 2 that are components but that's not the subject
17 of this testimony.

18 MR. CONCEICAO: Thank you very much.

19 MS. HOLMAN: Good morning, my
20 questions are for Mr. Siegel, thank you for your
21 testimony.

22 Are any of the finished air

1 conditioning products produced in the United
2 States? And could Ice Air source from these
3 suppliers?

4 MR. SIEGEL: We assemble small-run
5 batches of products in Mount Vernon, New York,
6 for ones that are not technically or commercially
7 viable to manufacture because of lot size or
8 replacing obsolete equipment.

9 We have looked for sourcing in the
10 United States.

11 Prior to Ice Air's formation, I ran a
12 family business that employed 200 -- a unionized
13 manufacturing facility in New York, and frankly,
14 after the impact of 9/11 on the construction
15 industry in New York and some other economic
16 factors and downturns, we found that economically
17 unviable for a small-sized company to manufacture
18 here.

19 The state of the industry is that most
20 of our competitors are owned by multinationals,
21 whether they manufacture in the United States or
22 assemble components in Mexico and Canada.

1 So as a small manufacturer, we found
2 it really difficult and next to impossible to
3 meet the economic realities of manufacturing in
4 the U.S.

5 And we have been unsuccessful in terms
6 of trying to go out to competitors because they
7 have a vested interest in not selling us product
8 at a competitive price.

9 So, the short answer is, no, we have
10 intensively tried to do that and also, other than
11 use Thailand, Israel, Mexico, Canada with little
12 to no success, even at the component level, much
13 less the assembled, finished goods level.

14 MS. HOLMAN: So basically, you see no
15 real solution looking at either manufacturing in
16 the U.S. or looking for alternative non-Chinese
17 sources overseas?

18 MR. SIEGEL: We spent 15 years
19 intimately familiar with this process and 15
20 years building a really viable supply chain, as I
21 think has everybody else here that has done it in
22 China, working mostly with small, closely-held

1 businesses because our experience with bigger
2 state-supported business has been very negative.

3 So, we have not been able to do it
4 viably. The economics of selling particularly
5 into the affordable housing industry is such that
6 you need to scale it.

7 Mr. Walker, I admire Goodman for
8 investing half a billion dollars into
9 manufacturing in the U.S., but that is really the
10 scale that you have to be at to successfully
11 manufacture in the U.S. now.

12 And we are such a fractional
13 enterprise compared to almost all our
14 competitors, actually, that we find everybody we
15 compete with sources finished goods in China,
16 certainly sources the bulk of their components in
17 China now, and it just has not been economically
18 viable, not for want of trying.

19 As I said, I ran a 200-person
20 manufacturing company and it's a little
21 heartbreaking to shut that down after 30 years of
22 successfully -- we supplied President Trump's

1 first project, the Grand Hyatt in New York with
2 fan coil units. That was my father.

3 So we're pretty intimately familiar
4 with all the ins and outs of trying to do this as
5 a small business. And my short answer would be,
6 no, it has not proven economically viable for us
7 to manufacture here.

8 MS. HOLMAN: Thank you, Mr. Siegel.

9 MS. HOWE: My question is for Mr.
10 Walker. In your testimony you said China is the
11 only supplier of the technologies in these HTS
12 codes.

13 If Goodman were able to identify a
14 domestic or third-party source willing to invest
15 in these technologies, who would wind up
16 absorbing the cost?

17 MR. WALKER: Basically everyone. The
18 capacity doesn't exist outside of China for these
19 codes. There are some in Mexico but the capacity
20 is already at 100 percent because the Mexican
21 factories have not invested in capacity in the
22 last decade or so.

1 What has really happened to that is if
2 you think about the U.S. market size, our air
3 conditioners and products as such measure in the
4 millions and it's a fairly large market. China's
5 measures in the tens of millions and over \$100
6 million.

7 And so these are basic components,
8 motors, valves, that are mature technologies that
9 followed the volume to China and so where the
10 cost-effectiveness really comes is on the volume
11 that the Chinese domestic market is able to
12 provide.

13 And so that doesn't exist elsewhere in
14 the world and so if you look at if we were --
15 assuming someone wants to invest in the capacity
16 not knowing how long it would last, which we
17 believe is doubtful, the cost increase that would
18 come with it would be born both by the consumer
19 and by Goodman.

20 Which would further, actually,
21 suppress the market size, sorry, and I think what
22 you would see is the low-income consumers

1 suffering the most because they would then not be
2 able to afford some of the air conditioning
3 replacement products they would then elect to
4 repair, and keep a less efficient product going
5 for longer.

6 And they lose on efficiency and they
7 lose on out-of-pocket costs.

8 MS. HOWE: Thank you.

9 MR. BISHOP: We release this panel
10 with our thanks.

11 CHAIR TSAO: Great, we'll take a short
12 lunch break. Let's be ready to start the Hearing
13 at 12:45 p.m. Okay, we're in recess.

14 (Whereupon, the above-entitled matter
15 went off the record at 12:08 p.m. and
16 resumed at 12:45 p.m.)

17 CHAIR GRIMBALL: Good afternoon. So,
18 we have a few new additions. So, I'd like to
19 just start and everyone go around and introduce
20 yourselves and indicate which agency you come
21 from. We can start with DHS.

22 MR. CONCEICAO: Good afternoon. My

1 name is Evan Conceicao with U.S. Customs and
2 Border Protection.

3 MR. HARDMAN: Hi, everyone. My name is
4 Ben Hardman. I'm with ITA, International Trade
5 Administration.

6 MS. HOWE: I'm Julia Howe with the U.S.
7 Trade Representative's Office.

8 MR. MCGUIRE: Hi, Tim McGuire with
9 Foreign Agricultural Service in the U.S.
10 Department of Agriculture.

11 MS. PETTIS: Maureen Pettis, Department
12 of Labor.

13 MS. SMITH: Tanya Smith, SBA.

14 CHAIR GRIMBALL: And I'm Megan Grimball
15 from USTR. We're ready to begin.

16 MR. BISHOP: Madam Chairman, our first
17 witness on this panel is Colin Angle with iRobot.
18 Mr. Angle, you have five minutes.

19 MR. ANGLE: Thank you. Good afternoon.
20 My name is Colin Angle and I'm the Chairman, CEO,
21 and Founder of iRobot Corporation. On behalf of
22 iRobot, our shareholders, and our 675 U.S.

1 employees, thank you for the opportunity to speak
2 today.

3 iRobot is an American success story.
4 I founded the company in my living room in 1990,
5 with two MIT colleagues, and since that day, we
6 have been at the forefront of bringing practical
7 robots out of laboratories and helping people.

8 iRobot developed the PackBot Robot
9 with support of DARPA and later, the U.S. Army's
10 Future Combat Systems Program. The PackBot was
11 the first ground robot deployed by U.S. forces in
12 conflict and performed critical tasks, such as
13 IED removal, threat identification, and forward
14 reconnaissance.

15 iRobot provided more than 6,000 of
16 these robots, the majority of which went on to
17 perform missions side-by-side with our war
18 fighters in Afghanistan and Iraq.

19 Over the past 28 years, iRobot's
20 engineers and scientists have been at the
21 forefront of robotics science. We inspired the
22 first micro-rovers used by NASA. We've provided

1 robots for hospitals, helping doctors diagnose
2 patients remotely.

3 We deployed robots to Ground Zero on
4 September 11, 2001, to help keep first responders
5 safe during rescue and recovery efforts.

6 In addition to the robots we have
7 designed and developed for the U.S. military, we
8 disrupted an entire industry through our
9 development of the Roomba robotic floor vacuum.

10 It is a product on which the proposed
11 Section 301 tariffs will have effect and this
12 product has been the fuel for iRobot's innovation
13 engine.

14 iRobot has produced more than 500 U.S.
15 patents and we have invested more than \$740
16 million in research and development over the past
17 ten years.

18 iRobot has over 675 employees in the
19 United States, who perform the vast majority of
20 all design, research, and development that go
21 into our award-winning products.

22 The artificial intelligence that

1 enables iRobot to deliver uncompromised value to
2 consumers is created by engineers in the United
3 States.

4 This work creates additional
5 employment in the U.S., as our subcontractors and
6 suppliers work to provide critical subassembly
7 design and software.

8 We use contract manufacturers in China
9 for assembly and supply of many components, due
10 to the lower cost and logistical efficiencies.
11 Currently, U.S.-sourced components represent
12 between 27 and 32 percent of the product bill-of-
13 material costs.

14 iRobot is the largest exclusively
15 robotics company in the United States, and we are
16 American. Every competitor in the robotic vacuum
17 cleaner business is owned internationally.
18 iRobot alone is American.

19 Our headquarters are here, our
20 intellectual property is developed here and owned
21 here, and we have not created offshore entities
22 to avoid taxes or shelter profits.

1 We have sold over 20 million Roomba
2 products, and yet we are just at the beginning of
3 providing homes with practical robot
4 technologies.

5 The robot industry is nascent. We
6 should be looking for ways to ensure that
7 robotics is an industry in which the U.S.
8 continues to lead the world.

9 The United States is iRobot's largest
10 market, representing the majority of our sales.
11 Imposing these tariffs, either at the ten or 25
12 percent rate, will bring disproportionate harm to
13 iRobot and to U.S. consumers.

14 We are aligned with the goals outlined
15 by Secretary Lighthizer and in two cases, iRobot
16 has seen firsthand how Chinese theft of
17 intellectual property has been detrimental to our
18 economy. In each case, we have seen the Chinese
19 government provide affirmative assistance to
20 those stealing our intellectual property.

21 In the last year, iRobot initiated a
22 Section 337 proceeding at the International Trade

1 Commission against 11 companies, including three
2 Chinese manufacturers, for infringing iRobot's
3 patents.

4 In June of this year, Administrative
5 Law Judge Pinder found two of our patents both
6 valid and infringed, and has recommended a
7 limited exclusion order be approved.

8 In 2016 and 2017, we cooperated with
9 the U.S. Attorney in the Southern District of New
10 York in the indictment of three Chinese citizens,
11 who, through cyberhacks, sought to steal
12 confidential technology and robot designs.

13 As a result of our 337 action, we
14 entered into license agreements with several
15 companies, allowing for the legal use of our
16 patents.

17 Leaving HTS 8508.11 on the tariff list
18 may discourage others from entering into
19 licensing and/or settlement agreements with
20 iRobot.

21 Additionally, the Made in China 2025
22 initiative is focused on industrial robots, those

1 used for manufacturing of other products. iRobot
2 is not engaged in the development or sale of this
3 type of robot.

4 iRobot will not be able to relocate
5 our manufacturing and supply chain in the short
6 or medium-term. As a result of these tariffs, we
7 would need to pass increased costs on to our
8 customers.

9 Higher prices will result in fewer
10 Roomba vacuums being sold, and this would have a
11 severe negative impact on this fledgling
12 business, potentially stifling our ability to
13 innovate and impeding growth of an industry in
14 which America can and must lead the world.

15 These tariffs will undermine iRobot's
16 ability to maintain American leadership in
17 practical robots, an industry that is poised to
18 play a significant role in our country's future
19 economy.

20 This tariff will aid our foreign
21 competitors. We ask that our vacuum products be
22 excluded from the list of products subject to the

1 Section 301 tariffs. Thank you.

2 MR. BISHOP: Thank you, Mr. Angle. Our
3 next witness is David Baer, with Element
4 Electronics. Mr. Baer, you have five minutes.

5 MR. BAER: My name is David Baer and
6 I'm the General Counsel of Element Electronics.
7 Without hitting my neighbor here, Sage, I'd like
8 to share with you a simple chart that details
9 Element's current situation. This chart is also
10 included in the materials I have provided today.

11 Proposed 301 duties on Chinese TVs,
12 zero percent. Proposed 301 duties on TVs
13 assembled in Mexico, zero percent. Proposed 301
14 duties on TVs produced in America, ten or 25
15 percent.

16 As I understand, the goal of this 301
17 investigation is to force China to stop its
18 unfair trade practices. The proposed 301 duties
19 applicable to TV production will not do that. In
20 fact, they'll do the opposite.

21 The proposed duties would allow duty-
22 free imports of TVs produced in China, impose

1 crippling tariffs on parts necessary for the
2 production of TVs in the United States, and as a
3 result, drive Element Electronics, the only
4 company mass-producing TVs in America, to close
5 its production facility and source products
6 overseas.

7 Quite frankly, I can't find any way to
8 interpret what the administration is proposing
9 other than it's a mistake or unintended result
10 and will promptly be fixed through this hearing
11 process, because the alternative is that the
12 government has targeted Element's factory for
13 closure, and that makes no sense at all.

14 As this Committee knows from my
15 earlier testimony and our written submissions,
16 Element is the sole remaining U.S. mass-producer
17 of LCD televisions.

18 The television industry highlights why
19 America needs to renegotiate its trade deals.
20 Our workers in South Carolina compete against
21 low-priced imports from China and Mexico,
22 compounded by tariff inversions and flawed trade

1 rules.

2 The result is that U.S. tariff policy
3 strongly incentivizes production in China and
4 Mexico, to the expense of U.S. production.

5 As I testified in the May 15th 301
6 hearing, the administration had the opportunity
7 to take a significant and important step in
8 leveling the playing field for our workers in
9 South Carolina and domestic TV production in
10 general.

11 The first 301 list included finished
12 LCD TVs, subjecting them to a 25 percent duty,
13 and excluded the LCD screen parts that are
14 required to assemble TVs in America.

15 This would have solved the current
16 disadvantage American TV production faces, at
17 least with respect to imports from China, and
18 given American workers a chance to compete.

19 However, the administration chose not
20 impose that 25 percent duty on TVs, thus leaving
21 American production in the same severely
22 disadvantaged position we've faced for several

1 years.

2 The current list of products that is
3 the subject of this hearing continues to exclude
4 finished TVs, however, this list now imposes
5 duties on an additional ten or 25 percent on the
6 LCD screens and motherboards that Element must
7 import to assemble TVs in America.

8 Let me be very clear, there is no
9 other place for us to obtain our parts than
10 China. All of our parts originate there. In
11 fact, even TVs that are assembled and imported in
12 Mexico contain products that originate in China
13 and are assembled in Mexico only to achieve duty-
14 free entrance into the U.S. under NAFTA.

15 Annually, the U.S. market for TVs is
16 in the tens of millions. There is only one mass-
17 producer of TVs in the world that does it here in
18 America. It's Element.

19 So the only TV company in the world
20 that is the subject of these proposed 301 duties
21 is the only company producing TVs in America.
22 Think about that.

1 TVs imported from China, not subject
2 to the 301 duty. TVs assembled in Mexico, not
3 subject to the 301 duty. TVs assembled in
4 America, ten or 25 percent duty.

5 This has to be a mistake or an
6 unintended result that will be promptly fixed
7 through this process. If this 301 list is
8 implemented as proposed, Element's total duty
9 cost on LCD screens will be either 14.5 or 29.5
10 percent.

11 All this against every other
12 competitor paying either zero percent or at a
13 max, 3.9 percent. Obviously, we can't compete
14 under these circumstances.

15 Our supply chain for LCD screens
16 ranges between 90 and 120 days. Therefore, at
17 the announcement of these proposed duties on July
18 10th, we were forced to immediately redirect our
19 supply chain to avoid the possibility that those
20 parts coming in this fall would be subject to the
21 301 duties.

22 Of course, we still need to deliver

1 our products to our customers, so instead of
2 assembling those televisions in our South
3 Carolina facility with a U.S. workforce, we were
4 forced to move our production overseas to
5 assemble those same TVs there. Quite a sad day.

6 As a result, our South Carolina
7 facility is operating only on inventory that was
8 already within the supply chain. This inventory
9 will be exhausted sometime in October, at which
10 point we'll begin the wind-down of that assembly
11 operation in South Carolina and be forced to
12 import TVs from China and Mexico, following the
13 path the U.S. Government has laid out.

14 So again, China-produced TVs, no 301
15 duty, 3.9 percent total duty. Mexico-assembled
16 TVs, no 301 duty, no total duty. U.S.-assembled
17 TVs, ten or 25 percent 301 duty, equaling a 14.5
18 to 29.5 percent total duty.

19 I can't believe the U.S. government is
20 intentionally out to shut down our South Carolina
21 facility, that makes no sense. So the only
22 logical explanation is that the proposed 301

1 duties must be a mistake or unintended result
2 that the administration did not realize.

3 For the sake of all of our workers in
4 South Carolina and all of their families, I hope
5 this administration recognizes this mistake and
6 fixes it quickly. Thank you.

7 MR. BISHOP: Thank you, Mr. Baer. Our
8 next witness is Sage Chandler, with the Consumer
9 Technology Association. Ms. Chandler, you have
10 five minutes.

11 MS. CHANDLER: Thank you very much for
12 the opportunity to testify again. I'm Sage
13 Chandler, I'm the Vice President for
14 International Trade at the Consumer Technology
15 Association.

16 Our Association consists of over 2,200
17 companies, 80 percent of which are small
18 businesses, startups, entrepreneurs, as defined
19 by the Small Business Administration.

20 CTA remains categorically opposed to
21 the use of tariffs. The use of tariffs as a
22 remedy to the shortcomings in Chinese national

1 policy and practice is more likely to cause
2 adverse short and long-term benefits than it is
3 to change China's practices.

4 If enacted, new tariffs impacting \$200
5 billion in trade will continue the destructive
6 ripple effect that the administration started
7 with its first round of tariffs, not only through
8 the entire consumer technology industry, but also
9 through the U.S. economy.

10 CTA has identified 380 codes from this
11 list which would cause significant harm to our
12 industry and our member companies, as well as
13 consumers.

14 Of concern are items that allow
15 Americans to access the internet, such as
16 servers, desktop computers, printed circuit
17 assemblies, and connected devices.

18 Connected devices cover a vast array
19 of tech products, including e-readers, smart
20 watches, speakers, and fitness devices, as well
21 as the components and the infrastructure products
22 that make them work, such as modems and gateways.

1 Products on this list
2 disproportionately impact small companies, many
3 of which manufacture and assemble in the United
4 States, and startup companies that design and
5 engineer the U.S. intellectual property.

6 If these tariffs are implemented, the
7 losers are not IP infringers in China, they are
8 the underdogs in the United States. The
9 startups, like Brilliant. The small town
10 manufacturers and assemblers, like Kimber Kable
11 out of Utah. The investors and inventors who
12 created devices that our parents knew, like Cedar
13 Electronics.

14 The experts in specialty production
15 and sales, like JLab Audio, who thrive, despite
16 competition from the Fortune 500. And
17 visionaries, like Fitbit, who changed the concept
18 of health as we will know it to come.

19 A study commissioned by the CTA found
20 that 25 percent tariffs on printed circuit board
21 assemblies and connected devices will cause price
22 increases of up to six percent, impacting even

1 products made entirely within the United States.

2 Those price increases are expected to
3 reduce consumer purchasing by 12 percent. Price
4 shock and drop in demand have the potential to
5 devastate our industry.

6 Overall, the impact of a 25 percent
7 tariff on connected devices alone is expected to
8 cost American shoppers an extra \$3.2 billion
9 annually. That clearly contradicts USTR's stated
10 aim in the product selection process of avoiding
11 goods commonly purchased by American consumers.

12 Moving forward, CTA shares the
13 concerns that others have also expressed on the
14 administration's decision-making process. We
15 urge USTR and the administration to give clear
16 guidelines on what criteria qualify for exemption
17 and provide clear reasoning for the decisions
18 that are made.

19 At a time when the United States is
20 reaching to achieve greater digital integration,
21 advance telecommunications technology, and
22 increase internet access for rural populations,

1 tariffs on technology are counterproductive.

2 Tariffs are taxes on Americans, not
3 foreign governments. They undermine the
4 competitiveness of American companies and
5 threaten the spirit of entrepreneurship that the
6 United States has for decades inspired by the
7 greatness of our freedoms of choice. Thank you.

8 MR. BISHOP: Thank you, Ms. Chandler.
9 Our next witness is Aaron Emigh of Brilliant Home
10 Technology, Incorporated. Mr. Emigh, you have
11 five minutes.

12 MR. EMIGH: Thank you --

13 MR. BISHOP: Push your microphone,
14 please.

15 MR. EMIGH: Thank you. I'm Aaron
16 Emigh, the Founder and CEO of Brilliant.
17 Brilliant is a technology startup that employs 30
18 people, all of whom are based in the United
19 States. We're funded with \$21 million in
20 investment from venture investors. And as a small
21 startup, we're generally focused on building our
22 business, but now we find that geopolitical

1 considerations are suddenly posing a dramatic
2 challenge for technology startups.

3 We're engaged in the creation and sale
4 of smart home technology. Our first product, the
5 Brilliant Control, gives complete control over
6 home functions from the walls of the house by
7 replacing standard light switches with devices
8 that provide touch and voice control over smart
9 devices throughout your house, as well as smart
10 lighting and video intercom.

11 The Brilliant Control is a new type of
12 device and the intellectual property, which
13 includes electronics, mechanical design, and
14 software, is created entirely by Brilliant in the
15 United States.

16 The team that designed Brilliant has
17 received well over 100 patents and the Brilliant
18 Control has won numerous awards, including the
19 CES Innovation Award and the CTA TechHome Mark of
20 Excellence.

21 Brilliant is launching its first
22 products in just two weeks, so the announcement

1 of the tariffs has come just as we're bringing
2 our product to market.

3 The Brilliant Control is believed to
4 fall under HTS 8537.10.9160. The Brilliant
5 Control is designed in the U.S., all the software
6 that runs on it is written in the United States,
7 but it's manufactured in China and, therefore, is
8 potentially subject to as much as 25 percent
9 tariffs on the finished goods, in addition to 2.7
10 percent at baseline tariffs, for a total tariff
11 of 27.7 percent.

12 Brilliant has carefully calibrated our
13 pricing to our understanding of the market, as
14 well as to our costs. Our margins are quite low
15 for a consumer electronics product because we're
16 a startup, we don't yet have the advantage of
17 economies of scale.

18 We've engaged in extensive
19 negotiations with partners in our sales channels
20 with our listed prices, but the sudden
21 introduction of a 25 or ten percent tariff would
22 render our business impractical at those prices.

1 Therefore, Brilliant will be forced to
2 both raise our prices and reduce our gross
3 margins, which will have an adverse impact on our
4 negotiated business relationships, our sales, and
5 our business.

6 The Brilliant Control is a new class
7 of product, no comparable product is made in the
8 U.S. As a consumer product, fit and finish are
9 critical to achieve the required cosmetics.

10 China uniquely combines a capability
11 for high-quality manufacturing with a cost
12 structure that enables us to meet the required
13 consumer price points.

14 Furthermore, the supply chain for this
15 type of device is based in China and
16 manufacturing elsewhere would require us to
17 procure parts in China and ship them elsewhere,
18 which would incur additional costs and production
19 delays.

20 Even if it was practical to
21 manufacture elsewhere, it would cost on the order
22 of a million dollars and take many months to

1 relocate manufacturing outside China. These
2 costs and timelines are not practical for
3 Brilliant, as a small startup company with modest
4 resources.

5 Furthermore, relocating to the United
6 States is doubly impractical, because it would
7 incur a similar level of tariffs on many of the
8 components used in Brilliant, which are
9 obtainable only from China.

10 Therefore, there is no immediate
11 practical alternative to manufacturing in China.
12 Brilliant is unable to move our supply chain and,
13 therefore, must raise our prices in response to
14 the proposed tariffs.

15 This is illustrative of the threat
16 posed by the proposed tariffs to the business of
17 small technology companies, such as Brilliant.

18 Brilliant's IP is created entirely
19 within the United States. Even our manufacturer
20 is based in the United States, although the
21 factory is in China.

22 Essentially, the proposed tariffs

1 amount to a punitive tax on selling U.S.
2 technology manufactured by a U.S. company to the
3 domestic market.

4 No comparable products are made in the
5 U.S. We therefore request that HTS 8537.10.9160
6 be removed from the tariff list.

7 Venture-funded technology startup
8 companies, such as Brilliant, have the potential
9 to grow to be major contributors to the U.S.
10 economy. Google, Facebook, and Amazon were all
11 technology startups not long ago.

12 Therefore, the proposed tariffs pose
13 a longer term threat to the overall U.S. economy,
14 because they disproportionately affect startup
15 companies, and may affect the viability of some
16 of these companies, which would otherwise grow to
17 be major contributors to the economy.

18 I'm here representing not only
19 Brilliant, but a coalition called Startups for
20 Sensible Trade, which is composed of venture-
21 funded hardware startups that are concerned about
22 tariffs.

1 We believe that, due to the importance
2 of technology startups to the U.S. economy and
3 the disproportionate impact of tariffs on them,
4 small businesses should be exempted from these
5 tariffs.

6 I hope the representative for the SBA
7 in particular will be able to represent the
8 concerns of small businesses in this process.
9 Thank you for your attention.

10 MR. BISHOP: Thank you, Mr. Emigh. Our
11 next witness is Cheryl Green with Bak USA
12 Technologies Corporation. Ms. Green, you have
13 five minutes.

14 MS. GREEN: Good afternoon, ladies and
15 gentlemen. My name is Cheryl Green. I'm In-
16 House Counsel for Bak USA.

17 Bak USA is one of the only original
18 equipment manufacturers producing computers at
19 scale in the United States, located in Buffalo,
20 New York.

21 Bak USA currently designs, builds, and
22 sells two computers, a two-in-one laptop

1 primarily used in education and a rugged tablet
2 PC.

3 When the company was founded in 2015,
4 Bak USA committed to relocalizing American
5 manufacturing and in the process, creating
6 meaningful careers in technology in America's
7 left-behind neighborhoods, those that were most
8 vulnerable to the forces of automation and off-
9 shoring that have so dramatically changed the
10 landscape of the U.S. economy.

11 In 2016, Bak USA became an OEM to
12 Microsoft, who markets and sells our devices
13 through its stores across North America
14 throughout the education season.

15 As an OEM, our engineers and
16 industrial designers collaborate with our
17 customers and technology industry leaders to
18 design products that meet the needs of the
19 market. Then we work with our original design
20 manufacturers to produce the components needed to
21 build our computers. Unfortunately, the ODM
22 space is dominated by China, leaving Bak USA no

1 choice but to do business with China.

2 To understand the scope of the problem
3 we're dealing with, you really do have to look
4 back at the history.

5 Since entering the World Trade
6 Organization and the enactment of NAFTA, trade
7 between China and the United States has had a
8 dramatic negative impact on U.S. manufacturing
9 jobs.

10 China's entry into the World Trade
11 Organization was supposed to bring it into
12 compliance with enforceable rules that required
13 China to open its markets to imports from the
14 United States and other nations, by reducing
15 tariffs and addressing non-tariff barriers to
16 trade.

17 But this flow of U.S. exports to China
18 never occurred because of China's currency
19 manipulation, as well as their distorting
20 practices, including extensive subsidies, legal
21 and illegal barriers to imports, dumping, and
22 suppression of wages and labor rights.

1 Growth in the U.S. goods trade deficit
2 with China between 2001 and 2015 eliminated or
3 displaced 3.4 million U.S. jobs, of which 2.4
4 million of those were in manufacturing alone.

5 And within manufacturing, rapidly
6 growing imports of computers and electronic parts
7 have accounted for 56 percent of the \$240.1
8 billion increase in the U.S. goods trade deficit
9 with China, and eliminated over 1.2 million jobs
10 in the United States.

11 Furthermore, global trade in advanced
12 technology products, historically considered a
13 source of comparative advantage for United States
14 manufacturers, has now been dominated with China,
15 and included within this broad category of high-
16 end technology products are the more advanced
17 elements of the computers and electronics parts
18 industries.

19 In fact, my colleagues here today have
20 mentioned the fact that PCBs in particular are an
21 item that are on the trade tariff list currently
22 that will have a direct negative impact on

1 technology in the United States. And that is the
2 single largest factor in cost to Bak USA's
3 computers.

4 One critical component, again, this
5 PCB, in terms of statistics, has shrunk
6 substantially. Currently, Asia accounts for 84
7 percent of the production of PCBs.

8 And by the way, you can't even get a
9 PCB in the United States today. Zenith
10 Corporation was the last one to produce those,
11 and some of you on the panel are old enough to
12 know who Zenith is.

13 They went out of business in the early
14 1990s. That's because the EPA regulations forced
15 them out of business, because the amount of water
16 that is used in the PCB industry is very damaging
17 to the environment.

18 To put this in further perspective, in
19 2015, when Bak USA approached the ODMs in China,
20 they did not want to cooperate with us and they
21 worked very, very hard to try to dissuade our
22 company from shipping the component parts from

1 China to create American jobs and manufacture to
2 the high-quality American standards.

3 Instead, they proposed that we simply
4 buy fully assembled devices directly, since it is
5 both possible and less costly to produce our
6 computers overseas.

7 Dell, HP, Microsoft, and Apple, along
8 with nearly every other OEM in the world, pay
9 ODMs to fully assemble their products in Asia.
10 However, we eventually prevailed and we were
11 finally able to obtain the computer kits for
12 assembly in the United States.

13 Our investments made in the Buffalo,
14 New York facility are substantial. We currently
15 employ 115 people. Our facility spans more than
16 50,000 square feet, and our assembly and
17 manufacturing equipment investment exceeds \$10
18 million.

19 We have invented a method of building
20 our computers, using a combination of human
21 talent and advanced collaborative robotics, that
22 is now pending a U.S. patent, and it is our

1 vision to bring this modern micro-manufacturing
2 model to dozens of cities throughout the United
3 States.

4 In the short span of four years, we
5 have proven that it is possible to produce
6 computers in the U.S. and that a company can be
7 competitive doing so.

8 However, despite the growth and
9 traction of our young company, we are now faced
10 with an overwhelming uncertainty from the latest
11 round of tariffs.

12 We are committed --

13 CHAIR GRIMBALL: Excuse me, Ms. Green.

14 MS. GREEN: -- to using local
15 suppliers.

16 CHAIR GRIMBALL: Your time has expired,
17 so please conclude.

18 MS. GREEN: I will, ma'am.

19 CHAIR GRIMBALL: Thank you.

20 MS. GREEN: We know that these tariffs
21 were framed to help American companies compete,
22 and in theory, this should work. However, it

1 doesn't work, because the global supply chain
2 does not allow for this.

3 Apple computers bumped us from our
4 shipping of our entire component parts for a
5 period of four days recently, because they were
6 introducing a new product to the United States.

7 Normally, we would not have a tariff
8 for the logistics, because we import all of our
9 products in one vessel, altogether as a kit. In
10 this instance, we were charged \$48,000 for a
11 tariff as a result of Apple bumping our shipping
12 and we could not get our computers in time for
13 delivery.

14 We hope that this panel will
15 respectfully look at exempting PCBs and the other
16 items on the list that we have identified in our
17 testimony today for exemption. Thank you.

18 MR. BISHOP: Thank you, Ms. Green. Our
19 next witness is Jason Oxman with the Electronic
20 Transactions Association. Mr. Oxman, you have
21 five minutes.

22 MR. OXMAN: Thank you and good

1 afternoon. My name is Jason Oxman. I'm the CEO
2 of the Electronic Transactions Association.

3 ETA is a 30-year-old organization,
4 headquartered here in Washington, that represents
5 more than 500 payments technology companies that
6 enable eight million merchants in the United
7 States to accept electronic payments from their
8 customers.

9 We appeared before the Interagency
10 Section 301 Committee on May 16th and opposed the
11 inclusion of one specific HTS item, cash
12 registers and point-of-sale terminals, on List 1.
13 Ultimately, this one HTS item was not included on
14 the final List 1.

15 In testifying today, we appreciate the
16 administration's important ongoing efforts to
17 negotiate a trade solution that benefits American
18 workers and our economy.

19 ETA members last year processed nearly
20 \$7 trillion in electronic payments on behalf of
21 American merchants. More than 70 percent of the
22 U.S. GDP is retail spending in the United States,

1 and more than 70 percent of retail spending is
2 done by consumers via electronic payments. So,
3 our impact on the U.S. economy is significant.

4 We are here today to urge that twelve
5 specific tariff headings be removed from List 3.
6 The specific items all concern point-of-service
7 products or parts necessary to the specific
8 tariff heading that ultimately was excluded back
9 in May.

10 We appreciate your hearing our
11 concerns today and ultimately hope that you will
12 remove these discrete items. As time is short, I
13 won't list all twelve, but I ask that their
14 numbers be included in the transcript record, as
15 they are included in our request to testify and
16 the printout of my testimony here, and will be
17 detailed in our written comments.

18 Our opposition to increase tariffs on
19 these discrete tariff lines is based on two
20 principal arguments. First, we believe that
21 these tariff lines would have no impact on China.

22 Second, we believe it would cause

1 disproportionate economic harm to U.S.

2 businesses, specifically small and medium-sized
3 enterprises.

4 Including these tariff lines on List
5 3 would have no impact on China. In 2016, 54.2
6 million payment card authorization terminals,
7 sometimes referred to as point-of-sale terminals
8 or POS terminals, were shipped worldwide. These
9 are the terminals that we use to swipe or tap or
10 insert or dip our cards or our phones to pay at
11 the point of sale.

12 Of these 54.2 million POS terminals,
13 only five million of them were shipped to the
14 U.S. market. So, the U.S. globally represents
15 less than ten percent of the worldwide market for
16 POS terminals.

17 The Asia-Pacific region,
18 significantly, is growing in its proportion of
19 shipments. Last year, there was a 28 percent
20 increase in units, to 31.7 million POS units in
21 the Asia-Pacific region.

22 Again, this is compared to only five

1 million in the U.S. Similarly, growth in the
2 Latin American and Caribbean market was faster
3 than in the U.S. market.

4 So, Chinese manufacturers would
5 recover to any tariffs by simply shipping to
6 other regions of the world, which they are
7 already doing today.

8 Approximately 95 to 100 percent of ETA
9 member companies' POS terminals are manufactured
10 in China, as are the point-of-service products
11 and parts that ETA addresses today.

12 These products, of course, use U.S.
13 intellectual property, but shifting manufacturing
14 to the U.S. is simply not an option for four
15 reasons.

16 First, the labor is not available.
17 Second, there's a lack of secondary facilities
18 and infrastructure to support this kind of
19 manufacturing. Third, it would cost millions of
20 dollars per manufacturing line.

21 And fourth, the certification process
22 for POS terminals, products, and parts is

1 significant and could not be completed in time
2 before we run out of inventory.

3 Point of service is a small industry
4 compared to the larger consumer electronics
5 industry, for example. Our ability to influence
6 Chinese decision makers is muted.

7 U.S. inventories currently will last
8 between three and four months and a shift to a
9 third-country market would take at least 12 to 18
10 months, leaving small businesses without the
11 options they need.

12 Our second reason is that including
13 these products and parts on List 3 and imposing
14 an additional duty would have a disproportionate
15 impact here in the U.S.

16 Our nation is in the midst of an
17 upgrade of terminals, products, and parts to chip
18 card capability to prevent fraud. Larger
19 retailers have finished their work on those
20 upgrades. Small businesses have not.

21 In fact, about 50 percent of the
22 retailers in the U.S., about four and a half

1 million merchant locations, have upgraded and the
2 rest, about half, have not.

3 These are mostly small businesses that
4 would not be able to sustain the 25 percent
5 increase in prices. They would not be able to
6 buy upgraded devices, products, and parts. We
7 are concerned this would leave a significant
8 security gap for small businesses.

9 In addition, parts of these items that
10 enable repairs are done by U.S. workers in the
11 U.S. POS terminals were already removed from
12 List 1, it would make little sense to now make
13 the parts necessary to repairing those devices so
14 expensive that it's uneconomical to repair them
15 here.

16 Thank you for your time and
17 consideration and I look forward to your
18 questions.

19 MR. BISHOP: Thank you, Mr. Oxman. Our
20 final witness on this panel is Timothy Amos
21 Schallich with eero, incorporated. Mr.
22 Schallich, you have five minutes.

1 MR. SCHALLICH: Good afternoon. My
2 name is Amos Schallich and I'm a co-founder and
3 the Chief Technology Officer at eero, a company
4 that I founded in 2014 with a couple of friends.

5 We've created an entirely new category
6 of home networking, whole home wi-fi. eero was
7 the first to develop this technology and remains
8 an industry leader. From three guys in an
9 apartment, eero now proudly employs 105 full-time
10 people in the U.S., including 65 engineers.

11 Our products are imported into the
12 United States under the eight-digit HTS
13 subheading 8517.6200. I'm here today to implore
14 that this subheading be removed from the Section
15 301 Tariff List.

16 eero makes routers that utilize mesh
17 networking technology to resolve dead zones
18 within the home. Our product allows you to watch
19 Netflix, send work emails, surf the internet from
20 every corner of your home. It is also simpler to
21 use and, importantly, more secure than
22 traditional home networking products.

1 eero's mesh technology improves upon
2 traditional single wi-fi routers with our system
3 of interconnected nodes, which act as wireless
4 routers and range extenders and satellites
5 throughout your home and extend your home wi-fi.

6 The first eero node connects directly
7 to the modem and to the internet and then it and
8 the rest wirelessly communicate with one another
9 to extend the wi-fi signal throughout the home,
10 creating a web of connectivity.

11 Why do we need mesh wi-fi networks?
12 Our daily lives rely on our internet-connected
13 devices, such as smartphones, laptops, baby
14 monitors, home security systems, and thermostats.

15 If you're setting up a new doorbell or
16 any of the smart products, such as what Aaron
17 talked about, you need to have connectivity and
18 have that connectivity be secure, and you need to
19 have that on your walls in every room of the
20 house.

21 The first -- beyond providing just the
22 wi-fi network, eero also provides additional

1 features on top of this, through our software.

2 We provide parental controls and digital
3 security, stopping hackers from accessing our
4 personal information and our digital lives.

5 eero's nodes are constantly updated
6 over the air with new features and security
7 enhancements, so this allows us to respond very
8 quickly to cybersecurity threats, to foreign
9 agents or compromised routers.

10 We hear this more and more in the
11 news, that routers and other home networking
12 equipment and IoT devices are being compromised.
13 And so we're working to really stay ahead of that
14 and provide a new level of security for American
15 consumers.

16 There are two primary components of an
17 eero network: the electronic hardware and then
18 the proprietary software. While both are entirely
19 designed within the U.S., and although the
20 hardware is an important conduit for the product,
21 the innovation, the new functionality, and the
22 intellectual property is all in our software.

1 eero's engineering team is a primarily
2 software-focused team, although we do also have
3 hardware engineers.

4 Mesh networks are enjoyed in our
5 private homes today because of eero's product,
6 and our U.S.-made software is the heart of our
7 products and it provides the mobile applications,
8 the cloud infrastructure, the mesh capabilities,
9 and the device security.

10 It is not accessible to the Chinese
11 manufacturer, whose sole role is to test and
12 assemble the common, nonproprietary components of
13 the router.

14 Imposing these tariffs on eero's
15 products hurts U.S. consumers. And when I say
16 eero's products, I mean the final product, made
17 with U.S. ingenuity and over a quarter million
18 engineering hours from U.S. engineers.

19 A tariff on the Chinese-manufactured,
20 low-tech hardware unfairly hampers eero's ability
21 to sell our overall system, because there is no
22 commercially reasonable alternative source.

1 Additionally, a higher price point
2 would dissuade American consumers from upgrading
3 to the newer, smarter, and importantly, safer
4 networking products. This incentivizes consumers
5 to keep their old insecure router or purchase
6 less expensive, less secure networking gear.

7 Finally, these tariffs give foreign
8 tech giants the advantage to purchase the
9 inexpensive low-tech components from China and
10 sell their products to Americans at the detriment
11 of eero.

12 These tariffs today do not accomplish
13 the administration's goals, but instead give
14 foreign competitors the advantage over us, the
15 small U.S. originator of this technology.

16 eero fully understands the challenges
17 of China's intellectual property practices and
18 the administration's goals to change the Made in
19 China 2025 policy. This is why we've remained
20 software-focused and carefully protect our
21 intellectual property.

22 The irony here is that it is the U.S.

1 tariff policy that fundamentally threatens our
2 business, not China's IP practices and industrial
3 policies.

4 Secure wi-fi networks with U.S.
5 software is more important than ever. I therefore
6 urge you not to impose these punitive tariffs on
7 products covered under 8517.6200. Thank you for
8 your attention and I am happy to respond to any
9 questions you may have.

10 MR. BISHOP: Thank you, Mr. Schallich.
11 Madam Chairman, that concludes direct testimony
12 from this panel.

13 CHAIR GRIMBALL: Thank you for your
14 testimony. We will start with questions in about
15 one minute. Okay. We're ready.

16 MS. HOWE: My question's for Mr. Angle.
17 You state that iRobot has direct experience with
18 Chinese competitors infringing your patents, both
19 in the United States and elsewhere. Did this
20 have any impact on iRobot's competitiveness?

21 MR. ANGLE: Yes. We have seen our
22 market share impacted by competitive entrance and

1 are aggressively working to limit their entry
2 into the U.S.

3 MS. HOWE: Also, has iRobot ever looked
4 into shifting production outside of China?

5 MR. ANGLE: Absolutely. In fact, we
6 recently completed a strategic sourcing exercise,
7 to see where else on the planet we could
8 manufacture. The results are very unencouraging.

9 In fact, were we to try to bring
10 manufacturing of the Roomba to the U.S., we would
11 see an increase in cost of over 57 percent, based
12 on increased material costs and labor costs.

13 MS. HOWE: Were any of the third-
14 country options more affordable?

15 MR. ANGLE: Yes, somewhat more
16 affordable, but still a significant increase in
17 cost. And right now, the consumer robot industry
18 is at a stage right now where rapid growth over
19 the next two years, the winners in this new
20 emerging market are going to be determined. And
21 so, even a ten percent increase in costs would
22 significantly disadvantage iRobot.

1 MS. HOWE: Thank you.

2 MR. HARDMAN: Hi, my question is for
3 Mr. Baer with Element. You mentioned two products
4 or two components, the screens and the
5 motherboards, that you said cannot be sourced
6 outside of China.

7 I have kind of a similar question,
8 where else did you look? And also do you mind,
9 perhaps, providing some detail on why these are
10 only provided in China and not outside?

11 MR. BAER: Sure. So, they can be
12 sourced in China and we can import them here into
13 the U.S., either through Mexico or through China,
14 for either zero or 3.9 percent, which is the
15 unfortunate part.

16 The part that we actually have to
17 import, which is the LCD sub-panel, the sources
18 that we have been able to work with are all in
19 China.

20 There are only, I don't know off the
21 top of my head, five or six panel fabrication
22 facilities in the world and all of them are

1 centric here to Asia. There's been an
2 announcement that one's going to be moving here
3 to the U.S., but by all public reports, that's
4 five years out.

5 So, the infrastructure to create a
6 panel fabrication facility to create the LCD
7 panel assemblies that we have to import, for our
8 supply chain are really only available in China.

9 If we did the final assembly in China
10 or if we did the final assembly in Mexico, we
11 would either pay 3.9 percent or zero percent and
12 have no worries with the 301 duty. The problem
13 is, we're trying to save an American factory and
14 American jobs.

15 MR. HARDMAN: All right. One follow-
16 up, what about the motherboard?

17 MR. BAER: The motherboard, again, our
18 motherboards all come from China. There may be
19 other locations, to be honest, I don't have a
20 whole lot of detail on the motherboards, because
21 the significant cost and significant problem is
22 really the LCD panels.

1 The motherboards did appear on List 3
2 for the first time and so, we're asking that they
3 be removed. But the big piece is the LCD panel.

4 MR. HARDMAN: Okay, thank you.

5 MR. BAER: Thank you.

6 CHAIR GRIMBALL: Mr. Baer, I have one
7 follow-up question for you.

8 MR. BAER: Yes, ma'am.

9 CHAIR GRIMBALL: And I'm not sure if
10 you know this off the top of your head, and if
11 you don't, feel free to supplement following this
12 hearing. But what is the value added of the U.S.
13 content, as compared to Chinese source
14 components?

15 MR. BAER: I don't know that --

16 CHAIR GRIMBALL: Okay.

17 MR. BAER: -- off the top of my head.

18 CHAIR GRIMBALL: Okay, I figured.

19 MR. BAER: I apologize. But we will
20 for sure supplement --

21 CHAIR GRIMBALL: Please.

22 MR. BAER: -- in our written response.

1 CHAIR GRIMBALL: Okay, thank you.

2 MR. BAER: Thank you.

3 MS. SMITH: Good afternoon. My
4 question is for Ms. Sage Chandler. Out of all
5 the products which you have requested for
6 removal, which products are the most difficult to
7 source outside of China and why?

8 MS. CHANDLER: Well, we have 380
9 products identified and a great number of them,
10 we have been told by our companies are difficult
11 to source outside of China, or, as you've been
12 hearing, the cost would be prohibitive on small
13 businesses.

14 There are a couple of categories of
15 product that will have a real huge impact. The
16 more we look at it, the more we understand how
17 big the impact is going to be on the consumer.

18 And that is sort of this ecosystem of
19 the Internet of Things. We have many products on
20 this list that are part of the way we access the
21 internet, the way we work, the way we function.

22 So, over here, we've got a data center

1 and all those items on there, the circuit boards,
2 the memory modules, transceivers, servers,
3 gateways, routers, are subject to 25 percent
4 under this list.

5 I could add also that the
6 semiconductors that are used were on the last
7 list. Motherboards, to your previous question,
8 contains a lot of these elements, so they too
9 would have a strong impact. Here in the middle,
10 you have modems and other routers.

11 And then over here are the consumer
12 devices. The Bluetooth connected devices, like
13 speakers and wireless headsets and fitness
14 trackers and home audio/video, whole home
15 controls for either on the end of the table here.

16 So, what we see is the potential for
17 pass-down. So, for all the U.S. data center
18 manufacturers, or builders, there's tons of them
19 around us, 25 percent, 25 percent, 25 percent,
20 however many times they have to pay that.

21 They can't absorb it all, they'll pass
22 some down to this middle guy. That middle guy is

1 probably the ISP, or internet service provider.
2 So, that ISP will pick up those pass-downs, but
3 they also have to pay the 25 percent on the
4 modems and the routers.

5 They can't take all of this plus that,
6 so they'll pass it down. The ultimate loser here
7 is the American consumer, because they will have
8 to pay all this pass-down, plus an extra 25
9 percent on all of the items that they choose to
10 buy.

11 This is for the folks in the back.
12 Data center, ISP, or any connection here, modems,
13 routers, consumer.

14 So, it's hard to pinpoint any
15 particular item that is of real importance,
16 because the ecosystem is so huge and there are
17 multiple items.

18 And we have listed in our final, we'll
19 have line item by line item with comments on
20 them, so that will help illuminate a little more.

21 MS. SMITH: Okay, thank you. I just
22 have one more follow-up. Of those that you

1 listed, are there any that are specific to small
2 businesses who --

3 MS. CHANDLER: Oh, yes.

4 MS. SMITH: -- will be impacted?

5 MS. CHANDLER: Yes. So, sort of the
6 infrastructure is 8517.6200. That captures all
7 these connected devices. It captures some
8 companies that do what Brilliant does, I think,
9 down at the end of the table here. Then we have
10 the code that Aaron's under, also affects a
11 number of these items.

12 And then there are the hardware
13 manufacturers, assemblers in the U.S. If you
14 took a TV and made it mini, you would see that
15 there's a lot of pieces coming from other places,
16 and something that's miniaturized and goes into a
17 data center, it could be -- maybe they used TV,
18 maybe they used who knows what.

19 So, tariffs are not just at that end
20 point and it's not just once. The way that we're
21 starting to see this whole picture is that it
22 builds down the line and all those costs add up.

1 And the ultimate place that they get
2 passed to, when there's nowhere else to pass it,
3 it ends at the consumer.

4 MS. SMITH: Thank you very much.

5 MS. CHANDLER: Thank you.

6 MR. MCGUIRE: My question is for Mr.
7 Emigh from Brilliant, two questions. The first
8 concerns IP theft, with new and innovative
9 products. Are you concerned about the potential
10 for Chinese IP theft?

11 MR. EMIGH: The vast majority of the
12 intellectual property in our product is in the
13 software that's in that product.

14 So much as Amos was describing, the
15 hardware is relatively straightforward, although
16 it's not simple, and anybody who takes the device
17 apart can easily see what's in it and could
18 replicate that, if they wanted to.

19 However, the software is much more
20 protected, because we don't provide source code
21 to the Chinese factory. We only provide object
22 code, which, again, anyone would be able to see

1 if they just look in the memory of the device.

2 So there's no particular insight into
3 the software, where the core intellectual
4 property is, that exists in China.

5 Furthermore, the company that does the
6 manufacturing is actually a U.S.-based company,
7 which provides additional assurances that we're
8 not that concerned about the theft aspect of it.

9 MR. MCGUIRE: Okay. The second
10 question, as you've heard from the other
11 questions, we're interested in knowing the cost
12 and the time that might be involved if you were
13 to move your production to another country.

14 MR. EMIGH: Yes. The unfortunate
15 consequence of this particular tariff regime
16 means that moving to the U.S. would not be an
17 option, because we would then be subject to
18 numerous tariffs on the components that are used
19 in the device.

20 So, we would be talking about moving
21 production to a third country, that is not the
22 U.S. and is not China. We did an evaluation of

1 where we would build the device, before we knew
2 about the tariffs, and looked at a lot of
3 different countries as possibilities.

4 China is unique for several reasons.
5 First, the quality of construction that's
6 available in China is extremely high. This is
7 very important for consumer products, where fit
8 and finish is very important.

9 And many of the low-cost countries,
10 like Vietnam or Indonesia or places like that, we
11 felt didn't have the capability of building
12 products to that level of fit and finish.

13 We looked at some other countries,
14 like India, that may be able to provide that
15 quality of manufacturing, arguably. But they had
16 other numerous problems, as far as the supply
17 chain went.

18 Because the supply chain for all of
19 these components is based in China, we would be
20 procuring them in China and shipping them to
21 India from China.

22 We would run into potential problems

1 and delays with Indian customs and there are a
2 lot of vicissitudes as far as the infrastructure
3 there goes.

4 And ultimately, it seemed like it
5 would be introducing an unacceptable level of
6 risk, which we can't afford to take as a young
7 company, where we don't have global organization
8 that's capable of going and straightening out
9 complex supply chain problems. We have to work
10 with people who are capable of doing it.

11 And there are some components, like
12 the plastic molded pieces, that it didn't seem
13 like there were good options outside of China.
14 So, in our estimation, it was not practical to
15 manufacture anywhere other than China.

16 MR. MCGUIRE: Thank you.

17 MR. CONCEICAO: Good afternoon. My
18 question is for Ms. Green. First, does your
19 company, does Bak USA source any of the products
20 that you listed in your submission from countries
21 other than China?

22 MS. GREEN: So, we do have a supply

1 chain specialist that actually works for the
2 company and that's all that they do, is they look
3 where they can source component parts from.

4 We -- the component parts that we can
5 source from the United States, we do source from
6 the United States. And I've identified the names
7 of those companies in my testimony that's been
8 submitted to the panel.

9 The other parts, we have looked to
10 source at other countries. Taiwan, one, India,
11 another. China, unfortunately, as you're hearing
12 the rest of my panelists testify to, actually
13 produces the highest quality.

14 And when it comes to the motherboards
15 or the PCB, which you've heard a lot about today,
16 which is a very, very expensive component part in
17 all of the technology and many of the startups
18 that you're hearing from, that industry is
19 dominated by China, I mean, 84 percent, and they
20 have the highest quality.

21 So, we have looked at -- there was a
22 very small manufacturer that we looked at. But

1 from a quality and a capacity standpoint, they
2 could not provide what we needed.

3 And when we sourced them from that
4 company, we found that 50 percent of the supply
5 was defective. So, we can't source from a
6 company that's going to provide defective
7 component parts to us.

8 MR. CONCEICAO: Okay. And as a follow-
9 up, in your estimation, and you may not have the
10 numbers handy, but when it comes to finished
11 computers, do you have an idea on what duty rate,
12 what level of duty would need to be imposed to
13 encourage production of finished computers in the
14 United States, or countries other than China?

15 MS. GREEN: Yes. So, of course, we are
16 the only company that we're aware of that
17 produces to scale computers in the United States.

18 And what I do know is that, for every
19 2,000 computers that we would produce based on
20 the existing Tariff Schedules 1, 2, and 3, 3
21 being the most significant one affecting our
22 company, the cost is over \$100,000 for every

1 2,000 devices.

2 The tariff to companies that are our
3 competitors would have to be significant. It
4 would have to be over 25 percent. And that is
5 because the competitors, the large competitors
6 that mass-produce millions of computers, will
7 simply pass the cost off to the consumer here in
8 the United States.

9 And so, you really have to look at,
10 what is the consumer threshold tolerance level
11 for what they will pay in order to move the
12 manufacturing process back to the United States?

13 And the one thing I can tell the panel
14 is, our rate, from a quality standpoint, exceeds
15 that of every competitor that's out there. Even
16 though we're a small startup company, we only
17 have a six percent failure rate and the industry
18 standard tends to be 15 percent.

19 So, there is real quality in building
20 to the American standard that differentiates
21 building our products in the United States versus
22 building them overseas.

1 And we hope that the panel will really
2 consider that as they look at all of the requests
3 that are being made here, particularly with
4 respect to the electronics industry.

5 MR. CONCEICAO: Thank you.

6 MS. PETTIS: Mr. Oxman, are any of the
7 requested products available to be sourced
8 outside of China? And have any Association
9 members ever had any difficulties with IP theft
10 and/or forced technology transfers with China?

11 MR. OXMAN: To your first question, Ms.
12 Pettis, between 95 percent and 100 percent of the
13 components sourced by our member companies come
14 from China.

15 So, as I testified in May, the POS
16 units themselves are manufactured in China and
17 the parts and components that go into those
18 devices or the accessories that attach to them
19 are also manufactured in China. So, it's between
20 95 and 100 percent of our member companies'
21 product.

22 To your second question, the

1 opportunities to source those products outside of
2 China obviously have been sought by our member
3 companies. And they, similar to the other
4 panelists, have found those not feasible. And as
5 a result, they closely guard their intellectual
6 property.

7 POS devices, as the other panelists
8 have testified as to their own devices, have two
9 components to them. They have the hardware
10 component and the software component.

11 The hardware component is what is
12 manufactured and sourced in China. The software
13 component and the intellectual property therein
14 is American.

15 And it is added to those products once
16 the manufactured products are transported to the
17 United States. So, the software itself and the
18 source code for that intellectual property is not
19 provided to the Chinese partners and is, rather,
20 added here in the U.S.

21 MS. PETTIS: Okay, thank you.

22 CHAIR GRIMBALL: This question is for

1 Mr. Schallich, am I pronouncing that correctly?

2 MR. SCHALLICH: Yes.

3 CHAIR GRIMBALL: Thank you. In your
4 testimony, you mentioned problems faced by
5 consumers with respect to hacking of their
6 particular devices. Has eero faced or is eero
7 aware of any IP theft related to the software
8 technology that your company is producing?

9 MR. SCHALLICH: We are not. So,
10 similarly to what Aaron said, our software, while
11 some of it goes on the devices in the factory,
12 though the source code is not available to the
13 manufacturer, it is very reliant upon actually
14 both our cloud infrastructure and our mobile
15 clients.

16 CHAIR GRIMBALL: Okay.

17 MR. SCHALLICH: So, a lot of our stuff
18 just never even lives on the device. It's very
19 hard for us to charge for that separately. But
20 think of the device as the hardware being dumb,
21 in and of itself. You give it the software that
22 gives it life, gives it the capabilities.

1 It's also, as certain vulnerabilities
2 come up or are found in wi-fi standards or things
3 like that, we're able to patch our devices on the
4 neighborhood of -- and this is not just new ones,
5 but this is every single device that has ever
6 been sold by us -- in the neighborhood of 24
7 hours to one week, and update all of them.

8 And so that shipping new, it's kind of
9 -- in our office, we do the testing, we make sure
10 that the software's ready to go, and then we're
11 able to deploy it to everyone with no consumer
12 action.

13 So, able to very quickly react and get
14 things down and make sure that we're fixing any
15 type of vulnerability. Things that have come up
16 or kind of made the news, was crack, there are
17 other --- foreign agents have actually gained
18 access to other routers, which we were not
19 vulnerable to.

20 And those are all things that we kind
21 of keep an eye on and make sure that we're doing
22 our best to kind of move things forward in the

1 industry.

2 And also try to better protect the
3 devices on the home network that aren't even our
4 own devices. So, the more we can do to prevent
5 people from being able to access your smart
6 cameras or other devices in your home or infect
7 those, we do as much as we can there as well.

8 CHAIR GRIMBALL: And with respect to
9 the hardware that I understand is manufactured in
10 China, are the inputs for that hardware
11 completely sourced from China, or do those inputs
12 come from other countries in your supply chain?

13 MR. SCHALLICH: Most of them, I
14 believe, are sourced from China. I would have to
15 follow up with the manufacturing and sourcing
16 team there and can address that in the comments.

17 CHAIR GRIMBALL: Okay, thank you. And
18 a few of your other colleagues have touched on
19 this point, but I'd like to ask you directly.

20 As a young startup company, what
21 factors went into your company's decision to
22 manufacture your particular product in China

1 instead of another country?

2 MR. SCHALLICH: Sure. So, when we were
3 first starting off, when it was actually still
4 three people, before we had any capital, we were
5 looking at other options.

6 We did a road trip down to San Luis
7 Obispo and met with a firm called Gateworks there
8 and tried using their boards. And then we did
9 early prototyping at a firm in San Jose.

10 The places that we looked at within
11 the U.S. were not going to be cost competitive
12 and also weren't going to be able to build at the
13 capacity that we needed them to.

14 So then when we were going and looking
15 at foreign options, we looked at where had
16 competitors gone? We like to model our product
17 quality after Apple, and ended up today in the
18 factory where they were building their line of
19 now discontinued wi-fi products.

20 So, we gained some of that expertise
21 that the line workers had in working and doing
22 radio frequency testing for the products in

1 there, as well as making sure they were able to
2 build as high-quality of a product as possible.

3 CHAIR GRIMBALL: Thank you.

4 MR. BISHOP: We release this panel with
5 our thanks and we invite the members of Panel 13
6 to come forward and be seated.

7 Madam Chair, our first witness on this
8 Panel is Stephen Comstock with the American
9 Petroleum Institute. Mr. Comstock, you have five
10 minutes.

11 MR. COMSTOCK: Members of the Section
12 301 Committee, my name is Stephen Comstock and
13 I'm a director at the American Petroleum
14 Institute and manage the development of our
15 association's trade policy.

16 With more than 600 members, API is the
17 only national trade association representing all
18 facets of the oil and natural gas industry.

19 The U.S. is leading the world in the
20 production and refining of natural gas and oil,
21 which is boosting our economy, keeping energy
22 affordable for consumers and benefitting American

1 workers. Unfortunately, the current trade
2 policies being pursued by the administration run
3 counter to enhancing our energy dominance
4 throughout the world.

5 We understand the need to curb
6 discriminatory trade practices with these broad
7 additional Section 301 tariffs currently being
8 considered would likely slow U.S. natural gas and
9 oil production, threaten jobs in our industry and
10 hurt consumers.

11 Our industry relies upon imports from
12 China for many products listed under the
13 additional proposed tariffs. As you will notice
14 on the copies of my oral presentation in front of
15 you, that I've listed products that our industry
16 utilizes that will be impacted.

17 I would just like to highlight a
18 couple of points on that list for the sake of
19 time. First, with respect to the natural barium
20 sulfate, and barium sulfate.

21 These are products used in fluids that
22 are necessary when drilling. However, the U.S.

1 has only limited amounts of the barite needed for
2 these products.

3 In 2017, the U.S. produced only
4 330,000 tons of this critical material, but it
5 consumed almost seven times that amount in the
6 same year. To make up the difference, the U.S.
7 has to rely upon imports.

8 Approximately half the supply comes
9 from China, at which in 2017 it accounted for
10 about 42 percent of the global barite production.

11 With respect to the other component
12 parts and products we understand that they could
13 be, and are, domestically sourced. But it must
14 be understood that there are established supply
15 chains in our industry and quality control
16 processes that have been setup with Chinese
17 suppliers and is both time consuming and
18 inefficient to reestablish those from scratch.

19 We also understand that an exclusion
20 process is being considered whereby USTR would
21 assess petitions from companies, to exclude
22 imports from these proposed tariffs under certain

1 circumstances.

2 Our general policy is that these
3 assessments should be done up front, in
4 consultation with impacted industries who are
5 relied upon target products.

6 However, if USTR wishes to try and
7 mitigate unintended impacts in this fashion, we
8 would suggest a focus on making the process as
9 transparent to industry as possible, based upon
10 our experience in the Section 232 product
11 exclusion process implemented by the department
12 of Commerce.

13 Such transparency would allow
14 petitioners to understand what is needed in order
15 to make a successful claim and avoid impressions
16 of arbitrary judgments. Further, a more
17 transparent process could allow petitioners to
18 provide additional facts or input into
19 determinations that would otherwise seem rash or
20 confusing.

21 I should also note another industry
22 concern with these proposed tariffs in that the

1 Chinese government has proposed retaliatory
2 tariffs that specifically target U.S. produced
3 liquefied natural gas. China is currently the
4 third largest importer of U.S. LNG and those
5 export amounts of have been increasing to match
6 China's rising demand for natural gas.

7 The U.S. is one of the world's main
8 LNG suppliers, but other countries are capable of
9 supplying China, including Australia, Qatar,
10 Malaysia and Russia.

11 This trade dynamic suggests that
12 additional tariffs by the Chinese on U.S. LNG
13 will impact the Chinese markets for our products
14 and hurt the U.S. more than it hurts China over
15 the long term.

16 Naturally, incentivizing other LNG
17 suppliers to fill this demand would impact the
18 construction of domestic LNG projects reliant
19 upon that market for secure long-term supply
20 contracts. Lack of that outlet, for U.S. natural
21 gas, could cascade down into domestic production.

22 This connection between the potential

1 loss of markets and impacts on domestic
2 production provide a small example of how
3 destructive trade wars can be on the parties
4 involved.

5 We strongly believe that any Section
6 301 effort to address discriminatory and market
7 distorting practices of our trade partners,
8 should be undertaken only after a more
9 consultative approach with industry, to
10 understand impacts and policy objectives.

11 We also believe that engagement should
12 be extended to trading allies for a more
13 multilateral approach. We specifically urge the
14 administration not to impose additional Section
15 301 tariffs on Chinese products used in the U.S.
16 natural gas and oil industry.

17 And if that cannot be accomplished, to
18 institute a transparent and efficient policy to
19 review petitions for product exclusions from U.S.
20 natural gas and oil companies, including oilfield
21 equipment, manufacturers, services and supply
22 companies.

1 Thank you for your consideration of
2 our points and I welcome any questions that you
3 may have.

4 MR. BISHOP: Thank you, Mr. Comstock.
5 Our next witness is Wayne Joseph with New Flyer
6 of America. Mr. Joseph, you have five minutes.

7 MR. JOSEPH: Good afternoon, Mr.
8 Chairman and Members of the Section 301
9 Committee. Thank you for the opportunity to
10 appear before you today.

11 My name is Wayne Joseph and I am the
12 president of New Flyer of America headquartered
13 in St. Cloud, Minnesota.

14 New Flyer is a U.S. subsidiary of NFI
15 Group, the largest transit bus and motorcoach
16 manufacturer and parts distributor in North
17 America employing over 6,000 team members with
18 3,100 employed in the United States and
19 continuing to grow.

20 New Flyer has expanded its operations
21 across the U.S. In October 2017, New Flyer
22 opened the first of its kind, Innovation Lab, the

1 vehicle innovation center in Anniston, Alabama.

2 Dedicated to the advancement of bus
3 and coach technology, including electric,
4 autonomous and telematics technologies.

5 We've also invested approximately \$28
6 million to establish a new parts fabrication
7 facility in Shepherdsville, Kentucky and
8 anticipate hiring over 550 employees.

9 As you can see, we continue to build
10 on our over 85 year legacy of innovation, with
11 over 50 of those years producing zero emission
12 buses.

13 New Flyer agrees with the USTR and
14 Section 301 Committee. The acts, policies and
15 practices of the government of China burden and
16 restrict U.S. Commerce.

17 We're encouraged by the
18 administration's efforts to right the scales and
19 put an end to China's actions that have distorted
20 the market and fortified unfair trade practices.

21 Due to our knowledge of and experience
22 with these unfair trade practices, I am here to

1 support the inclusion of lithium-ion batteries,
2 related to subcomponents such as individual or
3 aggregated cells for medium and heavy-duty buses,
4 on the list of products to which we urge the U.S.
5 government to impose an additional duty. This
6 product does not currently appear on the U.S.
7 trade representatives proposed annex published in
8 the federal register on July 17, 2018.

9 To ensure the effectiveness of the
10 USTRs actions, we request Harmonized Tariff
11 Schedule, Subheading 8507.60.0010, be included in
12 the final tariff's list.

13 It is critical to underscore the fact
14 that it is not New Flyer's intention to reach
15 into areas in which lithium ion batteries are
16 used for purposes of consumer electronics or uses
17 other than medium and heavy-duty buses.

18 New Flyer manufacturers the Xcelsior
19 CHARGE battery electric, heavy-duty transit bus
20 for the U.S. public transit industry, containing
21 batteries produced by XALT Energy, who
22 manufactures battery cells and embodies them into

1 battery modules and systems in Midland, Michigan.

2 The XALT batteries are the only
3 batteries with U.S. made battery cells that
4 currently meet the industry requirements for
5 heavy-duty transit buses. Consequently, the loss
6 of XALT, as a battery supplier, would disrupt our
7 business or cause us to source from a supplier
8 who imports cells from outside the United States.

9 New energy vehicles, such as electric
10 buses we manufacturer, are included as one of the
11 ten strategic advanced technology manufacturing
12 industries for promotion and development
13 described in the Chinese government, Made in
14 China 2025 industrial policy.

15 Made in China 2025 leverages state
16 resources to rework and generate prejudicial
17 advantage on a global scale. This unparalleled
18 state driven intrusion will continue to
19 destabilize the market, causing artificially
20 reduced prices and distort U.S. manufacturing and
21 innovation of heavy-duty electric buses.

22 By the Chinese government's own

1 design, we cannot confirm many of the details of
2 the subsidies. However, the prices charged by
3 Chinese sponsored enterprises of heavy-duty buses
4 in the U.S. demonstrate that these enterprises
5 are not valuing the lithium ion battery cell
6 properly.

7 To make matters worse, the majority of
8 these U.S. consumers are paying for Chinese
9 electric battery buses with federal funds. Not
10 only are the U.S. businesses and consumers being
11 affected, but the U.S. government is subsidizing
12 the Chinese government via public transit
13 authorities.

14 China's state sponsored growth in new
15 energy vehicle sector has been detrimental to the
16 U.S. heavy-duty bus industry. As a result,
17 China's increased exports of lithium ion battery
18 cells, New Flyer, and its downstream supplier,
19 are being harmed.

20 As buses become more efficient, the
21 electric vehicle markets continue to grow, a fair
22 and level playing field must be maintained for

1 U.S. manufacturers to compete domestically and in
2 a global market. Advanced battery manufacturing
3 will continue --

4 CHAIR GRIMBALL: Excuse me, Mr.
5 Joseph?

6 MR. JOSEPH: -- to address critical
7 innovation --

8 CHAIR GRIMBALL: Mr. Joseph, please
9 conclude. Your time has expired.

10 MR. JOSEPH: To increase pressure on
11 China to amend its unfair trade practices and
12 reduce or eliminate the adverse impact that
13 imports are having on the U.S. transit industry,
14 New Flyer requests lithium ion batteries' related
15 subcomponents such as individual aggregate cells
16 for medium and heavy-duty buses be included in
17 the final draft list.

18 Producing a narrow scope of tariffs on
19 products specifically targeting Made in China
20 2025 industry policy goals will best serve our
21 national security interests and the interests of
22 U.S. businesses and consumers. If left

1 unaddressed, the U.S. risk losing a high-quality
2 --

3 CHAIR GRIMBALL: Mr. Joseph, please
4 conclude.

5 MR. JOSEPH: -- advanced manufacturing
6 industry.

7 CHAIR GRIMBALL: Thank you.

8 MR. BISHOP: Thank you, Mr. Joseph.
9 Our next witness is Mr. Jared Wessel with United
10 Industries. Mr. Wessel, you have five minutes.

11 MR. WESSEL: Good afternoon, Madam
12 Chair and Members of the Section 301
13 Subcommittee.

14 Randy Lewis, the president of the
15 Global Consumers Group within United Industries
16 Incorporated, has asked that I read the following
17 testimony into the record.

18 United is a leading manufacturer of
19 branded consumer products sold in retailers such
20 as Home Depot, PetSmart, Dollar General and many
21 others. Our portfolio consists of a number of
22 recognized brands including Repel insect

1 repellants, FURminator pet care and Rayovac
2 batteries.

3 Our brands are generally positioned as
4 a value offering to the consumer. Which means
5 that we offer a high-quality product at an
6 affordable price to the value conscious consumer.

7 As an initial matter, we don't believe
8 that USTR should impose tariffs on the types of
9 consumer products we manufacture.

10 The administration made it clear in
11 its announcement of the first Section 301 tariff
12 list that it was focusing on the Made in China
13 2025 program and excluding "goods commonly
14 purchased by American consumers such as cellular
15 telephones and televisions."

16 The products we make clearly fit into
17 both categories as they are not a focus of Made
18 in China 2025 and are a necessity goods commonly
19 purchased by American consumers. By necessity
20 goods, I mean that consumers would rather not buy
21 these products but they are necessity purchases
22 to help them, for example, protect themselves

1 from ticks and mosquitos.

2 I think you would agree with me that
3 the average consumer needs these products even
4 more so than the latest telephone.

5 To illustrate my point even further,
6 I would like to discuss three specific groups of
7 products. I'll start with insect repellants,
8 which are manufactured in our Chapin, Missouri
9 facility by 400 U.S. employees.

10 Mosquitos and ticks are disease
11 vectors which transmit diseases to people. In
12 the words of the CDC, there is a growing public
13 health problem of tick and mosquito borne
14 illnesses in the United States.

15 There are many diseases, some even
16 life threatening, that can be transmitted by
17 ticks and mosquitos, such as lime disease, west
18 Nile virus and the Zika, the Zika virus.

19 The Zika virus is particularly
20 troubling as it can be spread from a pregnant
21 woman to her fetus and has been linked to a
22 serious birth defect of the brain called

1 microcephaly.

2 With this background, I hope you see
3 that not only are insect repellants a necessity
4 product, but also that they are very important to
5 our health and safety. This is why we firmly
6 believe a tax that will increase the cost of
7 insect repellent is not something we should be
8 encouraging.

9 Especially as the CDC is encouraging
10 consumers to take practical steps, such as using
11 insect repellants, to prevent vector borne
12 diseases.

13 One other point I wish to share, it is
14 my understanding that pharmaceuticals were
15 removed from the list of products subject to
16 Section 301, and I suspect it was due to a
17 similar health care justification. I think you
18 will agree the same logic should apply to insect
19 repellants.

20 Next, I'd like to talk about the
21 impact tariffs will have on pet care products.
22 The pet supply category includes commonly

1 purchased products that are key for maintaining
2 active, happy and healthy pets, such as treats,
3 toys, training aides and many other types of care
4 for your pet products.

5 According to the American Pet
6 Association, nearly 70 percent of all U.S.
7 households own a pet. Pets play a vital role in
8 many people's lives and are often treated as
9 family members.

10 In addition to the sheer joy pets
11 bring to our lives, the medical community has
12 found that pet ownership provides many health
13 benefits. Companionship pets like cats and dogs
14 have been shown to improve mood, decrease stress,
15 ease pain, improve immunity, lower blood pressure
16 and help young children develop.

17 It is hard to truly estimate the exact
18 dollar impact that tariffs would have on our
19 goods, but I believe the number would be
20 minimally in the \$150 to \$200 million range.

21 I base that estimate by the fact that
22 these tariffs will result in consumers paying \$11

1 million for our products alone. This is a
2 staggering burden to place on the common everyday
3 of pet care products that are so instrumental to
4 so many people's lives.

5 For these reasons, we suggest that
6 USTR not apply Section 301 tariffs to pet
7 products as well.

8 Lastly, I want to speak to you about
9 batteries. Our RAYOVAC brand battery is a 110-
10 year-old brand and the world's number one
11 producer of hearing aid batteries.

12 We manufacture our batteries with
13 production facilities in both Wisconsin and
14 Illinois. We employ 850 Americans through the
15 U.S. manufacturing of approximately \$1 billion
16 batteries per year.

17 Our U.S. production is focused on high
18 value added products like hearing aid batteries.
19 We supplement our U.S. production with imports
20 from China. Things like battery chargers and
21 manganese dioxide and nickel-metal hydride
22 batteries.

1 These imported products are critical
2 to our ability to compete as we need a full
3 assortment to offer our customers. Without a
4 full product line, we will lose our
5 competitiveness and our sales revenue will
6 ultimately decline.

7 A revenue decline would force us to
8 reduce our investment into the business,
9 eventually hurting our U.S. manufacturing
10 locations and favoring non-U.S. producers. I
11 hope you now see how a tax on a common everyday
12 product like batteries hurts U.S. battery
13 manufacturing. For these reasons, we suggest
14 that USTR not apply Section 301 tariffs to
15 battery products as well.

16 Finally, I want to thank you for
17 allowing me to share these details and for your
18 time today.

19 MR. BISHOP: Thank you, Mr. Wessel.
20 Our next witness is John McCann with MEC Aerial
21 Work Platforms. Mr. McCann, you have five
22 minutes.

1 MR. MCCANN: What can I say in five
2 minutes that can convince you to remove products,
3 our products, from the proposed list of tariffs?

4 We manufacture scissor and boom lifts
5 used in construction and maintenance. To lift
6 people above the ground to do work.

7 U.S. market for these products is
8 about \$2.6 billion. Two of the biggest
9 manufacturers are domestic, the third is in
10 Canada.

11 We are a distant fourth with \$350
12 million to almost \$1 billion. The top three
13 control 90 percent of the market.

14 Their sales are four to ten times
15 ours. To compete, we manufacturer some of our
16 products in China and Korea. The remainder of
17 our equipment is manufactured at our plant in
18 Kerman, California.

19 It is a town of 15,000 hardworking,
20 mostly Hispanic folks, whose largest opportunity
21 for work is farm labor. It's a community with
22 chronic unemployment. Two hundred percent of the

1 state and national level. Almost 40 percent of
2 the people, 25 years or older, have less than a
3 high school education.

4 Terms used to discuss tariffs and
5 international trade say nothing about the lives
6 of these men and women who get up every morning
7 to go to work.

8 Tariffs will cause layoffs, lives will
9 be devastated, the hope and optimism that comes
10 from meaningful work will be gone. Many of our
11 employees, for many of our employees, MEC is the
12 best job they've ever had.

13 The terms we use don't tell us about
14 a woman with a husband in prison who never had a
15 full-time job. She started by attaching
16 connectors to the ends of wire cable and rose to
17 become the head of the wiring department.

18 She proudly tells me she's no longer
19 on welfare, food stamps or medical and how
20 grateful she is to be able to support her family.

21 Nor do we know about a young man who
22 is one of five children raised in a family of

1 drug abuse. He left at 14 and lived
2 intermittently with friends and family.

3 With no skills or work experience we
4 trained him to operate a fork lift. He rose to
5 head a five-man team in product support. He now
6 has his own apartment.

7 The terms we use don't tell us about
8 a man with a prison record and gang activity.
9 His job prospects are few.

10 We hired him to grind burs off of
11 welded parts. He rose to be the paint department
12 supervisor and is now a lead welder.

13 Stories of hardship and courage are
14 common among many of the 135 employees who will
15 be affected by the proposed tariffs on machines
16 we import from China.

17 Just oppose those lives to the cold
18 anodyne economic facts of our countries efforts
19 to stop unfair trade practices and provide equal
20 access to China's vast market.

21 First, some economic facts. Scissor
22 and boom lifts from China are a mere \$80 million

1 of the \$200 billion included in the proposed
2 tariffs. That's a mere four one-hundredths of a
3 percent. Compared to the size of a basketball,
4 China imports are less than a grain of salt.

5 The scissor lifts, the U.S. scissor
6 lift and boom market is \$2.6 billion. Only \$80
7 million of that comes from China. Which is just
8 a bit more than three percent.

9 We don't have the capital it takes to
10 replace production of our machines in China. As
11 a result, without imports, we can't compete with
12 the three leading manufacturers.

13 Without products from China, sales
14 will fall. The downward spiral would reduce our
15 production in Kerman.

16 Cost cutting and downsizing would
17 result in layoffs. Fifteen workers in the first
18 round. As we struggle to find the right mix of
19 labor for production in Kerman, there will be
20 more layoffs.

21 Let's talk briefly about these
22 products. There's no technology in these

1 products. Technology is --

2 CHAIR GRIMBALL: Mr. McCann --

3 MR. MCCANN: -- 15 years old.

4 CHAIR GRIMBALL: -- I have to ask you
5 to conclude.

6 MR. MCCANN: In concluding let me say
7 this. Here's where we are, we have machines from
8 China that represent less than a grain of salt in
9 a grand \$200 billion scheme of tariffs. They
10 play no part in your Committee's efforts to
11 change China's unfair trade practices.

12 Tariffs on scissors and boom lifts
13 will cause layoffs, good American jobs in a small
14 rural community. As a result, workers who have
15 those jobs will have little or no prospects for
16 the future.

17 Please don't do this. The cost to our
18 workers --

19 CHAIR GRIMBALL: Please conclude.

20 MR. MCCANN: -- in Kerman is far too
21 high.

22 CHAIR GRIMBALL: Thank you.

1 MR. BISHOP: Thank you, Mr. McCann.
2 Our next witness is Jason Rook with Tube & Solid
3 Tire, Limited. Mr. Rook, you have five minutes.

4 MR. ROOK: Good afternoon. I'm the
5 vice president of Tube & Solid Tire. We produce
6 the K9 and Dobermann brands of specialty tires,
7 which will be affected by the proposed tariffs
8 under the categories of truck and bus, all-
9 terrain vehicle, lawn and garden, trailer and
10 solid industrial tires.

11 The reason we produce many of these
12 tires in China is simple, and that's capacity.
13 Right now, we cannot switch our production to a
14 U.S. manufacturing partner because none are
15 available with the capacity to provide these
16 tires and the agility to support private
17 branding.

18 Manufacturing of small bias plied
19 tired has declined in the U.S. And the
20 manufacturer of solid industrial tires in the
21 U.S. is all but finished.

22 We currently have manufacturing

1 partners in South Korea, India, Poland and China.
2 Because of previous countervailing and
3 antidumping duties imposed on China going back to
4 2007, we've approached our current partners, and
5 also new factories in Thailand, Sri Lanka and
6 Turkey, to assume production of products that we
7 build in China, but with no success.

8 The main reason is, once again,
9 capacity. They simply can't take on more
10 production until additional factories are built,
11 with new facilities currently in the works.

12 The reason I mention this is to
13 illustrate that we've taken steps to move away
14 from China production in every area that we're
15 able, but some specialty lines are not possible
16 to move at this point. If the tariff goes into
17 effect, we'll have no choice but to simply pass
18 it along to the end user.

19 The tariff on all the goods that we
20 produce in China will have an immediate effect on
21 our customer base in the energy, mining, trucking
22 and agriculture industries. These industries

1 rely on us to provide high-quality, cost
2 effective products to maintain their productivity
3 while shoring up their bottom line.

4 The tariff will not eliminate Chinese
5 products on the market, only drive up costs for
6 the consumer. I've spent time in China touring
7 industrial facilities, speaking with factory
8 managers, and many Chinese factories are
9 investing heavily in research and development to
10 increase the quality of their products, to match
11 the growing cost of production associated with
12 their higher wages and stricter environment
13 regulations.

14 This tariff, I believe, will only
15 speed the development of higher quality Chinese
16 goods as they rush to match quality to price.
17 Closing the quality gap, that's the calling card
18 for American made products.

19 Already shipping costs are increasing
20 as cargo fleets reposition themselves for reduced
21 China trade and increase trade from other
22 nations. The problem is that the tariffs imposed

1 previously have had no discernible effect on
2 Chinese trade volume so shipping costs are
3 increase but volume is not dropping.

4 With large shipping fleets, the time
5 to reposition is measured in weeks and not days.
6 So the after effects will be felt in this segment
7 of the industry, regardless of the outcome of
8 this tariff decision.

9 The bottom line is that the effects of
10 this tariff will be felt by small businesses such
11 as ours and by truck drivers and groundskeepers
12 and home builders and American farmers. Because
13 of this, we believe the tires specified should be
14 exempted from further tariff for the foreseeable
15 future.

16 Imposition of the additional tariff on
17 these products is also inconsistent with the
18 stated reason for imposing them. As a
19 consequence of China's purported theft of U.S.
20 intellectual property and the refusal of the
21 Chinese government to control these activities.

22 The technology underling the

1 production of the tires we buy and sell from
2 China is mature and is used in all major
3 producing countries in the world. The Chinese
4 are not infringing or abusing U.S. patents or
5 processes in the manufacturer of the tires we
6 purchase.

7 These products should not therefore be
8 targeted for additional duties under the guides
9 of intellectual property violations. Thank you,
10 I appreciate your time.

11 MR. BISHOP: Thank you, Mr. Rook. Our
12 next witness is Tim Miller with Lionshead
13 Specialty Tire and Wheel. Mr. Miller, you have
14 five minutes.

15 MR. MILLER: Thank you. My name is
16 Tim Miller, I'm president of Lionshead Specialty
17 Tire and Wheel. Our company appreciates the
18 opportunity to testify before this U.S. Trade
19 Representative Section 301 proceeding.

20 Lionshead offers the following
21 testimony against the imposition of Section 301
22 tariffs, on specialty trailer ST aluminum wheels,

1 steel wheels and radial tires from China.

2 Lionshead is a privately held and
3 family owned business with headquarters in
4 Goshen, Indian and five facilities across the
5 United States.

6 Lionshead manufactures and sells
7 trailer components, including tires and wheels
8 for the RV, open and closed trailer, marine
9 trailer and horse and livestock trailer
10 industries.

11 Lionshead submits that the imposition
12 of additional tariffs on Chinese specialty
13 trailer, aluminum wheels, steel wheels and radial
14 tires will not help the United States achieve its
15 goal of eliminating Chinese policies and
16 practices related to technology transfer.

17 Moreover, imposition of these duties will cause
18 disproportionate economic harm to U.S. interests,
19 to the industries we serve and their customers.

20 Finally, it's important to consider
21 that these products do not contain industrially
22 significant technology, such as those related to

1 the Made in China 2025 program.

2 The overwhelming majority of these
3 products are not manufactured in the United
4 States, instead these products are predominately
5 made in China and have been for years.

6 Lionshead has been in the industry
7 since 1993 and we've created long-lasting
8 partnerships with the Chinese based factories
9 through which we source our tires and wheels.
10 These products are largely built in China with no
11 readily available alternative providers
12 elsewhere.

13 U.S. based tire or wheel manufacturers
14 have abandoned the segment of the industry as
15 they have chosen to invest their resources in
16 other areas of the tire and wheel industries.
17 Such as automotive or large over the road truck.

18 Focusing on each of the subject
19 components, the largest ST steel wheel
20 manufacturers are located in China. The primary
21 domestic ST steel wheel manufacturer is a company
22 called Dexstar, a single plant located in

1 Elkhart, Indiana.

2 Lionshead believes that Dexstar
3 employs less than 100 people and represents less
4 than five percent of the U.S. market. The U.S.
5 market for these ST steel wheels represents tens
6 of millions of pieces in annual demand.

7 Dexstar has one location with limited
8 capacity. They do not have the scale or
9 geographic reach to fulfill any significant
10 proportion of the annual needs in the United
11 States.

12 While there are other steel wheel
13 manufacturing plants worldwide, few have the
14 scale, equipment or capacity to build ST steel
15 wheels. There are other manufacturers that are
16 active in the global steel wheel market. However,
17 their market focus is either large over the road
18 semi-truck wheels or wheels used in Ag or other
19 off-road applications.

20 The ST steel wheel market requires
21 completely different wheel sizes, bolt
22 configurations and required load ratings than

1 either of these industries. Moreover, ST steel
2 wheels are manufactured to a different SAE
3 standard than other wheels.

4 The largest providers of ST aluminum
5 wheels are also located in China. There are
6 other aluminum wheel manufacturers outside of
7 China, but they focus on other markets.

8 For example, Alcoa is a domestic
9 provider of aluminum wheels they focus solely on
10 the over the road truck wheels.

11 Maxion is another domestic provider
12 but they only produce automotive wheels.
13 Compared to these industries, the ST industry
14 requires aluminum wheels that are smaller in size
15 and with load rating that can be up to 250
16 percent of those required in automotive.

17 ST aluminum wheels, like ST steel
18 wheels, are manufactured to a different SAE
19 standard and are not interchangeable with wheels
20 made for the automotive or truck market.

21 ST trailer tires are also
22 predominately manufactured in China with the 15

1 largest manufacturers located there. As with ST
2 wheels, ST tires are unique in size and load
3 ratings compared to automotive, Ag or large over
4 the road truck tires.

5 While there are many tire
6 manufacturers in the world, there are no current
7 options that provide our industry with the
8 volumes needed. Goodyear does manufacturer a
9 limited quantity of ST tires in the United
10 States, but they are priced at a 50 to 60 percent
11 premium compared to the ST tires manufactured in
12 China.

13 Goodyear's ability to command such a
14 significant premium indicates that its focus is
15 on a different segment of the market than that
16 serviced by Lionshead products. Indeed, there
17 are few OEM manufacturers in the RV or trailer
18 industries whose retail customers are willing to
19 pay this much more to have Goodyear branded tires
20 on their unit.

21 Due to the high-volume requirements of
22 tires and wheels in the U.S. specialty trailer

1 industry and the concentration of manufacturing
2 of these components in China, placing a tariff on
3 these products would disrupt existing supply
4 chains in multiple industries, including the RV,
5 marine and trailer industries.

6 The impact of the tariff would cause
7 undue economic hardship to our company and to the
8 industries we serve. Tires and wheels are one of
9 the more expensive components in an RV or trailer
10 and adding a 25 percent tariff would
11 significantly impact the average American RV or
12 trailer user.

13 Based on our 25 years of expertise in
14 the North American specialty trailer industry, it
15 is our professional opinion that U.S.
16 manufacturing of our components represents less
17 than two percent of the annual industry demand.

18 Since 2008, due to the successful
19 growth of these industries, we've been able to
20 add 110 jobs and invest over \$30 million in
21 capital expansion in our company. We have
22 already seen a dramatic slowdown in the retail

1 sales of RV and trailers, due to the higher
2 retail prices associated with previously passed
3 tariffs.

4 On this topic and the importance of
5 the RV industry of the U.S. economy, we call your
6 attention to the comments and the testimony of
7 the RV Industry Association.

8 Without an exemption to the
9 manufactured products that we distribute, costs
10 will significantly increase in the future and
11 additional demand will decrease. This will force
12 us to dramatically reduce our workforce and
13 forego future planned expansion.

14 For these reasons, Lionshead requests
15 that ST aluminum wheels, ST steel wheels and ST
16 tires be excluded from the currently proposed
17 Section 301 tariffs. Thank you.

18 MR. BISHOP: Thank you, Mr. Miller.
19 Our final witness on this pair, on this Panel, is
20 Derek Zhang of Transamerica Tire Company,
21 Limited. Mr. Zhang, you have five minutes.

22 MR. ZHANG: Thank you. My name is

1 Derek and I am the president of Transamerica Tire
2 Corporation, Limited. Thank you for the
3 opportunity to be here today.

4 Transamerica is a U.S. importer and a
5 distributor of specialty trailer tires, passenger
6 car, radial tires, also known as PCR tires, and
7 truck and bus tires. We market and sell private
8 brand tires and over a complete product line for
9 different applications.

10 We seek the removal of special trailer
11 tires, PCR tires and truck and bus tires from the
12 proposed list of the products subject to the
13 Section 301 tariff.

14 First, the manufacture of these tire
15 products do not involve the type of cutting edge,
16 advanced or leap frog technologies with which
17 Section 301 is concerned. I can tell you that in
18 over nine years experience, neither we nor our
19 customers have been forced by any entity in China
20 to share technology from joint ventures or
21 otherwise limit competition.

22 In light of this, we respectfully urge

1 the Committee to strongly consider the economic
2 harm that will result in the U.S. should the
3 tariffs be imposed on these tires at either ten
4 percent or 25 percent level.

5 Whether it is a lake goer towing a
6 speed boat or the outdoors man pulling a camper,
7 specialty trailer tires are required as they are
8 built to tow heavy loads and have better
9 durability than standard tires.

10 However, there is insufficient
11 production in the U.S. and globally to supply
12 current U.S. demand for specialty trailer tires.
13 We believe China currently produces almost 95
14 percent of the supply of specialty trailer tires.

15 U.S. tire manufacturers, themselves,
16 import a large volume of specialty trailer tires
17 from China because they have not focused the
18 production on these types of tires. Globally,
19 there are no countries outside of Southeast Asia
20 that produce specialty trailer tires in
21 significant quantities.

22 Moreover, outside of China, there are

1 only one or two factories in Southeast Asia that
2 produce specialty trailer tires. And those
3 factories produce very small quantities which are
4 not sufficient to meet the U.S. demand that is
5 currently met by Chinese production.

6 As you can see, there are very limited
7 alternative sources of supply for specialty
8 trailer tires. U.S. manufacturers and suppliers
9 will necessarily continue to source these tires
10 from China and are expected to pass the increased
11 costs, onto U.S. Consumers, who will ultimately
12 bear the brunt of the cost increases. Like
13 specialty trailer tires, there's also limited
14 production of passenger car, or PCR tires, in the
15 U.S. and in third countries.

16 U.S. producers do not currently
17 manufacture sufficient quantity to supply U.S.
18 demand for PRC tires. In addition, PCR tires
19 manufactured in China are also subject to a 23
20 percent duty.

21 The imposition of additional duties on
22 PCR tires from China would further exacerbate the

1 cost of these tires at either ten percent or 25
2 percent tariff, would cause disproportionate harm
3 to U.S. businesses and consumers.

4 Given the little prospect for U.S.
5 suppliers to source from other countries, U.S.
6 businesses will necessarily continue to source
7 from China and will likely pass the cost
8 increases onto U.S. consumers.

9 I expect that if the proposed tariffs
10 become effective in conjunction with the high
11 antidumping duty on PCR tires, immeasurable
12 ripple effects would result throughout the U.S.
13 economy.

14 The same situation exists for the
15 production and supply of truck and bus tires.
16 Truck and bus tires are produced in Europe and
17 other Southeast Asian countries.

18 However, there is very limited
19 production in those regions and insufficient
20 production to meet global demand. The European
21 union does not produce enough truck and bus tires
22 to meet its own demand and therefore imports a

1 substantial volume.

2 The EU currently imposes antidumping
3 duties on truck and bus tires from China and
4 therefore imports a significant volume from other
5 southeast Asian countries to meet their demand.
6 Thus, the capacity of the Southeast Asian
7 Country, I mean, producers outside of China, is
8 very constrained and the supply is tight.

9 Under these circumstances, the
10 Southeast Asian producers outside of China do not
11 have the capacity to replace the volume of
12 Chinese production of truck and bus tires,
13 demanded by the U.S.

14 Given the limited availability of
15 supply in certain countries, U.S. tire producers,
16 suppliers and retailers will continue to rely on
17 Chinese imports if the tariffs are imposed on
18 these products, again, I expect the U.S.
19 businesses will ultimately pass the cost
20 increases onto U.S. consumers as they cannot
21 absorb the added costs.

22 In each scenario --

1 CHAIR GRIMBALL: Mr. Zhang, please
2 conclude.

3 MR. ZHANG: Okay. Only China has
4 sufficient production to serve as a reliable
5 source for the constrained global supply of
6 specialty trailer tires, truck and bus tires and
7 PCR tires.

8 The imposition of ten or 25 percent
9 tariff on these tires, will only serve to burden
10 downstream industries, U.S. manufacturers. We
11 rely on Chinese imports and ultimately U.S.
12 consumers for these reasons that we --

13 CHAIR GRIMBALL: Please conclude.
14 Thank you.

15 MR. BISHOP: Thank you, Mr. Zhang.
16 Madam Chairman, that concludes direct testimony
17 from this Panel.

18 CHAIR GRIMBALL: Thank you. All
19 right, one moment please. Thank you for your
20 patience.

21 MR. HARDMAN: Good afternoon, Mr.
22 Comstock. Can I ask you a question about the

1 natural barium sulfate?

2 You mentioned a statistic about how
3 much the U.S. supplied and how much came from
4 overseas. Do you remind kind of repeating that
5 and then how much supplied, of the U.S. supplied
6 does your industry use up?

7 MR. COMSTOCK: So, the statistics we
8 had, I can provide you some additional
9 information. I think the Department of Interior
10 has done some studies on this information and I'm
11 happy to pass that on to you to fill this out a
12 little bit more.

13 But based upon our understanding in
14 2017, the U.S. produced around 330,000 tons of
15 the barite, of those used in the barium sulfate.
16 Mostly I think that came from mines in the west,
17 in Nevada.

18 And I think that there is also limited
19 production in some other places. Though I think
20 mines are being reviewed and new sources are
21 being reviewed as we speak.

22 But right now, China is the main

1 producer of this critical mineral. And I think
2 they have around half of the worldwide
3 production. Plus, large supplies in country,
4 reserves in country, of the mineral as well.

5 MR. HARDMAN: Thank you.

6 MR. COMSTOCK: We'll supply that
7 additional information to the Panel.

8 MR. MCGUIRE: My question is for Mr.
9 Joseph. So, you mentioned that you work with a
10 single U.S. based supplier for lithium battery
11 components for heavy transit bus manufacture.
12 So, in your estimation, is there sufficient
13 domestic production capacity to fulfill the needs
14 of the U.S. transit bus manufacturing industry in
15 the face of imposition of tariffs in the
16 category?

17 MR. JOSEPH: Currently XALT can supply
18 our needs. Whether they can supply the rest of
19 the industry, I think they do have additional
20 capacity but I can't speak to how much more they
21 can increase their production. We can get that
22 information for you.

1 MR. MCGUIRE: Yes, thank you. And as
2 a follow-up, sort of related, if they have some
3 sort of timeline in terms of how long it would
4 take to ramp up production in that way, that
5 would be helpful.

6 MR. JOSEPH: Okay.

7 MS. SMITH: Good afternoon. My
8 question is for Jared Wessel. Are third country
9 suppliers for pet home and guard products that
10 you import for China, and if so, can United
11 Industries ship to supply chains to other
12 countries?

13 MR. WESSEL: Yes, let me, it will vary
14 by product so let me provide you a more detailed
15 answer in my September 6th submission.

16 But let me just offer a couple of
17 observations. Obviously change in supply chains
18 would cause increases in cost.

19 Because of the way the industry works,
20 any kind of tariff or cost is magnified. So for
21 example, a 25 percent tariff applied at the
22 border is often seen in a more than 25 percent

1 increase on the consumer price because it's
2 applied at the border and then you have retail
3 mark-ups, distributor mark-ups et cetera.

4 So as the base increases and you have
5 percentages going on top of that base, you get
6 more than a 25 percent increase to the consumer.

7 And I think the point that I wanted to
8 leave you with today is that these are what we
9 call necessity products. You know, in essence
10 the demand is inelastic.

11 So, when you get a, you know, if you
12 were to win the lottery you would not run out and
13 buy more bug spray. At the same time, when you,
14 as the price increases you often tend to eat
15 that. The consumer tends to eat that cost.

16 And our consumers are generally middle
17 class to lower middle class consumers who make
18 less than \$75,000. So, it's going to be money
19 out of their pockets.

20 But, demand is not perfectly
21 inelastic. So, let me just use my insect
22 repellent for example.

1 If you were to hit the product with 25
2 percent, or otherwise increase the cost, it's
3 going to cause some Americans not to be able to
4 afford the product. And I would respectfully
5 submit to this Committee that I don't think it's
6 worth one single pregnant women getting Zika
7 virus because she could not afford her insect
8 repellent.

9 I don't think the iota of additional
10 negotiating leverage, that might get Ambassador
11 Lighthizer to address some of these problems that
12 he identified in the investigation report. I
13 respectfully submit, I don't think that is in any
14 way justified. Thank you.

15 CHAIR GRIMBALL: Just a quick follow-
16 up Mr. Wessel and Mr. McCann.

17 MR. BISHOP: Can you pull your mic a
18 little closer, Madam Chair?

19 CHAIR GRIMBALL: Oh, thanks. Sorry.
20 Mr. Wessel and Mr. McCann, I noticed that in your
21 testimony that you gave today that you did not
22 specifically mention specific HTS lines. I don't

1 know if that information was included in your
2 summary or your, your summary requests to appear.
3 But if it was not, I just want to imply that you
4 should include that in a follow-up.

5 MR. MCCANN: Thank you. It was not in
6 part of my oral testimony, it is in the follow-
7 up.

8 MR. WESSEL: Yes, I can say we can
9 certainly, again, we have a number of different
10 products and a number of different codes, and
11 we'll include that in our September 6th
12 submission. Thank you.

13 MR. SECOR: My question is for Mr.
14 McCann. Are there alternative suppliers, either
15 domestically or from third countries, for the
16 platforms or parts that you currently import from
17 China?

18 MR. MCCANN: There are alternative
19 suppliers. We explored them in great detail
20 before seeking capacity with our manufacturer in
21 China and Korea. They are the source of the best
22 capabilities in these machines.

1 Europe does not have that capability
2 except from our competitors. There is some
3 portion of the products that come in here, come
4 from competitors based in Europe.

5 MS. PETTIS: Just a question for Jason
6 Rook. And just to clarify. Your testimony
7 states that the specialty tires TST imports from
8 China are, for the most part, not available
9 either domestically or from third countries. And
10 are there exceptions to the statement? I don't
11 know, where can they come from?

12 MR. ROOK: The reason I mentioned it
13 was for the most part, there are still, in the
14 small bias ply tire arena, there are still two
15 factories, I believe, producing in the United
16 States. But they do not produce private branded
17 labels for smaller companies, they are direct
18 manufacturers for the company that owns those
19 factories.

20 What was the second part of your
21 question again?

22 MS. PETTIS: I just wanted to know ---

1 was just say the exceptions to the statement so I
2 think you've --

3 MR. ROOK: Right.

4 MS. PETTIS: Yes.

5 MR. ROOK: And so, American production
6 is very small.

7 MS. PETTIS: Yes.

8 MR. ROOK: Production outside of China
9 is something that we've explored. We sell about
10 nine different lines right now.

11 MS. PETTIS: Yes.

12 MR. ROOK: Nine different lines of
13 tires and inner tubes and we've explored
14 production outside of China for all those lines.
15 I personally do it myself. And we've moved about
16 six of those lines, eh, I guess five or six of
17 those lines outside of China successfully.

18 It is something that we're trying to
19 do. But, as you've heard over and over again, it
20 seems like capacity is the real issue.

21 MS. PETTIS: Yes.

22 MR. ROOK: We consume a lot of rubber

1 products, a lot of tires in the United States.
2 And worldwide, everyone is fighting to get
3 production up to standards. Especially as
4 countries like India and the continent of Africa
5 come online as large consumers of tires.

6 MS. PETTIS: Yes. Okay, thank you.

7 MR. CONCEICAO: Yes, this question is
8 for Mr. Miller. In your testimony, you said that
9 domestic wheel producer, steel and aluminum wheel
10 producers, have tended to eschew producing
11 specialty trailer wheels, preferring automotive
12 or truck products. What, in your opinion, would
13 it take to make creating, make the creation of
14 capacity domestically appealing enough to these
15 producers for them to actually pursue that?

16 MR. MILLER: Sure. Good question.

17 There's a couple dynamics. First of all, profit
18 margins are going to drive a lot of that.

19 But the other interesting part is,
20 there are, as I tried to reference, such unique
21 specification requirements, that it's not an easy
22 transition or bolt on.

1 So, just because you could raise that
2 price through tariffs to incent domestic
3 providers, doesn't mean they automatically will
4 because it can actually be detrimental to their
5 business. It distracts from what they do best,
6 if you will.

7 So, I don't think it's just quite
8 simply a matter of dollars, it's what they do day
9 in and day out, and adding this on is almost more
10 disruptive than what it's worth.

11 MR. CONCEICAO: As a follow-up, it
12 would go beyond cost, there would have to be
13 sufficient demand to warrant the creation of the
14 capability?

15 MR. MILLER: That's correct. Yes.

16 MR. CONCEICAO: Thank you.

17 CHAIR GRIMBALL: Mr. Zhang, a large
18 portion of your testimony focused on Southeast
19 Asian countries' inability to fulfill worldwide
20 requirements for tires. Has your company,
21 Transamerica, specifically looked to any
22 Southeast Asian countries to see if they could

1 supplement some percentage of Transamerica's, I
2 guess, inventory?

3 MR. ZHANG: Yes. Actually, we
4 prepared a factory in Southeast Asia. But I
5 testified three products. Special trailer tires,
6 PCR tires and truck tires.

7 But the main thing is capacity.
8 First, for special trailer tires, there is almost
9 no capacity in USA or other countries.

10 In southeast Asian countries, only one
11 or two manufacturers produce these products. But
12 they're very, very limited.

13 In the USA, as I know, only Goodyear
14 and another manufacturer produce the specialty
15 trailer tires. But themselves import most of
16 these specialty trailer tires from China, not in
17 USA.

18 So, for the passenger tires, there is
19 almost 23 percent of duty on the tires made in
20 China. So, there's a reason we have a program in
21 Thailand. A factory.

22 But even though, because of capacity

1 in Southeast Asia and USA, even the local, I
2 mean, USA manufacturer, Cooper, they impose, but
3 keeping impose, a lot more than passenger tire
4 from China.

5 So, for the truck tire, actually is
6 the same case.

7 CHAIR GRIMBALL: Okay.

8 MR. ZHANG: Thanks.

9 CHAIR GRIMBALL: So your facility, and
10 correct me if I'm wrong, but your facility in
11 Thailand manufactures specialty trailer tires and
12 truck tires?

13 MR. ZHANG: No, it's only passenger
14 tires.

15 CHAIR GRIMBALL: Only passenger tires?

16 MR. ZHANG: Only passenger tires.

17 CHAIR GRIMBALL: Okay. And what
18 percent of your company, what percentage does
19 that Thai manufacturing facility produce?

20 Like, what percentage of your
21 companies like total tire shipments is supported
22 by that Thai manufacturing facility?

1 MR. ZHANG: You mean the total for
2 Thailand?

3 CHAIR GRIMBALL: For the passenger
4 tires.

5 MR. ZHANG: For Thailand?

6 CHAIR GRIMBALL: Yes.

7 MR. ZHANG: Like 30 percent.

8 CHAIR GRIMBALL: Okay, 30 percent.

9 MR. ZHANG: Yes.

10 CHAIR GRIMBALL: Is it possible to
11 increase that?

12 MR. ZHANG: Actually --

13 CHAIR GRIMBALL: That output.

14 MR. ZHANG: Actually, our company
15 started by specialty trailer tires.

16 CHAIR GRIMBALL: Okay.

17 MR. ZHANG: Yes. And truck tires.
18 And passenger tire is third program. So we are
19 good at specialty trailer tires and truck tires,
20 we don't want to give up.

21 CHAIR GRIMBALL: Okay. Thank you.

22 MR. ZHANG: Yes, thank you.

1 MR. BISHOP: We release this Panel
2 with our thanks. And we invite the members of
3 Panel 14 to please come forward and be seated.

4 We also invite the members of Panel 15
5 to come be seated in our waiting area.

6 Will the room please come to order?

7 Mr. Chairman, our first witness on
8 this panel is Eric Astrachan of the Tile Council
9 of North America.

10 Mr. Astrachan, you have five minutes.

11 MR. ASTRACHAN: Good afternoon members
12 of the Trade Policy Staff Committee. And thank
13 you very much for the opportunity to testify
14 today.

15 My name is Eric Astrachan. And I
16 serve as the Executive Director of the Tile
17 Council for North America.

18 The Tile Council is the trade
19 association for the North American tile industry.
20 Our member companies account for more the 99
21 percent of U.S. tile production. And over 99
22 percent of U.S. mortar, grout, and related

1 installation products manufacturing.

2 As with many trade associations, the
3 Title Council serves both as a policy resource
4 for member companies, and as a technical resource
5 conducting cutting edge research and working with
6 counterparts in other countries to establish
7 international performance standards for tile.

8 We undertake these efforts on behalf
9 of what is a sizable American tile industry. In
10 2017 Tile Council member companies shipped 1.4
11 billion dollars of domestically made tile.

12 And our tile producing member
13 companies employed more than 5,750 workers. They
14 annexed to USTR July -- USTR's July 17 Federal
15 Register notice included ceramic floor and wall
16 tiles, ceramic mosaic tile, and ceramic finishing
17 products on a list of items subject to tariff
18 increases. Thank you.

19 At USTR's May hearing, we on behalf of
20 American tile manufacturers asked the
21 Administration to include tile on the list of
22 products subject to Section 301 tariffs. We

1 cited rampant Chinese mislabeling, copying, and
2 underselling of U.S. produced tile.

3 I'm here today to ask you to keep
4 ceramic tile products, all of which are
5 classifiable under HTS U.S. 6907, on the list.
6 Specifically, the Tile Council supports the
7 inclusion of items covered by 6907.21.10 up to
8 and including 6907.40.90.

9 Despite our industry size, our
10 industry is threatened by the growing presence of
11 Chinese imports in the marketplace. For this
12 reason, the inclusion of floor and wall tile, as
13 well as finishing and mosaic tile, has broad-
14 based support among U.S. manufacturers and
15 industry suppliers, and is justified on trade
16 policy grounds.

17 Imports of Chinese floor and wall tile
18 and finishing and mosaic tile, merit inclusion on
19 the list of products subject to tariffs for three
20 reasons.

21 First, mislabeling. Porcelain tile
22 sells at a premium in the U.S., both for the

1 quality of its decoration made possible by
2 porcelain technology, and for its low water
3 absorption that it provides excellent freeze/thaw
4 resistance and strength.

5 TCNA regularly finds imports of
6 Chinese porcelain tile that do not meet U.S. or
7 international standards for porcelain, defrauding
8 the customer and damaging the tile industry
9 through inferior products and the resulting
10 complaints of poor performance. And by
11 depressing prices for genuine porcelain tile
12 products.

13 Second, IP violations. Ceramic tile
14 producers devote substantial time and resources
15 to product design and development.

16 As a building finish, ceramic tile is
17 selected based on its design in addition to its
18 performance. We regularly hear U.S.
19 manufacturers complain of designs being copied by
20 manufacturers in China. And their written
21 comments will include numerous examples of such
22 blatant copying.

1 Third, underselling. According to the
2 latest international Trade Commission data,
3 Chinese tile imports are priced at 86 cents per
4 square foot. A dramatically lower price than the
5 \$1.52 per square foot for domestic shipments of
6 ceramic tile.

7 This dramatic price discrepancy, a 57
8 percent difference, is indicative of predatory
9 pricing. Particularly in light of the fact that
10 some of the best clay deposits in the world are
11 in the United States, close to manufacturing
12 facilities of TCNA members.

13 In sum, the U.S. ceramic tile industry
14 is threatened by unfairly traded Chinese product.
15 And U.S. producers wholeheartedly support the
16 inclusion of ceramic tile classifiable under HTS
17 U.S. 6907, to the list of products subject to
18 additional duty.

19 There are no downstream manufacturers
20 using ceramic tile components. This is not the
21 steel industry with steel producers pitted
22 against steel consumers.

1 There's considerable excess tile
2 producing capacity in the U.S., and no shortage
3 of imports available from high quality tile
4 producing countries that don't mislabel their
5 products, don't steal IP, and don't dump in the
6 U.S.

7 Sure, some importers taking advantage
8 of artificially low prices will need to source
9 from elsewhere. When Mexico put antidumping in
10 place against Chinese tile, resourcing took place
11 almost immediately and completed well within a
12 year.

13 This trade action puts the Chinese on
14 notice for their trade practices. And is a
15 win/win for the consumer and for good clean tile
16 producing jobs in America.

17 Thank you for the opportunity to
18 testify today. Thank you for listening to the
19 industry's concerns. And I look forward to any
20 questions.

21 MR. BISHOP: Thank you Mr. Astrachan.
22 Our next witness is Marisa Bedrosian of Bedrosian

1 Tile and Stone.

2 Ms. Bedrosian, you have five minutes.

3 MS. BEDROSIAN: Good afternoon members
4 of the Section 301 Subcommittee. My name is
5 Marisa Bedrosian. And I am Corporate Counsel for
6 Bedrosian Tile and Stone.

7 Thank you for the opportunity to
8 appear before you today on behalf of Bedrosians,
9 our one thousand U.S. employees, and our many
10 U.S. Customers.

11 Bedrosians has been operating as a
12 U.S. business since 1948. And is now one of the
13 largest, independent, U.S. importers and
14 distributors of ceramic tile, porcelain tile,
15 glass tile, and stone, with approximately 40
16 retail locations.

17 Bedrosians' customer base includes
18 homeowners, contractors, builders, developers,
19 architects, fabricators, and smaller distributors
20 or retailers.

21 Bedrosians' customers are accustomed
22 to a vast selection of product offerings from

1 around the world. Many natural stones that are
2 sold in the U.S. are indigenous to China, such as
3 certain marbles, slates, and onyx.

4 China is also known for affordable
5 granites that serve the commercial and multi-unit
6 housing niche. Commenters like Mohawk
7 Industries, Incorporated, are unfortunately using
8 the 301 process to promote their own financial
9 agenda, which is to increase profit margins,
10 eliminate competition, and effectively create a
11 monopoly.

12 Mohawk strongly urged the 301
13 Subcommittee to add ceramic tile to List One.
14 And impose a 25 percent tariff. A position you
15 rightly rejected.

16 Mohawk is the world's largest flooring
17 manufacturer with approximately 50 percent of the
18 U.S. tile market, a North American market share
19 in ceramic tile that is substantially larger than
20 the closest competitor.

21 Mohawk is the largest ceramic tile
22 producer in the world with ceramic tile plants in

1 the United States, Mexico, western and eastern
2 Europe, and Russia.

3 Mohawk submitted comments to the USTR
4 in May of this year expressing idle capacity at
5 U.S. ceramic tile plants. However, Mohawk's 2017
6 annual report states it doubled capacity in its
7 Salamanca, Mexico ceramic tile plant.

8 Doubled capacity in Mexico. If Mohawk
9 refrained from increasing foreign capacity, they
10 could utilize available U.S. capacity.

11 For the past two decades, Mohawk has
12 bought up tile company after tile company, such
13 that many of our former competitors are now
14 bundled up within the Mohawk group.

15 Mohawk's growth has not been
16 restricted by Chinese imports. But the
17 imposition of these tariffs will restrict growth,
18 or worse, destroy many independent tile
19 distributors in the United States, and
20 effectively impose a tax on the American
21 consumer.

22 Mohawk suggests that the tariff will

1 not disrupt the U.S. economy because importers
2 can simply purchase tile from other countries
3 like Italy, Spain, Mexico, Turkey, Bulgaria, and
4 Poland.

5 And while we do already purchase tile
6 from some of those countries, this rationale
7 neglects our existing relationships with
8 factories in China that are producing hundreds of
9 existing and unique tile collections with colors,
10 patterns, and textures that cannot be exactly
11 replicated.

12 Changing production countries and
13 factories would require Bedrosians to discontinue
14 hundreds of tile and stone collections. And if
15 possible, relaunch similar but different lines
16 produced from other countries.

17 In addition, Bedrosians would suffer
18 financially from the time and resources required
19 to research and develop new collections with new
20 factories and lost sales from product
21 discontinuations, in addition to excess
22 inventory.

1 To relaunch hundreds of lines would
2 cost our company millions of dollars in marketing
3 alone. These are not financially feasible
4 alternatives for Bedrosians.

5 The Tile Counsel of North America
6 represents American tile manufacturers and their
7 best interest. Comments submitted by the TCNA
8 suggest mislabeling and IP violations on Chinese
9 imports.

10 For the record, Bedrosians sends all
11 of its Chinese imported tile to be tested at the
12 TCNA laboratories. As for IP violations
13 Bedrosians employs U.S. based, in-house product
14 designers who develop proprietary tile color
15 blends, shapes, patterns, and textures, which are
16 then produced in Chinese factories.

17 The intent of the initial Section 301
18 action was to address the acts, policies, and
19 practices of the government of China as it
20 relates to technology transfer, intellectual
21 property, and innovation.

22 Our imports and business dealings with

1 China have no technology component. Our products
2 do not contain industrially significant
3 technology, including technologies and products
4 related to China's Made in China 2025 industrial
5 policy program.

6 Our products are some of the oldest,
7 most dated in the world. We sell clay tiles and
8 stones manually cut from a mountain.

9 Our products should not be included on
10 this list simply because of comments received by
11 those whose pockets will directly profit from the
12 tariff imposition.

13 I respectfully ask that you remove
14 ceramic tile, porcelain tile, natural stone
15 products, glass tile, and engineer quartz from
16 the list of products that will be subject to the
17 Section 301 tariffs.

18 Thank you for your time. I am happy
19 to answer any of your questions.

20 MR. BURCH: Thank you Ms. Bedrosian.
21 Our next panel witness is Brian Carson with
22 Mohawk Industries, Incorporated.

1 Mr. Carson, you have five minutes.

2 MR. CARSON: Good afternoon. My name
3 is Brian Carson. And I'm the President of the
4 North American Flooring Segment of Mohawk
5 Industries.

6 Thank you for the opportunity to
7 testify today. And I appreciate the tremendous
8 work the Section 301 Committee has done for the
9 hearing and throughout the investigation.

10 Mohawk is the leading U.S.
11 manufacturer of flooring products. Our products
12 include carpet, rugs, ceramic tile, laminate,
13 wood, stone, and vinyl flooring.

14 Our industry leading innovations have
15 yielded products and technologies that
16 differentiate our brands in the marketplace. Our
17 brands are among the most recognized and
18 respected in the industry, and include American
19 Olean, Daltile, Durkan, Karastan, Marazzi,
20 Mohawk, Lees, Mohawk Group, Pergo, Unilin, Quick-
21 Step, and IVC.

22 Since the early 2000s, Mohawk has

1 transformed its business from what was
2 essentially an American carpet manufacturer, into
3 the world's largest flooring company with
4 operations across the world.

5 In the United States alone, we operate
6 49 manufacturing facilities with over three
7 hundred distribution points and service centers,
8 with over 21,000 workers, employed in 49 states
9 across the United States.

10 Mohawk supports USTR's inclusion of
11 the following products on the final list of goods
12 subject to the additional 25 percent duties:
13 vinyl flooring, particularly vinyl tiles,
14 laminate flooring, engineered wood flooring,
15 carpet, rugs, and ceramic tile.

16 Unlike many of the opponents of the
17 Section 301 measures who do not manufacture
18 flooring products in the United States, Mohawk
19 has remained committed to U.S. manufacturing and
20 technology innovations despite tremendous market
21 pressure exerted by Chinese imports.

22 Mohawk has invested over one and a

1 half billion dollars in the last five years
2 adding, expanding, and upgrading its facilities.
3 The return on these investments has been and will
4 continue to be adversely affected if China's
5 unfair trade, intellectual property, and
6 industrial policies remain unrestrained.

7 The proposed Section 301 action on
8 Chinese flooring will allow U.S. flooring
9 manufacturers, such as Mohawk, to improve
10 capacity utilization, expand production, and
11 create more jobs.

12 The action will impact about 3.5
13 billion dollars of Chinese imports. And is
14 critical to the ability of Mohawk and other
15 manufacturers to continue to invest in U.S.
16 manufacturing.

17 U.S. manufacturers are capable of
18 supplying U.S. consumers' needs for these
19 products. And in the limited instances where
20 capacity is insufficient to meet the demand,
21 alternative third country sources are available
22 to supplement the U.S. supply while additional

1 U.S. capacity is brought online.

2 I can state unequivocally that U.S.
3 manufacturing capacity and jobs would increase if
4 Chinese imports stopped flooding the market.

5 Take vinyl flooring for example.
6 Census statistics show imports of Chinese vinyl
7 flooring alone total 1.7 billion dollars in 2017.

8 We estimate imports from Asia,
9 primarily China, occupies 65 to 70 percent of the
10 market, with the remaining 30 to 35 percent
11 coming from U.S. producers.

12 Imposition of duties on Chinese vinyl
13 flooring is necessary to stop these products from
14 flooding the U.S. market and threatening to force
15 the U.S. manufacturers out of the industry.

16 We will provide confidential
17 statistics in our written comments to demonstrate
18 that U.S. vinyl flooring production capacities
19 are severely underutilized as a result of the
20 dominant presence of Chinese imports.

21 The unused capacity with additional
22 capacity outside of China in counties such as

1 South Korea, and in the European Union, is
2 sufficient to meet the demands that are currently
3 fulfilled by Chinese products.

4 Finally, the imposition of Section 301
5 measures on Chinese flooring products is
6 necessary to achieve the objectives of the
7 Section 301 investigation. Including to respond
8 to Chinese retaliatory actions to the U.S.
9 Section 301 measures, and to compel China to
10 change its acts, policies, and practices.

11 China has recently included the very
12 tariffs on the products that are being considered
13 as part of the Panel. So backing down on tariffs
14 on flooring products is not an option.

15 Thank you. And I'm available to
16 answer any questions you may have.

17 MR. BURCH: Thank you Mr. Carson. Our
18 next panel witness is John Newcaster with IMPACT
19 Industrial Minerals, LLC.

20 Mr. Newcaster, you have five minutes.

21 MR. NEWCASTER: Thank you. And again,
22 appreciation of the opportunity to provide

1 testimony to this Panel today.

2 Today I am an independent consultant.
3 But, between the years of 1992 and 2016, I was
4 the Supply Chain VP of two major drilling fluid
5 companies, M-I SWACO, which is now part of
6 Schlumberger, and then later Baker Hughes'
7 Drilling Fluids.

8 As such, over -- at different times.
9 As such, I was responsible for much of the U.S.
10 barite supply, natural barium sulfate to the oil
11 and gas industry. Both the production
12 domestically and imports, which were ground in
13 Texas and Louisiana by both of those companies.

14 Since I've retired from Baker Hughes,
15 my barite related consulting clients have
16 included over the last two years, Chinese
17 exporters, Indian exporters, a Mexican exporter,
18 a future Canadian exporter, and two of U.S.'s
19 drilling fluids companies, one still a major
20 importer, and also a major wholesale customer of
21 the industry.

22 I want to make it clear that I'm fully

1 supportive of the Administration's objectives.
2 And I want the best outcome for U.S. trade and
3 U.S. energy objectives.

4 So I believe that I provide a unique
5 perspective as an independent voice. And maybe
6 the only individual with direct involvement in
7 three major events that have a profound shape on
8 today's international barite trade.

9 In 2006 I presented the first request
10 to the American Petroleum Institute, who had a
11 panelist on the last panel, a witness, to lower
12 the density specification for the oil and gas
13 industry.

14 This extended the U.S. reserves and
15 production in Nevada. And it enabled Moroccan
16 and Indian competition with China. Which was the
17 dominant provider.

18 Second was I was instrumental in
19 opening the first foreign trade zone to mitigate
20 the existing and still current tariff on Chinese
21 barite unground.

22 Bu third, and probably most

1 significant, I made the first purchases from
2 private enterprise companies in China in 1997/98,
3 leading to a fairly rapid dissolution of the
4 state owned enterprise control of barite exports,
5 making actually Chinese barite very subject to
6 competitive forces with competing exporters in
7 China, which it still is.

8 I'd like to reinforce six points that
9 I'm sure are going to be repeated by some of the
10 fluids companies who are testifying later in the
11 week. Number one, barite or barytes is required
12 for oil and gas drilling. There's really no
13 substitute material.

14 The U.S. is not and cannot be self-
15 sufficient from Nevada. Chinese barite is
16 required, even with domestic barite supplemented
17 by Mexican, Moroccan and Indian imports.

18 A 25 percent increase in Chinese
19 barite ore will translate immediately to a 25
20 percent increase in all available imported ore.
21 Chinese prices set the world market.

22 The U.S. is the biggest user. China

1 is the biggest producer. Moroccan and Indian
2 competitors will set their prices accordingly
3 upward to come in under the Chinese -- the new
4 Chinese costs.

5 Indian pricing is actually set by a
6 state monopoly in the State of Andhra Pradesh.
7 And quality Moroccan supply is very limited.

8 The consequences to China of the 25
9 percent tariff are actually very minimal if at
10 all. Over 50 percent of Chinese mines have been
11 closed in the last two years.

12 It's not 50 percent of capacity, but
13 a lot of small mines, for environmental reasons.
14 And their domestic demand for barite is up
15 significantly. Which is already tightening
16 export availability.

17 Barite is a low margin export. The
18 Chinese exporters cannot drop their price 25
19 percent to keep the U.S. market.

20 The miners and exporters will save
21 their reserves or they will divert their supply
22 to other export markets probably at a new high

1 price for them.

2 There is no ability for the Nevada
3 producers, and I used to be one, to make up any
4 significant difference due to the depleting
5 reserves in Nevada, higher mining costs,
6 processing constraints, and the served market
7 limitations due to the U.S. rail freight cost.

8 Although very unlikely, an outright
9 Chinese ban or restriction on barite export to
10 the U.S. as a retaliation to the tariff, would
11 have severe short term consequences for U.S.
12 offshore drilling as China is now the only
13 reliable source for the higher offshore -- API
14 offshore grade barite.

15 So, in conclusion, a tariff on Chinese
16 barite ore and powder yields no U.S. benefit.
17 Results in no negative Chinese consequences. And
18 actually penalizes U.S. drilling costs, adding to
19 the cost of U.S. oil and gas.

20 So I respectfully request that China
21 origin natural barium sulfate, HTS code 2511, be
22 excluded from the proposed 25 percent tariff.

1 I'd be happy to answer questions
2 later.

3 MR. BURCH: Thank you Mr. Newcaster.
4 Our next panel witness is Chris O'Connor with
5 Congoleum Corporation.

6 Mr. O'Connor, you have five minutes.

7 MR. O'CONNOR: Thank you. Members of
8 the Section 301 Committee, thank you for the
9 opportunity to testify today.

10 I am Chris O'Connor, President and
11 Chief Executive Officer for Congoleum Corporation
12 or Congoleum. I'm here today to support the
13 proposed imposition of tariffs on Chinese imports
14 of certain vinyl tile and plank flooring
15 products, and all resilient flooring products.

16 Congoleum also supports tariffs for
17 any product that is in the resilient product
18 category, since not all resilient products
19 contain vinyl. Congoleum is a U.S. manufacturer
20 of residential and commercial durable flooring
21 products.

22 With a history dating back to 1886,

1 Congoleum is a classic example of a U.S. company
2 that has thrived on ingenuity and innovation,
3 with over five hundred United States patents
4 granted to date.

5 For instance, Congoleum invented one
6 of the first luxury vinyl tile products,
7 DuraCeramic, which was introduced into the U.S.
8 market 18 years ago.

9 Most recently, Congoleum invented and
10 patented a digitally printed resilient flooring
11 product that uses no PVC, no plasticizers, no
12 Phthalates, and no fluorochemicals. It is 100
13 percent produced in the U.S. and it is certified
14 platinum for sustainability in indoor air quality
15 by recognized independent third-parties.

16 These products are stylish new
17 alternatives and are patent protected. They are
18 helping us to revolutionize our U.S. business.

19 We are a proud U.S. company fighting
20 hard to survive in the global economy. Indeed,
21 Congoleum is the very type of high-tech U.S.
22 company that the Section 301 tariffs are intended

1 to protect.

2 Thus, even though many of our products
3 are patented, we support tariffs on all resilient
4 flooring products which compete directly with
5 ours.

6 Congoleum employs over four hundred
7 people in New Jersey, Pennsylvania, and Maryland,
8 including Union employees that are manufacturing
9 and selling domestically produced vinyl flooring.

10 With the success of our new product
11 launch, Congoleum expects to hire significantly
12 more employees. Moreover, retailers across the
13 United States sell Congoleum resilient flooring
14 products, and depend on such sales for their
15 livelihood.

16 More broadly, in 2017 the U.S.
17 flooring industry represented -- the U.S.
18 resilient flooring industry represented four
19 billion of the overall 22 billion dollar flooring
20 industry.

21 Our industry employs tens of thousands
22 of American workers. Currently the U.S. industry

1 has more than sufficient capacity to meet any
2 domestic consumption needs. And more U.S. plants
3 are currently under construction and nearing
4 completion to meet future demand.

5 Congoleum understands what it means to
6 be competitive in the global marketplace.

7 Indeed, in addition to the premium products
8 Congoleum manufactures domestically, it also
9 imports vinyl flooring products from China.

10 These imported products are intended
11 in USTR's third list of products proposed for
12 Section 301 tariffs. As the U.S. vinyl flooring
13 industry matured over the years, many of our
14 competing companies moved toward sourcing more
15 and more internationally.

16 With about 40 percent of our
17 competitors relying on Chinese imports, it was
18 impossible for our industry trade association to
19 reach a consensus to participate in these
20 proceedings.

21 This is a complex issue for the
22 industry, but for us, the answer was simple.

1 Congoleum stands proudly with and for U.S.
2 industry, U.S. manufacturing businesses, U.S.
3 jobs, and American workers.

4 To protect our fundamental business
5 interest as a U.S. company rooted in U.S. high-
6 tech product development, we support and applaud
7 the efforts of this Administration and request
8 that tariffs be imposed on vinyl flooring
9 products and all resilient flooring products
10 imported from -- imported from China.

11 Indeed, we support the imposition of
12 a 25 percent tariff on these products or higher.
13 We commend this 301 Panel and all the hard work
14 you are doing during this process.

15 We will supplement this testimony as
16 necessary with a post-hearing rebuttal
17 submission. But on behalf of Congoleum, thank
18 you for the opportunity to testify today.

19 And I look forward to answering any of
20 your questions. Thank you.

21 MR. BURCH: Thank you Mr. O'Connor.
22 Our next panel witness is John Karson with FX

1 Minerals, Incorporated.

2 Mr. Karson, you have five minutes.

3 MR. KARSON: Thank you for this
4 opportunity as well. I applaud the fact that as
5 an individual and a representative of hundreds of
6 companies that we could air our opinions in such
7 an open setting.

8 My name is John Karson. And if you
9 just use my written submission as a reference
10 when I call up to certain pages maybe.

11 The classifications on page two are
12 the ones I'm referring to. And these
13 classifications bound for the tariff charges are
14 in complete opposition to the goals of our
15 present U.S. strategy.

16 They are in opposition in the first
17 place to level the playing field to make American
18 companies more competitive. And another being to
19 bolster certain industries such as steel and
20 energy.

21 The classifications I will discuss
22 today are primarily used in those industries.

1 They are strategic as defined by the U.S.
2 government.

3 They are not readily available in the
4 United States. And they do not affect China in a
5 negative fashion, only affecting U.S. interests.

6 Other organizations support my
7 testimony on a few of these. And related, as we
8 just heard, Mr. Newcaster and Mr. Comstock from
9 the API in the last session.

10 Other organizations such as the
11 American Petroleum Institute represent oil and
12 gas interests, and the small manufacturing -- the
13 Steel Manufacturing Association represents U.S.
14 steel industry.

15 The two classes I'll speak about first
16 are refractory raw materials. Refractories are
17 those special materials which can take high heat.

18 They are made into bricks or shape,
19 and can withstand temperatures up to 32 hundred
20 degrees. And are used in steel making, aluminum
21 alloy furnaces and so on.

22 There's two main minerals which we use

1 for these products, alumina and magnesia. And
2 they're made from -- the alumina is made from
3 bauxite ore. Magnesia is made from magnesite
4 ore.

5 And the way to look at those are
6 similar to iron and iron oxide. Iron is the
7 metal. Iron oxide is the oxide.

8 There are different uses for those.
9 Alumina -- bauxite can be used to make aluminum,
10 but those come from different countries other than
11 China.

12 The -- I'm going to group the other --
13 the first classifications together, which are the
14 fire clays, calcined bauxite and corundum. They
15 are just basically different levels of the same
16 product, different grades.

17 The largest deposits of this grade of
18 usable bauxite are in China. The only other
19 second choice in America is from Guyana in South
20 America. That source is owned and operated by a
21 Chinese Bauxite supplier.

22 The United States does not have enough

1 quality reserves nor production capacity to
2 manufacture calcined bauxite.

3 Another exciting use for this product
4 is found by the U.S. Federal Highway Authority.
5 They found that the qualities of this material as
6 an anti-skid material for road surfaces are far
7 superior to any other material, testing dozens of
8 materials.

9 But calcine bauxite from China is the
10 only approved source. While other materials
11 actually rounded off and increased skid related
12 accidents, bauxite stayed sharp and angular for
13 eight to ten years.

14 Where this product's been used,
15 accidents have been reduced 20 to 100 percent. A
16 tariff here would affect many contractors hired
17 by State Departments of Transportation who
18 implement this material.

19 It will affect the safety of our
20 highways and the amount of projects under the
21 infrastructure bill. I have a little sample of
22 it in case anybody wanted to see it.

1 The other categories, magnesite and
2 silicon carbide, basically are the same as the
3 bauxite in that there are no supplies here. And
4 they're considered strategic sources.

5 The statistics from the USGS and
6 import stats show that the U.S. is incapable from
7 sourcing the above classes domestically. And
8 that is concerning as these items are also
9 strategic to our nation.

10 The reports on page eight and nine
11 highlight a government study that shows these
12 products are critical to U.S. interests, and the
13 defense interests of the United States.

14 Without refractory raw materials, you
15 have no refractories. No refractories, no steel.
16 No steel, no machinery, appliances, et cetera.

17 More proof that these minerals are
18 important to the U.S. was the fact that the U.S.
19 petitioned the World Trade Organization to
20 overturn China's policies that affected the sale
21 of these minerals by the use of export quotas.
22 There's an overview of that on page eight and

1 nine.

2 The American Petroleum Institute says
3 -- speaking on the barite subject now, American
4 Petroleum says that increasing the cost of
5 imported products with tariffs will likely hurt
6 energy growth.

7 And U.S. Geological Survey says that
8 substantially reduced barite exports from China
9 would significantly decrease drilling activities
10 and cause a major price increase.

11 There is very little effect that these
12 tariffs would have on China, whether it's
13 refractory, road friction, or the oil and gas
14 drilling minerals.

15 So, to review, which is on page 13,
16 there are no or limited domestic supplies of
17 these raw materials. No interchangeable
18 international supplies.

19 They're strategic materials as
20 determined by the United States. The U.S.
21 Government already fought to stop the price
22 increases on these raw materials from China

1 through the World Trade Organization.

2 And the tariffs would be harmful to
3 U.S. businesses, U.S. competitiveness, national
4 security, energy security, and highway safety.
5 And it contradicts U.S. policies to steel
6 companies and other people we're trying to help.

7 Thank you.

8 MR. BURCH: Thank you Mr. Karson. Our
9 next panel witness is John Mattke with National
10 Building Granite Quarries Association.

11 Mr. Mattke, you have five minutes.

12 MR. MATTKE: Thank you. Good
13 afternoon. My name is John Mattke. And I'm
14 currently with Stone Panels International in
15 Marble Falls, Texas.

16 I was formerly President of Cold
17 Spring Granite, which is one of the major granite
18 quarriers in the United States. And I'm
19 testifying today on behalf of the National
20 Building Granite Quarries Association, which is a
21 trade association that represents granite and
22 other stone quarries across the country.

1 Products from U.S. granite quarries
2 are incorporated into major monuments and
3 structures across Washington, D.C. Examples are
4 the U.S. Capitol Building, the White House, the
5 FDR Memorial, the Korean War Memorial, Lincoln
6 Memorial, the National World War II Memorial, and
7 literally, too many others to name.

8 The U.S. granite industry strongly
9 supports the proposal to apply 25 percent tariffs
10 to imports of granite and other stones from
11 China.

12 For more than a century, American
13 granite manufacturers have been instrumental in
14 producing a wide variety of natural stone
15 products ranging from rough blocks and
16 construction material to monuments and memorials.

17 Today the natural stone industry in
18 the U.S. is quite large, employing approximately
19 70 thousand men and women across the country.
20 And it includes many legacy quarries and stone
21 producers in regions like Minnesota, Texas,
22 Georgia, Indiana, and Vermont.

1 Unfortunately, the influx of imported
2 stone over the last 25 years from China and a few
3 other countries, has depressed U.S. production
4 and forced closures and layoffs in the U.S.
5 industry.

6 As an example, of the 24 manufacturing
7 firms in the Berry Granite Association 20 years
8 ago, only 12 remain today.

9 As another example, in our company
10 during that same time period, Cold Spring granite
11 production and the employment associated with it
12 has declined approximately 70 percent. The rest
13 of the association membership has seen similar
14 declines.

15 According to data from the U.S.
16 International Trade Commission and the U.S.
17 Geological Survey in 2016, natural stone imports
18 of all types total approximately 2.5 billion,
19 compared with only about five hundred million in
20 domestic production.

21 For granite, the figures are somewhat
22 worse with imports totaling 1.1 billion and

1 domestic production at about 150 million.

2 Based on these figures and historical
3 employment in the industry, we estimate that
4 imports may have cost the U.S. as many as 16
5 thousand jobs throughout the natural stone
6 industry.

7 Included with my testimony today is a
8 chart tracking the rise in stone imports from
9 China over the last two decades. As the chart
10 illustrates, stone imports from China have
11 increased 500 percent during the period.

12 Granite imports have increased at a
13 faster rate. U.S. exports to China have remained
14 stagnant at a very low level.

15 The playing field with China is
16 heavily tilted in favor of Beijing. U.S. tariffs
17 on natural stone products are low, mostly in low
18 single digits.

19 China has much higher tariffs on
20 similar stone products. For example, U.S. quarry
21 blocks shipped for consumption in China face a
22 duty including both tariffs and VAT taxes of

1 about 25 percent.

2 Figures vary with a specific market in
3 stone product. But the overall picture of a
4 playing field that unfairly disadvantages
5 American producers is undeniable.

6 Even with the additional 25 percent
7 U.S. tariff we're discussing today, U.S. tariffs
8 on granite products would still be just
9 comparable to the tariffs and taxes applied by
10 China.

11 To further document the problem, in
12 June 2018 the U.S. International Trade Commission
13 found that China was selling quartz surface
14 products at less than the fair market value due
15 to government subsidies and other forms of
16 government assistance to the Chinese industry.

17 We believe these same subsidies have
18 been available to and used by Chinese granite
19 producers for years as the two industries are
20 very closely linked with great overlap.

21 The U.S. granite industry strongly
22 supports employing Section 301 to apply increased

1 tariffs to granite and other stone products from
2 China.

3 It is an important step toward
4 establishing a level playing field for the
5 American industry. And we believe this tariff
6 should be expanded to cover all forms of granite
7 block and other similar geological stone types.

8 We also believe the consumer impact of
9 these tariffs would be small and probably
10 unnoticed.

11 U.S. production can quickly expand and
12 support a resurgence in the key natural stone
13 quarrying and manufacturing regions. And this
14 would be an important boost to local employment
15 and growth in communities across the United
16 States.

17 Thank you very much.

18 MR. BURCH: Thank you Mr. Mattke. Our
19 next panel witness is Rupesh Shah of M S
20 International.

21 Mr. Shah, you have five minutes.

22 MR. SHAH: Good afternoon. My name is

1 Rupesh Shah. I'm president of MSI. Thank you of
2 the opportunity to appear here today.

3 MSI is a leading distributor of
4 flooring, counter top, wall tile, and hardscaping
5 surfaces in North America. We're headquartered
6 in Orange, California and we maintain
7 distribution centers across the U.S.

8 Our product line includes natural
9 stone, porcelain, ceramic, glass, vinyl, and
10 quartz. I'm very proud of the history of MSI.

11 We were founded in 1975 in the
12 basement of our home in Fort Wayne, Indiana, by
13 my parents who had immigrated from India just a
14 few years earlier.

15 From those humble beginnings, MSI was
16 awarded the contract to supply the black granite
17 for the Vietnam Veterans Memorial.

18 In the United States today MSI employs
19 over 16 hundred hard-working Americans across 18
20 states. We have 24 distribution centers
21 occupying almost three million square feet.

22 I'm here today because MSI strongly

1 opposes the imposition of tariffs on foreign
2 counter top, hardscaping and wall tile products.

3 Section 301 tariffs on these products
4 would be misplaced. These tariffs would harm the
5 consumer. They would harm U.S. jobs. And they
6 would harm U.S. companies essential to the U.S.
7 hard surfacing supply chain like MSI.

8 USTR has concluded that China has
9 undertaken certain policies towards the United
10 States that are unreasonable and burden U.S.
11 commerce. This investigation focuses on the Made
12 in China 2025 initiative.

13 Our products are unrelated to this
14 fight. And I note that USTR has gone out of its
15 way to avoid impacting such products in its first
16 two tariff lists.

17 Indeed, you rejected a competitors
18 request to include some of these very same
19 products on your List One.

20 Now, allow me to explain just how
21 these -- how tariffs on these products will have
22 harmful effects on U.S. consumers, jobs and the

1 supply chain.

2 First, consumers. Tariffs on Chinese
3 hard surfacing products will undoubtedly have a
4 negative impact on broad swaths of American
5 consumers.

6 That said, the harm from these taxes
7 is going to be felt most acutely by consumers of
8 lesser means. Imports of Chinese porcelain,
9 ceramic and vinyl tile tend to serve the lower
10 end of the budget conscious market, enabling
11 builders to afford -- to offer more affordable
12 housing solutions.

13 Tariffs on these tiles would raise
14 housing prices disproportionately for lower to
15 middle income Americans. In other words, USTR
16 would be placing the most vulnerable Americans in
17 its cross hairs, not China.

18 China is a primary supplier of several
19 popular hard surfacing products to the U.S. For
20 example, in 2017 on a volume basis, we estimate
21 that China provided nearly 90 percent of all
22 imported glass mosaics. And there's virtually no

1 domestic options.

2 China also provides a large share of
3 imported natural stone for decorative uses. A
4 resource that is not readily available here in
5 the United States.

6 Because the U.S. market relies so
7 heavily on Chinese supply of products like glass
8 mosaics and natural stone products, these taxes
9 will drive up prices resulting both in a
10 reduction in demand and constricting supply.
11 Thereby limiting consumers' choices in the
12 marketplace.

13 Second, jobs. All of MSI's products
14 have a very high U.S. manufacturing and labor
15 component. The labor includes operations like
16 cutting, fabricating, transporting and installing
17 counter tops, flooring and wall tiles.

18 In most cases, the U.S. labor
19 component of installing these materials is
20 significantly more than the value of the
21 materials themselves. As a result, a reduction
22 in demand for these products would more

1 negatively impact American, not Chinese,
2 employment.

3 Additionally, higher end products like
4 natural stone and quartz involve greater amounts
5 of U.S. labor. As prices for these products are
6 forced upwards, consumers will opt for competing
7 products that involve less U.S. labor such as
8 laminate or solid surface. This again is certain
9 to impact American employment.

10 Finally, supply chain impact. The
11 proposed tariffs on hard surfacing products will
12 harm all of those involved in the supply chain,
13 including MSI.

14 We've invested tens of millions of
15 dollars over the last three years to develop this
16 supply chain, which includes American
17 manufacturing jobs to support sales of the
18 categories of products that USTR now proposes to
19 tax.

20 For example, we've invested tens of
21 millions in hiring and training our employees, in
22 marketing and merchandising to promote the

1 products, and trucks to expand our delivery
2 capabilities, and showrooms to give consumers a
3 broad spectrum of choice, in distribution centers
4 to house our expanding inventory of products, and
5 added information systems to ensure we have the
6 most productive work force.

7 To provide some perspective, we have
8 almost doubled our work force over the past three
9 years, hiring approximately seven hundred
10 employees here in the United States.

11 USTR's proposed tariffs will force MSI
12 and others similarly situated to downsize our
13 work force and our product offerings.

14 In sum, tariffs on these low
15 technology products will not serve as -- will not
16 serve USTR's purpose in this investigation.

17 Rather, these taxes will adversely
18 impact American builders, consumers,
19 distributors, retailers, designers, and logistics
20 providers.

21 I'm pleased to answer any questions.

22 MR. BISHOP: Thank you Mr. Shah. Mr.

1 Chairman that concludes direct testimony from
2 this Panel.

3 CHAIR BUSIS: Thank you Mr. Bishop.
4 Before we start with our questions, I'm going to
5 ask the Committee to -- representatives to
6 introduce themselves again. Starting with you.

7 MR. SECOR: Peter Secor, State
8 Department.

9 MR. CONCEICAO: Evan Conceicao,
10 Customs and Border Protection.

11 MR. HARDMAN: Hi. My name's Ben
12 Hardman. I'm with the International Trade
13 Administration with the Department of Commerce.

14 MS. HOWE: I'm Julia Howe with the
15 U.S. Trade Representative's Office.

16 MR. MCGUIRE: Hi. I'm Tym McGuire
17 with World Agricultural Service in USDA.

18 MS. PETTIS: Maureen Pettis,
19 Department of Labor.

20 MS. SMITH: Tanya Smith, the SBA.

21 CHAIR BUSIS: And I'm Bill Busis,
22 Deputy Assistant USTR for Monitoring and

1 Enforcement and Chair of the Section 301
2 Committee. Julia?

3 MS. HOWE: My first question is for
4 Mr. Astrachan. Does the domestic tile industry
5 have capacity to meet demand for ceramic and
6 porcelain tiles?

7 And if you do not have current
8 capacity, approximately how long would it take to
9 develop sufficient capacity to meet demand?

10 MR. ASTRACHAN: There is excess
11 capacity in the industry today. So there would
12 be some of what is coming from China today could
13 be met by current capacity.

14 A tile factory takes more or less one
15 year or less to build. And there certainly is
16 excess capacity from many other countries that do
17 also ship to the U.S., such as Brazil, India,
18 many European countries, Vietnam, Mexico, and so
19 on.

20 But a tile factory specific to your
21 question, would be one year or less. And there
22 is immediate capacity available today.

1 CHAIR BUSIS: Mr. Astrachan, you
2 testified in support of imposing duties on these
3 products. But, I didn't hear you address the
4 rate.

5 Do you have a comment on the rate to
6 raise it in our proposed -- in our notices?

7 MR. ASTRACHAN: Well, if more the 25
8 percent is available, we'd like to talk about it.
9 But we're satisfied with the 25 percent that has
10 been proposed. Thank you.

11 MS. HOWE: Sorry, I just wanted to
12 add, you mentioned that you would be including in
13 your written comments numerous examples of
14 blatant copying.

15 I would just ask, if possible, when
16 you do submit that, to include any market impact
17 that those copying examples have on the U.S.
18 market.

19 MR. ASTRACHAN: Okay. Thank you. We
20 will.

21 MR. HARDMAN: Good afternoon Ms.
22 Bedrosian.

1 MS. BEDROSIAN: Good afternoon.

2 MR. HARDMAN: I notice here that you
3 say that Chinese granite serves a niche market in
4 commercial and multi-unit housing. Do you mind
5 explaining why that is? Or why you think it is?

6 MS. BEDROSIAN: Sure. Yeah. So,
7 Chinese granites are affordable stone. They're
8 affordable granites.

9 And they are used in multi-unit
10 housing and commercial developments where budget
11 is a concern, and so is timing. And so
12 production capabilities in China are about twice
13 as fast as they are in the United States.

14 Granite, if you were to impose this
15 tariff on Chinese granites and Chinese stone, it
16 wouldn't be a swap where those builders and
17 developers would use U.S. granites on these
18 projects.

19 What would end up happening is they
20 would purchase lower quality alternatives like
21 laminate for counter tops or flooring solutions.
22 Which would end up decreasing the value of the

1 home for American homeowners.

2 It would also decrease business for
3 stone fabricators and tile and stone installers.
4 I hope that answers your question.

5 MR. HARDMAN: Yes. Thank you. And
6 you also testified that you thought obviously
7 that our domestic industry would be -- would
8 benefit from this tariff.

9 And you know, do you want to expand on
10 -- they seem to have the capacity.

11 MS. BEDROSIAN: Well, so right now
12 there's about 650 million square feet of tile
13 that's imported each year from China. And so
14 that's quite a bit of demand.

15 I don't think that there is current
16 capacity in the United States to meet those
17 demands. Our -- you know, we currently purchase
18 about 70 percent of our products from China.

19 And so we wouldn't -- we wouldn't be
20 purchasing all of those products from the U.S.
21 Again, we have a number of different customers
22 from different economic situations.

1 And so we have to offer products for
2 all different types of American consumers. So,
3 it's not -- it's not that that 650 million square
4 feet from China would just end up being produced
5 here in the United States.

6 There are many other countries that
7 are producing at rates lower than China. And so,
8 you know, to his point, I'm not sure that that is
9 the solution that we want.

10 You know, our products are unique.
11 They're artistic products. So, our customers
12 care very much about what those products look
13 like.

14 Their counter tops and their floors
15 and their back splashes have to match the paint
16 on their wall, and their cabinets and appliances.
17 And so, it's not -- it's not an easy transition
18 to just take the products that we're currently
19 producing and just make them somewhere else.

20 Because if the shade is even off just
21 a little bit, the homeowner is not going to be
22 happy. Right?

1 So when I say that we have to -- we
2 would have to remarket all of our lines, I'm
3 being serious. Because we need to represent our
4 products accurately to the American consumer.

5 MR. HARDMAN: Okay. Thank you. And
6 having just put back splash in my kitchen, I can
7 appreciate the process of picking out colors, so.

8 MS. BEDROSIAN: Yes.

9 MR. MCGUIRE: So my question is for
10 Mr. Carson. So, similar to Mr. Astrachan, you
11 testified that U.S. manufacturing capacity would
12 increase significantly if Chinese imports of
13 flooring material faced a tariff.

14 So could you clarify at least for your
15 company, and also from your perspective, on the
16 broader industry, whether that increase would be
17 coming primarily from increased utilization of
18 existing capacity?

19 Or the addition of new capacity? Or
20 you mentioned some supplementing with imports.
21 Those sorts of things.

22 MR. CARSON: Sure. Sure. Well, we

1 make all the different products. But in general
2 there's open capacity in the United States in all
3 these products.

4 We have open capacity. There is
5 additional capacity that's being added. We've
6 built three plants in the last two years, so
7 there's capacity going in.

8 There's capacity that can get
9 repurposed from one product to the other. And
10 we're doing some of that.

11 And you know, if we look at the U.S.
12 flooring market, and you look versus ten years
13 ago to today, the U.S. economy went into a
14 downturn. Demand for flooring went down.

15 It came back up. But the market is
16 not dramatically different then it was ten years
17 ago in terms of total demand.

18 What is different, is all these
19 materials that are coming in right now disrupting
20 the market. So, there's a lot of latent capacity
21 in all these different products sitting in the
22 U.S.

1 And in many cases, when a consumer is
2 going in to pick a product, it's not so clear to
3 that consumer that it's going to be laminate
4 versus wood versus vinyl. They're selecting
5 floors. And there's a lot of interchangeability
6 with these floors.

7 So, there's plenty of capacity in the
8 United States to meet the U.S. demand for
9 different flooring products.

10 MR. MCGUIRE: Thank you.

11 MR. SECOR: My question is for Mr.
12 O'Connor. You know what percentage of vinyl
13 flooring is coming in from China in the U.S.
14 market now?

15 MR. O'CONNOR: I'd say probably about
16 half.

17 MR. SECOR: And if the tariffs were to
18 go into effect, is there capacity in the U.S.
19 that could be built up to meet that demand?

20 Or would product come in from other
21 countries?

22 MR. O'CONNOR: I believe it would be

1 made in the U.S. We ourselves have lots of
2 excess capacity.

3 So, I can't speak to our competitors.
4 But it's not just Mohawk. There are at least
5 three or four good sized manufacturers that I
6 know of that have excess capacity to make vinyl
7 flooring.

8 MR. SECOR: Thank you.

9 CHAIR BUSIS: Mr. Mattke, before we
10 start a more substantive question, could you
11 describe what the granite you're talking about,
12 what it's used for? Is it used for some of the
13 flooring and back splash issues we've been
14 discussing? Or -- yeah.

15 MR. MATTKE: Sure. We quarry granite
16 for a variety of different industries. Globally
17 I mentioned some of the projects that are here in
18 D.C.

19 So, commercial building projects. We
20 quarry stone that is put into tile. We quarry
21 stone that is used for counter tops.

22 We do a lot of memorial, monumental

1 stone. And build private mausoleums and
2 different things for the memorial market as well.

3 And then we try to use every bit of
4 excess in crushed for road base and that kind of
5 thing. So, we try to utilize everything we take
6 out of the ground.

7 Those are the major markets though.

8 MR. CONCEICAO: And if I can tack onto
9 that.

10 MR. MATTKE: Sure.

11 MR. CONCEICAO: In your testimony you
12 said that -- I've got the figures here. In 2016
13 there was about 2.5 billion dollars worth of
14 natural stone imported. And 1.1 billion of
15 granite.

16 What percentage of that came from
17 China? If you know.

18 MR. MATTKE: Yeah. That's a -- that's
19 a good question. I have that data. I don't have
20 it in front of me.

21 But I believe -- I'm going to say it's
22 about 30 percent of that granite came from China.

1 I can provide that for the Committee though.

2 MR. CONCEICAO: If you could, that
3 would be great.

4 MR. MATTKE: Be happy to.

5 MR. CONCEICAO: And just to follow up
6 with that, in the even that additional duties are
7 imposed on natural stone and granite from China,
8 how quickly can U.S. suppliers ramp up capacity
9 to -- or to meet demand?

10 MR. MATTKE: It's a multi-phased
11 question. Quarrying capacity could ramp up very
12 quickly.

13 There are a lot of quarries that are
14 currently sitting idle because there's no demand
15 for them. So, going back in and doing a little
16 bit of development and starting to pull material
17 out, could happen very quickly.

18 There is significant excess capacity
19 in slabbing in manufacturing in the U.S. A
20 little hard to put a number on it.

21 But I would say we could easily double
22 in six months with how much is being

1 manufactured.

2 But to get at the question that I
3 think is on everybody's minds here a little bit,
4 is how do you replace everything coming in? It's
5 more complicated than that.

6 Because there are different stones
7 coming from all over the world, some of them we
8 have in abundance here. Some of them we don't.

9 So, to think that we're going to try
10 to replace all the capacity of the imported
11 material is not reasonable.

12 MR. CONCEICAO: All right. Thank you
13 very much.

14 MR. MATTKE: Um-hum.

15 MR. HARDMAN: Good afternoon Mr. Shah.
16 I noted that you kind of pointed out that glass
17 mosaics were one of the areas that you thought
18 wasn't available outside of China. At least not
19 in your supply.

20 There's nowhere else that --

21 MR. SHAH: It's not that there's
22 nowhere else. There's nowhere -- I think I -- we

1 estimate about 90 percent of glass mosaics today
2 come from China.

3 So, there's limited supply of very
4 niche type products for back splashes outside of
5 China. But nowhere remotely close to service
6 current demand.

7 MR. HARDMAN: Okay. And you -- and
8 the other products that you are concerned about,
9 how much of that could be sourced domestically or
10 from third countries?

11 MR. SHAH: I wholeheartedly disagree
12 with a lot of the statements here. There's by no
13 means anywhere close to the domestic capacity to
14 support the current demand for luxury vinyl tile.

15 I heard the number 50 percent
16 mentioned on a volume basis. I think it's more
17 like 70 percent of luxury vinyl tile is sourced
18 overseas.

19 On porcelain and ceramic tile, I do
20 not believe it takes one year from when you start
21 a project to have a factory in place. If you
22 look at the last few factories from the point it

1 was decided to start evaluating increasing
2 capacity to the time it started was well over one
3 year, even more than two years.

4 I heard that 650 million square feet
5 of imports, there is not that type of capacity
6 for what the market needs today.

7 The domestic market for ceramic tile
8 in general does not want to cut the types of
9 products that come from overseas. For example
10 ceramic tile, very few U.S. manufacturers even
11 want to touch ceramic tile today.

12 When you get into porcelain tile,
13 they'll have their own set of requirements. And
14 quite frankly, they'll want to cut what they can
15 make the highest margin on.

16 Right? Instead of what the needs of
17 the market are. So, the domestic production does
18 not exist on -- let's talk about granite.

19 On granite counter tops, we offer 180
20 colors today. We've attempted to offer U.S.
21 domestically sourced colors.

22 We used to have two colors. And

1 because of a lack of demand, we no longer even
2 offer those colors.

3 The granite one is pretty simple. The
4 colors that are in demand aren't available
5 domestically.

6 I would love to source domestic
7 granite. Unfortunately the consumer doesn't want
8 those looks today.

9 MR. HARDMAN: Okay. Thank you.

10 CHAIR BUSIS: Before we leave our six
11 building material witnesses, there's been a lot
12 of disagreement. If any of you would like to
13 have a final comment on something that would be
14 fine.

15 MR. CARSON: Okay. We will. Maybe
16 one -- one that -- in the European Union has
17 imposed tariffs on some of these products in
18 question, on these flooring products in question
19 for some of the same reasons relative to China.

20 Well that capacity doesn't go away
21 overseas. That capacity just finds another
22 market.

1 And that capacity is starting -- is
2 finding this market. So, -- and that point
3 didn't come out, but I think that's an important
4 point.

5 That that capacity over there is
6 finding whatever markets it can find as other
7 markets have taken actions for some of the same
8 reasons why we're discussing these actions.

9 CHAIR BUSIS: Go ahead. Just go
10 ahead, yeah.

11 MR. O'CONNOR: Yeah, I'd just comment
12 on it maybe 70 percent of vinyl, but as far as
13 capacity, imported vinyl as Brian mentioned, has
14 disrupted the U.S. flooring market.

15 It's grown. It's taken market share
16 not just from sheet vinyl or U.S. spaced LVT,
17 it's taking market share from wood, carpet,
18 laminate, sheet vinyl.

19 And we've looked at pricing and
20 there's been instances where we can't buy raw
21 materials for the costs that we could import it,
22 a finished product for.

1 So, there is a lot of disruption in
2 the market. And it has allowed a lot of
3 distribution companies basically to source
4 direct.

5 And of course if you source direct,
6 then you're not going to be for the tariff. But
7 we -- I've -- get there, we've invented one of
8 the first LVTs many years ago, and we've lost a
9 lot of market share to LVT.

10 Sheet vinyl, we -- we're probably the
11 second largest producer of sheet vinyl in the
12 U.S. And that has lost a lot of market share to
13 vinyl.

14 So, there are substitute products, I
15 think that could be used. And us -- I can only
16 speak for capacity.

17 You know, we're bringing on about 40
18 million feet a year of capacity of a product
19 that's very similar to LVT. But we're digitally
20 printing on it. It's PVC free.

21 And you know, I think we can ramp that
22 up with some modifications to our plant, you

1 know, too probably, 150 million square feet.

2 And I don't think Congoleum is alone
3 in that. I know that Armstrong has repurposed a
4 sheet vinyl plant to make LVT in the U.S.

5 So, U.S. manufacturers are finding
6 ways to make LVT and be competitive. But it is
7 very difficult at the price points that the
8 imported products are coming in at.

9 CHAIR BUSIS: Thank you. And you all
10 of course are welcome too. Mr. Astrachan, go.

11 MR. ASTRACHAN: Thank you. I've had
12 a chance to review the last expansions over the
13 last few years, and I can state with absolute
14 certainty that additional capacity can be added
15 in less than a year. Because it's not just new
16 tile factories, it's kilns added in existing tile
17 factories.

18 Even new tile factories have gone in
19 in less than a year. And we're aware of
20 additional manufacturers that want to build in
21 the U.S.

22 So, and their types of time lines from

1 the time they break ground to having a tile
2 factory up and running are less than a year.

3 So I assure you that the -- we have
4 evidence of tile capacity being brought on in
5 that time. Six hundred and fifty million is a
6 lot.

7 But it's by no means inconceivable for
8 companies that today are producing around a
9 billion square feet.

10 And there's plenty of excess capacity
11 in all sectors from countries that don't steal
12 our IP, don't mislabel, and don't dump in the
13 U.S.

14 CHAIR BUSIS: Okay. Thank you. And
15 you're all wel -- oh, did you --

16 MR. CARSON: I was going to say, as a
17 company that builds theses factories, they can be
18 built in a timely fashion.

19 CHAIR BUSIS: So thank you. This was
20 a very passionate flooring discussion. You're
21 all welcome of course to put things in your post-
22 hearing submissions.

1 Now we're going to go Mr. Newcaster.
2 Before we start on the substantive issue, I just
3 want to make clear, Lawrence, are you testifying
4 here like pro bono as lawyer would say? Or are
5 you on behalf of a client?

6 MR. NEWCASTER: I'm not on behalf of
7 any client. I'm just an interested party. I
8 have friends in the industry that will be -- that
9 will be witnesses later in the week.

10 But I thought with my experience I
11 wasn't sure they were going to come forward until
12 they did later. So, that's a good question.

13 MS. SMITH: Mr. Newcaster, my question
14 is for you. Given the adjustment of density
15 specifications in 2007 and '08 that allowed for a
16 substitution of barite from Morocco and Mexico,
17 as well as availability of Nevada and Indian
18 barite, can domestic industry fully substitute
19 the barite currently it imports from China? Even
20 if costs increase somewhat?

21 MR. NEWCASTER: No. It's very
22 doubtful. The -- you can see that the -- in the

1 USGS statistics show that even after the drilling
2 rebound from 2015, 2016, now 2018, the Nevada
3 production has actually continued to decline as
4 imports have come in.

5 There are reserves in Nevada. There
6 is a capacity at higher price. But it would
7 probably in my estimation go from the three
8 hundred or so thousand tons now too maybe up to
9 six hundred thousand tons.

10 But the rate that's needed right now
11 in the U.S. drilling at this level is about 2.5
12 million. So, it would come back a bit.

13 But it would not replace imports.

14 MS. PETTIS: I have a question for Mr.
15 Karson. You testified that third country sources
16 of the raw materials you currently import from
17 China are less standardized. Can you elaborate
18 on what that means?

19 For example, of quality, reliability
20 of supply? And in addition, do you believe that
21 there would be an impact on health and safety?

22 MR. KARSON: As far as different

1 standards, I don't think. There's some of them
2 that are actually higher.

3 For instance, magnesite from Brazil or
4 Turkey is a higher grade usually. But it can't
5 be afforded. It's used for specialty products
6 only.

7 As far as Guyanese Bauxite compared to
8 Chinese Bauxite, even though it's owned by the
9 Chinese, it's used for special products where
10 they move it with certain phosphoric acid, where
11 this one doesn't use it. So, it's just different
12 lines of use.

13 As far as health and safety, I don't
14 think the products themselves all fall under the
15 same categories. So, I don't think there would
16 be any difference there.

17 MS. PETTIS: Okay. Okay, thank you.

18 CHAIR BUSIS: Mr. Bishop, you can
19 release this panel. Thank you.

20 MR. BISHOP: We release this panel
21 with our thanks. And we invite the members of
22 Panel 15 to come forward and be seated. As well

1 as the members of Panel 16 to our holding area.

2 Thank you.

3 MR. BISHOP: Madam Chairman, the first
4 witness on this panel is Win Cramer with JLab
5 Audio.

6 Mr. Cramer, you have five minutes.

7 MR. CRAMER: Thank you.

8 Hello, members. Thank you very much
9 for the opportunity to testify and add to the
10 conversation today surrounding increased tariffs
11 on our products.

12 My name is Win Cramer, CEO of JLab
13 Audio.

14 If I come across as a bit nervous it's
15 because I genuinely feel this is the biggest
16 moment in my company's life.

17 It's heartbreaking to me that the
18 government that is there to protect us is
19 threatening my livelihood and the livelihood of
20 my team members.

21 First, I'd like to open with a general
22 remark. And, that is to say that I'm humble to

1 be included and surrounded by people that
2 represent the job creating organizations of
3 America.

4 Make no mistake, these individuals and
5 the organizations that they represent are the
6 reason that the U.S. economy is as strong as it
7 is and the reason U.S.'s unemployment is at an
8 all-time low. It's an extreme privilege to be
9 included with this group.

10 Believe me, these job creators are
11 more than just that. They're growing careers,
12 rewarding families, creating stability and
13 growth, paying taxes and, ultimately, they're
14 building a foundation for the next generation of
15 entrepreneurs that will keep America great.

16 It is my opinion that is why so many
17 of us are here this week. My understanding is
18 that this is the largest hearing in USTR history.
19 That in and of itself should tell us how serious
20 this matter is.

21 While I certainly can't speak to every
22 single tariff code that is suggested to be taxed,

1 if the leaders here are anything like me, they're
2 afraid of what this will mean to not just their
3 business, but the people have entrusted them,
4 their employees.

5 So, I thank you for listening to us
6 and I'm hopeful that our words and collective
7 voices are heard.

8 With that, I'd like to provide my
9 specific testimony as it relates to Tariff Code
10 Subheading 8517.62.00 and our reasoning for
11 exclusion.

12 First, a little bit about JLab. JLab
13 Audio is an American success story. We have
14 built this company with our bare hands, often
15 putting its success ahead of our own families.

16 We are an award winning designer of
17 personal audio products. Things like ear buds,
18 headphones and bluetooth speakers.

19 We are the fastest growing company in
20 our category, outpacing industry behemoths like
21 Apple, Sony, and Samsung.

22 We employ around 40 people in Texas

1 and California, up from just five employees four
2 years ago. A 700 percent increase with new
3 American jobs.

4 We sell our products through mass
5 retail and e-tail in the U.S. through partners
6 like Walmart, Target, Best Buy, Amazon, Office
7 Depot and others. Ninety-five percent of our
8 revenue is U.S.-based.

9 JLab is a value brand. We focus on
10 providing products that are accessible to all
11 Americans, not just those that have hundreds of
12 dollars in their pockets.

13 We started this company to build
14 products that anyone could afford. We didn't
15 want people to be embarrassed if they couldn't
16 afford the latest Beats by Dre headphones.

17 In addition to traditional ear buds
18 and headphones, we also have a range of kids
19 headphones which are the top three selling
20 products in the category in America. They limit
21 volume to 85 decibels through the ear cups to
22 protect the child's growing and developing ear

1 drums. We were the first to bring this
2 technology to the masses in the U.S.

3 It is this headphone that is
4 recommended on back to school lists nationwide.

5 I designed these headphones myself
6 using my eight-year-old as my guinea pig to make
7 sure the fit was right for a small head.

8 If you have kids or grandkids, they're
9 likely using our headphones and we're proud to
10 keep them safe.

11 A 10 to 25 percent tax is being
12 considered on our products imported under Tariff
13 Code 8517.62.00. Not to mince words, but this
14 would be catastrophic to our growing business.

15 As a value brand, JLab doesn't have
16 the margin to simply absorb this cost increase.
17 Neither do the retailers in which we sell.

18 Moreover, we have contractual price
19 commitments with many of our partners that would
20 immediately force our business to do three
21 things.

22 First, we'd engage in significant cost

1 cutting by laying off U.S. employees. It would
2 put our business at a disadvantage as compared to
3 larger brands that have multiple products lines.

4 As an example, Beats by Dre is owned
5 by Apple. All I sell is audio. If they want to
6 sell more smartphones, they can make up margin
7 that way. I don't have that luxury.

8 This potential tariff punishes small
9 and mid-size businesses that are fighting to
10 become the next Apple.

11 Ultimately, this will increase the
12 cost of technology to hardworking families who
13 are our bedrock customer.

14 As it relates to China sourcing, we
15 design all of our products ourselves in
16 California and that the blueprints, for lack of a
17 better term, to our manufacturing partners in
18 China.

19 In my almost 20 years of doing
20 consumer product business, I've not identified
21 another geography that has the sophistication of
22 the Chinese supply chain, from the plastics to

1 the transducers, to the electronics. The
2 innerconnectivity of the supply chain is
3 unmatched anywhere in the world.

4 In conclusion, the proposed imposition
5 of tariffs on products that make up 80 percent of
6 our business would be catastrophic. We would be
7 immediately forced to lay off 12 percent of our
8 employees with more to follow.

9 Moreover, ultimately, the American
10 consumer would be punished with high prices at
11 the registers.

12 And while I risk sounding
13 unprofessional, we not only respectfully request
14 that Tariff Code 8517.62.00 be removed from the
15 list of products, but I beg you to remove it from
16 the list.

17 I'm happy to answer any questions you
18 might have.

19 Thank you.

20 MR. BISHOP: Thank you, Mr. Cramer.

21 Our next witness is Richard Firehammer
22 with Universal Electronics, Incorporated.

1 Mr. Firehammer, you have five minutes.

2 MR. FIREHAMMER: Good afternoon. My
3 name is Rick Firehammer. I am the Chief Legal
4 Officer of Universal Electronics and I thank you
5 for the opportunity to testify for a second time
6 in front of this committee.

7 UEI is a publically traded company
8 that began operations in 1987. In 2015, UEI
9 acquired Ecolink Intelligent Technology. Ecolink
10 is based in Carlsbad, California, and has over 20
11 years of wireless engineering expertise and
12 develops a variety of intelligent wireless
13 security sensing and home automation products.

14 Ecolink sells these products to
15 professional security service providers through
16 the United States who, in turn, sell those
17 products to residential and commercial customers
18 and provide professional security services to
19 those customers.

20 Ecolink employs approximately 25
21 engineers, all located in its Carlsbad location.
22 It has become an industry leader due to the

1 innovation and expertise of these engineers.

2 U.S. consumers in small to medium size
3 businesses use and rely on Ecolink's security
4 products every day to protect their homes,
5 business and families.

6 These products are manufactured in
7 China at factories wholly owned and operated by
8 UEI.

9 Pursuant to the proposed action under
10 Section 301 of the Trade Act, the U.S. government
11 would impose additional duties of the importation
12 of these products into the U.S.

13 These products are classified under
14 Subheadings 8531.10.0015 and 8517.62.0050.

15 Imposing additional duties on these
16 products would cause disproportionate and
17 economic harm to U.S. interests, including small
18 and medium-size businesses and consumers.

19 It would not be practicable of
20 effective to eliminate China's acts, policies or
21 practices and would have a significant negative
22 impact on Ecolink.

1 First, Ecolink cannot absorb the
2 proposed 10 to 25 percent increase in costs for
3 its security and sensing products. As a result,
4 Ecolink would be forced to pass the additional
5 costs on to customers who, in turn, would pass
6 the additional costs on to their customers in the
7 form of increased up-front equipment costs and
8 monthly subscription fees.

9 Those end users include individual
10 homeowners and renters, many of whom have low
11 incomes, live in high crime areas and depend on
12 security systems and services to protect their
13 homes and families.

14 Increases in up-front equipment costs
15 and monthly subscription fees would result in the
16 inability for many U.S. consumers to afford these
17 systems and services.

18 In addition, there are over 15,000
19 small and medium size professional home security
20 companies in the U.S. that provide home security
21 services to end users using our products.

22 Increased equipment costs and

1 subscription fees would decrease the customer
2 base for these customers, resulting in
3 substantial adverse impact on their businesses.

4 Second, Ecolink develops and owns all
5 of its intellectual property. As stated earlier,
6 all of the engineers that create, design and
7 develop Ecolink's products are located in the
8 United States.

9 Ecolink holds approximately 35 U.S.
10 patents also while all of Ecolink's are
11 manufactured in China, they are produced at UEI
12 owned and operated factories.

13 As such, there has been no
14 misappropriation of Ecolink's intellectual
15 property nor have we seen any counterfeit home
16 security products being supplied from China.

17 Further, the intellectual property
18 associated with Ecolink's products is not high-
19 end technology and not part of the made in China
20 2025 program.

21 For these reasons, imposing additional
22 duties on those products would not be practicable

1 or effective to eliminate China's acts, policies
2 and practices.

3 Third, imposing additional duties on
4 these home security and sensing products will
5 decrease the number of consumers that can afford
6 home security services which would negatively
7 impact Ecolink's operations resulting in the need
8 to terminate its highly paid U.S.-based engineers
9 and move many of those positions outside of the
10 United States.

11 This reduction in our U.S. creative
12 talent would negatively impact our ability to
13 continue to develop new and innovative products
14 and technologies.

15 In the end, the additional duties
16 could result in the loss of a company committed
17 to the U.S. home security market.

18 Finally, moving the operations used to
19 manufacture Ecolink's products outside of China
20 would be a time consuming and cost-prohibitive
21 undertaking.

22 For example, the tooling necessary to

1 manufacture the products is not transferrable
2 requiring the need to engineer and retool.

3 For these reasons, Ecolink
4 respectfully requests that Subheadings
5 8521.10.0015 and 8517.62.0050 be removed from the
6 list of tariff subheadings subject to the
7 proposed 10 to 25 percent duties.

8 We appreciate the opportunity to
9 testimony before you today and I look forward to
10 any questions or comments the committee may have.

11 MR. BISHOP: Thank you, Mr.
12 Firehammer.

13 Our next witness is Mark Karnes with
14 Cedar Electronics.

15 Mr. Karnes, you have five minutes.

16 MR. KARNES: Thank you for the
17 opportunity to come and present our position
18 today.

19 I'm with Cedar Electronics. My name
20 is Mark Karnes. I'm the Vice President of
21 Strategic Planning.

22 I'm here representing an American

1 owned and operated company that has been in
2 business since the 1960s.

3 We employ over a 190 people in the
4 U.S., Canada, Hong Kong, and UK.

5 We are the inventor of the CB radio,
6 a favorite of the professional truckers. We like
7 to say it was the first electronic social media
8 system ever invented. And, it's still one of the
9 most widely used products today.

10 We're also leading shareholder and
11 marine safety VHF radios, professional dash
12 cameras, power inverters for truckers, automotive
13 and heavy truck jump starts and drive alert and
14 information systems, better known as radar
15 detectors under the Cobra and Escort brands.

16 We design and use contract
17 manufacturing for our products in the U.S. in
18 West Chester, Ohio. We manufacture in the
19 Philippines and China and we have over 30 patents
20 active in all of our categories.

21 The initial list that came up on the
22 301 tariffs impacted all of our communication

1 products. These included our CB radios for
2 professional truckers and our marine VHF safety
3 radios for U.S. commercial and consumer boaters.

4 The new expanded list impacts our
5 professional dash cameras and our commercial
6 power inverters and jump starters that are a
7 favorite of our professional truckers and our
8 integrated driver alert components that are a
9 favorite for our driving enthusiasts.

10 These are also components that are
11 made and assembled in our plant in Ohio.

12 You can find our truck -- our products
13 at any truck stop in American, CE retail, e-tail
14 and where ever you buy quality car and truck
15 electronics across America.

16 The total from both these product
17 lists impacted at the 25 percent tariff have a
18 dramatic effect in over 60 percent of our
19 company's annual revenue.

20 Five out of the six entire product
21 lists that we build, the categories have been
22 affected.

1 Only the business that we have in our
2 Philippine plant is immune from the 301 impact
3 because of their origination of manufacturing.

4 Our concerns on the tariff include the
5 extremely short time to react and plan our
6 manufacturing operations in order to equitably
7 meet our contractual obligations to our trade
8 partners.

9 In addition to that, the dramatic
10 increases in our product costs that are making us
11 less competitive with our foreign-based
12 competition, the irony of which we compete
13 against Korean and Japanese manufacturers in all
14 of our major categories. And they are the only
15 ones that are immune to the tariff.

16 Substantial loss of income from our
17 main categories of products and our business will
18 force us to immediately evaluate cutting jobs in
19 the U.S. and in other areas around our
20 manufacturing places and markets.

21 Until we can find non-Chinese based
22 manufacturing, we will spend the time and energy

1 and money spent with redesigning our products so
2 that we can manufacture them in relocated
3 factories that could have been spent on
4 innovation and value creation for our customers
5 in the automotive, trucking, marine and boating
6 markets in the United States.

7 Cedar Electronics does not have a
8 major intellectual property challenge from our
9 contract manufacturing operations in China. Some
10 of our products are over 50 years old.

11 They are analog technology. There is
12 no other place to build them.

13 We design our products in the U.S.
14 with our engineering resources and we built them
15 in audited contract manufacturing facilities
16 which we oversee.

17 We sell 80 percent of these products
18 to businesses and consumers in the United States.
19 The U.S. court system has always provided us
20 adequate protection and enforcement of our
21 patents for our products sold here in the United
22 States.

1 And, many and most of our products are
2 not used in other markets.

3 We do sell a select group of our
4 products in China and around the world. While
5 the China market is not particularly free or
6 open, we've been able to grow our presence over
7 the past seven years.

8 We are unsure at this point in time
9 how to plan or invest in this great growth market
10 through the potential for retaliation for our
11 company's products and against our distributors.

12 Lastly, this also puts our expansion
13 due to retaliatory tariffs and other
14 international markets, especially our large
15 European expansion.

16 The question may come up, can we find
17 alternate manufacturing outside of China?

18 I will parrot my colleague at JLab
19 Audio is that there are no other more
20 sophisticated supply chains than in China.

21 We have not been able to find at this
22 present time any company that we can work with

1 that can make products to our standards to our
2 pricing because of our unique technology.

3 Our search continues, but we've been
4 at this for a while and I can tell you, it's not
5 going to come up very easily.

6 We do appeal to you for an exception
7 or simply a closure to the HTS Codes that are
8 covering our products today and to help us remain
9 one of the most American iconic brands in our
10 space.

11 Thank you.

12 MR. BISHOP: Thank you, Mr. Karnes.

13 Our next witness is Mark Kinzie with
14 Logitech, Incorporated.

15 Mr. Kinzie, you have five minutes.

16 MR. KINZIE: Thank you.

17 Good afternoon. My name is Mark
18 Kinzie. I am Director of Worldwide Compliance of
19 Logitech. We appreciate the opportunity to
20 testify at this hearing this afternoon.

21 As identified in the Federal Register
22 Notice of July 17, 2018, "the USTR requests that

1 comments address specifically whether imposing
2 increased duties on a particular product would be
3 practicable or effective to obtain the
4 elimination of China's acts, policies and
5 practices and whether maintaining or imposing
6 additional duties on a particular product would
7 cause disproportionate economic harm to U.S.
8 interest including consumers."

9 Logitech has returned here today on
10 List 3 because imposing additional duties on
11 consumer products including computer mice,
12 conference cameras and web cams is not
13 practicable or effective to eliminate the harmful
14 activities identified by the Section 301
15 investigation.

16 Moreover, imposing increased duties on
17 these products does bring a disproportionate
18 economic harm to U.S. consumers.

19 First, and most importantly, Logitech
20 is here today to support the elimination of
21 stated practices in China and to align with the
22 objectives of the Section 301 investigation.

1 Specifically, Logitech has carefully
2 designed its operations to avoid the harmful
3 activities described in the findings of the
4 Section 301 investigation.

5 In its day-to-day business operations,
6 Logitech protects its own intellectual property,
7 shields its own proprietary technology and
8 insulates its own product development from
9 technology transfers.

10 Logitech does this by wholly owning
11 and operating its own factory in China. The
12 company made this investment several decades ago
13 and, since that time, has embraced and re-
14 embraced that factory as the best business
15 practice to protect its intellectual property and
16 proprietary product technology.

17 For this reason, Logitech has neither
18 suffered from nor contributed to the Chinese
19 government's acts, policies or practices
20 identified in the Section 301 investigation.

21 The company has not voluntarily
22 transferred technology to the government of China

1 and has not otherwise been compelled to do so.

2 Logitech has not licensed or been
3 required to license any technologies to Chinese
4 entities and has not been compelled to transfer
5 IP or other technology to Chinese companies or to
6 state actors.

7 To the contrary, Logitech has an
8 impressive track record of protecting and
9 enforcing its portfolio of IP rights in China.
10 In fact, Logitech's intellectual property and
11 proprietary technology is better protected at its
12 wholly owned factory in China than it would be at
13 a third-party manufacturer in another country.

14 Indeed, Logitech's intellectual
15 property and proprietary product technology would
16 be less protected if it were to source computer
17 mice, video conference cameras and other products
18 from countries outside of China.

19 Further, this panel should seize the
20 opportunity to recognize the economic incentive
21 attached to a tariff when it is not imposed on a
22 U.S. business such as Logitech.

1 When we design our business in such a
2 way to prevent the very acts, policies and
3 practices that create the technology transfer
4 found in your Section 301 investigation, we are
5 already aligned with the objectives of the
6 Section 301 remedy it is intended to achieve.

7 Logitech accomplishes that now as a
8 matter of best business practices because that is
9 our manufacturing operation now.

10 What I am here to ask from this panel
11 is that you do not miss the economic incentive
12 attached to the Section 301 tariff when it is not
13 imposed on a U.S. company that organized itself
14 to avoid the harmful activities propagated by the
15 government of China.

16 The impact of this approach can be as
17 decisive as imposing the tariffs themselves.

18 Consistent with these principles, we
19 request the USTR to refine its proposed remedy by
20 establishing a transparent exemption. We believe
21 that the USTR has the ability to craft a more
22 precise and effect remedy for the Section 301

1 violations than the one proposed.

2 Specifically, we encourage the
3 adoption of an exclusive request mechanism,
4 whereby companies importing goods manufactured by
5 wholly foreign enterprises which have not been
6 subject to voluntary or involuntary technology
7 transfers be removed from the scope of the
8 Section 301 duties.

9 Such an exemption would be relatively
10 simply to administer. The appropriate agency
11 would determine the documentation sufficient to
12 determine whether a particular Chinese
13 manufacturer is a wholly foreign-owned enterprise
14 and a representative of the U.S. parent company
15 of that wholly foreign-owned enterprise would
16 certify to under penalty of perjury that the
17 company had not been subjected to involuntary
18 transfers in China.

19 Exemptions would be granted on a
20 manufacture-specific basis. As the manufacturer
21 of imported merchandise has already a required
22 data element in the entry declaration --

1 CHAIR GRIMBALL: Mr. Kinzie, please
2 conclude.

3 MR. KINZIE: -- filed with U.S.
4 customs.

5 CHAIR GRIMBALL: Please conclude.

6 MR. KINZIE: Oh, okay.

7 Also, what we would -- what the
8 Federal Register Notice of 2018 requests is show
9 -- we show a nexus between the increased duties
10 placed on the specific products and its
11 practicable or effective result in obtaining the
12 elimination of the suggested acts, policies and
13 practices.

14 We request that the Subheadings of
15 8471.60.90, 8517.62.00 be excluded.

16 We appreciate your consideration and
17 I am available at any time to answer any
18 questions.

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

20 Our next witness is Andy Missan with
21 Fitbit, Incorporated.

22 Mr. Missan, you have five minutes.

1 MR. MISSAN: Good afternoon.

2 My name is Andy Missan, I'm the
3 General Counsel of Fitbit.

4 I'd like to thank you for the
5 opportunity to testify.

6 We support the administration's
7 efforts to ensure a level playing field, but we
8 believe that at 25 percent tariff on smart
9 watches and fitness trackers imported from China
10 will harm U.S. workers and consumers, undermine
11 U.S. national security interests, stifle
12 innovation and digital health and fail to advance
13 the Administration's policy objectives.

14 Therefore, we request that 8517.62.00
15 be removed from the proposed list.

16 At the very least, wrist wearable
17 products under this Subheading should be removed.

18 Fitbit is one of the world's leading
19 wearable brand with more than 80 million devices
20 sold.

21 Our mission is to give millions of
22 Americans the data, inspiration and guidance they

1 need to improve their health while transforming
2 the healthcare system and reducing healthcare
3 costs.

4 Fitbit's devices are imported mainly
5 from China, but the heart of our operations is
6 here in the United States. We are headquartered
7 in San Francisco with facilities in Boston, San
8 Diego and Issaquah, Washington.

9 We also maintain our America's
10 logistics hub in Indiana. Seventy-five percent
11 of our over 1,700 employees work here in the U.S.

12 Our U.S. operations account for over
13 90 percent of our total operating expenses. And
14 over the last five and half years, Fitbit has
15 invested \$918 million in R&D.

16 We partner with more than 1,500 U.S.
17 companies to improve employee health, work with
18 more than a 100 U.S. health plans to improve
19 health outcomes and lower costs and participate
20 in more than 600 clinical studies focused on
21 disease prevention and management.

22 Last year, the FDA selected Fitbit as

1 one of nine companies to participate in its
2 digital health software precertification program.

3 Imposing tariffs on wearables will
4 harm U.S. retailers, consumers and downstream
5 industries.

6 Over one-third of wearable shipments
7 in 2018 will occur in the fourth quarter and the
8 overall global market is also expected to grow at
9 over 200 million units shipped in 2022.

10 The proposed tariffs would make
11 wearables costlier and, in many cases,
12 inaccessible to consumers, making less expensive
13 offerings from Chinese competitors more
14 attractive and allowing them to gain market
15 share.

16 The resulting lower revenues for the
17 companies that build these devices in the U.S.
18 retailers that sell them could affect millions of
19 American workers.

20 The proposed 25 percent tariff on
21 wearables undermines U.S. national security
22 interest. The wearables market is highly

1 competitive. In the last year, Huawei and
2 Xiaomi, both Chinese companies, have secured two
3 of the top four positions in worldwide market
4 share.

5 In particular, Huawei's share grew 147
6 percent from the first quarter of 2017 to the
7 first of 2018.

8 These companies operation on razor
9 thin hardware margins in order to achieve a
10 massive user base which will be subject to
11 aggressive modernization efforts, putting
12 sensitive health information at risk of being
13 sold or otherwise transferred to unknown third-
14 parties.

15 We believe that they would absorb this
16 25 percent tariff with ease and gain a
17 competitive advantage in the U.S. market.

18 Wearable devices collect sensitive
19 health data and many other advanced features that
20 include geo location, e-payment and always on
21 microphones.

22 As the Defense Department learned last

1 year with Strava, this data, if not protected,
2 can be exploited to gain sensitive movement and
3 location information of the U.S. military.

4 As wearables incorporate even more
5 advanced features, including cameras, advance
6 health sensors and access control for mass
7 transit systems, smart locks and financial
8 networks, their capacity to collect sensitive
9 data has the potential to exceed that of
10 smartphones.

11 While Fitbit stores its sensitive data
12 solely on its U.S. servers subject to strict
13 privacy and security safeguards, there is very
14 little preventing the same data collected by
15 Chinese companies from ending up on Chinese
16 servers, accessible on demand by the Chinese
17 government raising serious privacy and national
18 security concerns.

19 Do we really want this sensitive
20 health, location and financial data of Americans
21 to be stored on Chinese servers?

22 U.S. policy makers have already raised

1 alarm bells about Hauwei's opaque connection to
2 the Chinese government and military, leading to
3 congressional proposal to limit the use of their
4 equipment in U.S. infrastructure.

5 China is believed to be behind recent
6 cyber attacks on the U.S. government and
7 businesses, including the 2015 OPM breach and
8 recent cyber attack against a major U.S. health
9 insurer.

10 Given these national security risks,
11 we urge you to exclude wearables from the
12 proposed tariffs.

13 The proposed tariffs will undermine
14 Fitbit's ability to continue investing hundreds
15 of millions of dollars in U.S. based cutting edge
16 R&D. And they would undercut the work we are
17 doing with the nation's leading insurers,
18 research institutes, government agencies, and
19 businesses to improve the health of millions of
20 Americans and drive down healthcare costs.

21 Fitbit is not subject to any of the
22 Chinese industrial objectives highlighted in the

1 U.S. GAO report, such as forced technology
2 transfers.

3 In addition, wearables are not a focus
4 of the Made in China 2025 plan.

5 It would be costly and time consuming
6 to restructure our supply chain to avoid the
7 detrimental impact of the tariffs.

8 Under such circumstances, including
9 smart watches and fitness trackers, this
10 advantages a company that was both in the U.S.
11 invest heavily here at home and works to help
12 millions of Americans become healthier.

13 Thank you.

14 MR. BISHOP: Thank you, Mr. Missan.

15 Our next witness is Erik Smithweiss of
16 Pioneer DJ Americas, Incorporated.

17 Mr. Smithweiss, you have five minutes.

18 MR. SMITHWEISS: Good afternoon.

19 My name is Erik Smithweiss. I am a
20 partner in the law firm of Grunfeld, Desiderio,
21 Lebowitz, Silverman & Kestadt and I am here
22 representing Pioneer DJ Americas, Inc. which we

1 can refer to as Pioneer DJA.

2 Pioneer DJ supports the
3 administration's objective or rectifying the
4 unfair acts, policies and practices found by the
5 U.S. Trade Representative to discriminate and
6 burden the U.S. commerce.

7 In particular, the forced or pressured
8 transfer of technology and intellectual property
9 rights from the U.S. to Chinese companies.

10 Pioneer DJ fully supports the
11 objective of ensuring a level playing field in
12 global trade.

13 Pioneer DJ, nonetheless, urges the
14 USTR not to include HTS Subheading 8471.80.10 on
15 the list of products which additional tariffs may
16 be imposed pursuant to Section 301 of the Trade
17 Act.

18 The Pioneer DJ products falling in
19 Subheading 8417.80.10 are consumer electronic
20 products. More specifically, they are
21 controllers for DJ systems, DJ being, of course,
22 a disc jockey.

1 Pioneer DJ's products are not
2 associated with the four categories of China's
3 acts, policies and practices that the USTR found
4 to be unreasonable and discriminatory.

5 In addition, Pioneer's products are
6 not within one of the ten strategic industries
7 that the USTR concluded benefit from China's Made
8 in China 2025 industrial policy.

9 Consequently, imposition of the duties
10 will be not be practicable or effective in
11 eliminating the four Chinese acts, policies and
12 practices.

13 Pioneer DJ America is a U.S.
14 subsidiary of Pioneer DJ Corporation, a Japanese
15 company that recently is indirectly majority
16 owned by a U.S. investment firm.

17 Pioneer DJ, which was formed from
18 Pioneer Electronics in 2014 exclusively develops,
19 builds and sells industry leading DJ equipment.

20 It is a global company with operations
21 throughout the United States and around the
22 world. Much of the company's success in the

1 United States is its ability to deliver high
2 quality DJ equipment to U.S. consumers at
3 affordable prices.

4 Pioneer DJ Corporation outsources the
5 manufacturing of the DJ controllers, referencing
6 Subheading 8471.80.10, to manufacturers in China.

7 Pioneer DJ Corporation in Japan owns
8 all the intellectual property rights to this
9 technology. The technology in the IP is fully
10 Japanese and there is no U.S. technology involved
11 in the development and production of these
12 controllers or any of the other company's
13 products for that matter.

14 Neither the Japanese parent
15 corporation nor Pioneer DJ America have ever been
16 the target of acquisition attempts by Chinese
17 companies or cyber theft.

18 As the focus of this Section 301
19 proceeding is the forced or pressured transfer of
20 U.S. technology from U.S. companies and the
21 acquisition by Chinese companies of cutting edge
22 technology and intellectual property through the

1 acquisition of U.S. companies, there is no
2 connection between Pioneer DJ's products and the
3 harm that the USTR needs to remedy.

4 This is the primary criteria for
5 determining whether tariffs should be implemented
6 on products such as these DJ controllers from
7 China. And in this industry, these harmful acts,
8 policies and practices of China simply do not
9 occur.

10 The imposition of duties on these
11 products will clearly cause disproportionate harm
12 to U.S. economic interests.

13 Pioneer DJ America supplies roughly
14 two-thirds of all DJ equipment in the U.S.
15 market. Its customers range from aspiring
16 artists to recording studios to night clubs.

17 A 25 percent or even 10 percent
18 additional costs added to these products, many
19 such artists would be unable to afford the
20 equipment they need for their livelihood in the
21 music industry.

22 Pioneer DJ Corp cannot readily find

1 alternative sources of production for the
2 controller models that are manufactured in China
3 if these tariffs are imposed.

4 These are not commodity products that
5 can be easily sourced from various suppliers.
6 Every product has individualized specifications
7 and must be produced at the highest level of
8 quantity.

9 The company estimates that it would
10 cost over \$2 million per model to start up
11 production for these products at a new
12 manufacturer outside of China and it roughly take
13 a minimum of six months to scale up production.

14 Many of the companies and their
15 representatives testifying before you this week
16 are solely American. Their stories are
17 compelling and faithful testaments to the
18 collateral damage being done to our many
19 industries.

20 Just as compelling are the stories of
21 close trading partners and allies around the
22 world, such as Japan, with Pioneer DJ

1 representing a company with a long history of
2 employing Americans and engaging in fair trade
3 practices in this country.

4 These are not low paying jobs, but
5 rather marketing, supply chain, product planning,
6 finance, sales jobs. These are jobs that
7 represent the realities of the current framework
8 of international trade and consumer electronic
9 industry that has evolved over decades.

10 Imposing the tariffs of the DJ
11 equipment, which happen to be manufactured in
12 China because other producers cannot handle the
13 capacity runs the risk of causing the damage
14 which we actually seek to avoid.

15 Consumer electronics is a global
16 industry, it's a global one and even U.S. branded
17 products are typically made offshore.

18 Pioneer DJ urges this committee to
19 eliminate Subheading 8471.80.10 from the list of
20 proposed additional duties.

21 Thank you.

22 MR. BISHOP: Thank you, Mr.

1 Smithweiss.

2 Our next witness is Craig Updyke of
3 the National Electrical Manufacturers
4 Association.

5 Mr. Updyke, you have five minutes.

6 MR. UPDYKE: Thank you, Mr. Secretary.

7 Good afternoon, members of the
8 committee. I provide the following remarks on
9 behalf of the National Electrical Manufacturers
10 Association, NEMA, on the proposed modification
11 of further action pursuant to Section 301 of the
12 Trade Act of 1974 to address China's acts,
13 policies, and practices related to technology
14 transfer, intellectual property and innovation.

15 My name is Craig Updyke and I serve as
16 NEMA's Director for Trade and Commercial Affairs.

17 NEMA collectively represents nearly
18 350 electrical equipment and medical imaging
19 manufacturers that make safe, reliable, and
20 efficient products and systems.

21 Our combined industries account for
22 some 360,000 jobs in more than 7,000 facilities

1 covering every state in the Union.

2 Our industry produces 106 billion in
3 shipments of electrical equipment and medical
4 imaging technologies per year with 36 billion in
5 exports -- 36 billion U.S. dollars in exports.

6 As stated at the two previous public
7 hearings on proposals of USTR in this matter,
8 NEMA shares the USTR concerns regarding China's
9 industrial policies and intellectual property
10 practices.

11 U.S. electrical and medical imaging
12 manufacturers continue to work -- support a
13 comprehensive approach to international trade
14 that results in free and open global markets.

15 The outcomes of discussions between
16 China and the United States, as well as other
17 countries and trade groups with whom the U.S. is
18 engaged should assure a more level playing field
19 through the application of clear, binding and
20 enforceable trade rules and compliance with
21 international norms of intellectual property
22 protection.

1 While some NEMA member companies
2 manufacture their own products in their own
3 factories in China, many others sourced finished
4 goods as well and components from contractual
5 partners in China.

6 In particular, many companies source
7 components from China into the U.S. to support
8 their domestic manufacturing operations.

9 At present, many U.S. companies are
10 paying 25 percent tariffs on components imported
11 from China, components that they design
12 specifically for their own products and tested
13 and certified to their own quality standards.

14 These companies must compete with
15 others, including foreign manufacturers of
16 finished goods who do not have to pay these
17 tariffs or devote scarce resources and
18 significant time to finding and qualifying
19 alternative suppliers.

20 Twenty-five percent tariffs
21 implemented July 6th are materially injuring the
22 global competitiveness of many of our member

1 companies and their U.S. manufacturing
2 operations with implications for their employees
3 and communities.

4 The 25 percent tariff scheduled to be
5 implemented August 23rd will expand the economic
6 harm. Of the \$50 billion in products targeted in
7 the first two tranches of tariffs, approximately
8 \$10 billion are within or adjacent to NEMA's
9 scope.

10 Collectively, a large portion of the
11 \$2.5 billion in tariffs that are in place or
12 almost in place, must be earmarked to pay tariffs
13 and -- the \$2.5 billion must be earmarked to pay
14 tariffs and be diverted away from other
15 activities including hiring and training new
16 workers, conducting research and development
17 activities or finding new markets.

18 In order to lower or avoid this tariff
19 burden in the future, companies must undertake
20 long and costly processes to find and qualify new
21 suppliers.

22 The only constants for U.S.

1 manufactures are increasing material input costs,
2 international competition and the uncertainty
3 arising from U.S. and other governments' trade
4 actions.

5 For example, China has implemented or
6 proposed its own 25 percent tariffs on many NEMA
7 member exports, effectively precluding our
8 company's participation in a challenging but
9 growing market.

10 The proposal under consideration today
11 involves placing 10 or 25 percent tariffs on
12 additional product types imported from China and
13 within or adjacent to NEMA's scope.

14 Affected NEMA member products include,
15 but are not limited to the following, single
16 phase electric motors, certain electrical
17 transformers, consumer type single use batteries,
18 consumer type smoke and carbon monoxide
19 detectors, electrical plugs and sockets,
20 fluorescent lighting ballasts, consumer type
21 halogen light bulbs, lighting fixtures and many
22 components thereof and electrical insulating

1 materials for high voltage power lines.

2 And illustrative list of the targeted
3 products have direct and indirect interest NEMA
4 is included below and will be in our formal
5 written comments to be filed with USTR.

6 If implemented, these additional
7 tariffs would place a 25 percent tax or a 10
8 percent on each and every targeted Chinese made
9 product or component, place U.S. manufacturing
10 operations that source targeted products from
11 China at a competitive disadvantage relative to
12 their foreign and certain domestic competitors
13 who are not covered by the tariffs, increase the
14 tax burden on U.S. manufacturing operations that
15 already face tariffs on other imports from China
16 or on steel and/or aluminum and increase the
17 likelihood of the threatened retaliatory actions
18 by China that could further materially
19 disadvantage our member companies in the Chinese
20 and global markets.

21 Specifically, if the tariffs are
22 intended to bring China to negotiations, we ask

1 when can industry expect those negotiations to
2 begin in earnest? We hope the talks scheduled
3 for later this week will chart a path to success.

4 If not, we look forward to the
5 administration's careful consideration of and
6 publicized time line for alternative measures to
7 bring about change in Beijing's apparently
8 entrenched strategic industrial and IP policies.

9 Thank you.

10 MR. BISHOP: Thank you, Mr. Updyke.

11 Our final witness on this panel is Tom
12 Vining with the National Elevator Industry,
13 Incorporated.

14 Mr. Vining, you have five minutes.

15 MR. VINING: Good afternoon.

16 My name is Tom Vining. I'm the
17 president of Otis Elevator Americas and the
18 President of the National Elevator Industry, Inc.
19 or NEII.

20 I am appearing today in my capacity as
21 President of NEII. NEII is the premier U.S.
22 trade association representing the global

1 manufacturer leaders in the building
2 transportation industry.

3 NEII's members include Fujitec
4 America, KONE, Mitsubishi Electric U.S., Otis
5 Elevator, Schindler Elevator, thyssenkrupp
6 Elevator and other companies.

7 Collectively, NEII member companies
8 operate in all 50 states and over 200 countries.
9 Directly, NEII members employ around 50,000 U.S.
10 workers.

11 NEII commends and support USTR's
12 efforts to ensure fair trade practices and
13 protect intellectual property.

14 Also, I want to thank the committee
15 for the opportunity to discuss the detrimental
16 impact that the proposed 10 to 25 percent duties
17 will have on NEII companies, our U.S. customers
18 in the construction, real estate industries and
19 U.S. workers.

20 The proposed product list includes 15
21 HTSUS subheadings of relevance to our companies
22 covering elevators and escalators and components

1 such as key pads and touch screens, controllers
2 and printed circuit boards.

3 A full list of relevant HTSUS
4 subheadings is attached to the written version on
5 my statement.

6 The earlier rounds of duty increases
7 that USTR has imposed in this Section 301
8 investigation are already adversely affecting
9 NEII companies.

10 Additional duties will have negative
11 impacts as follows, first, the proposed
12 additional duties will undercut the international
13 competitiveness of NEII companies who manufacture
14 products in the United States.

15 Foreign competitors who manufacture
16 outside the United States will benefit from this
17 action, as they will neither have to absorb nor
18 pass on to customers the higher costs created by
19 the additional tariffs.

20 This loss of competitiveness will have
21 an impact on the jobs of U.S. workers who
22 manufacturer elevators and escalators,

1 undermining efforts that NEII companies have made
2 to bring and maintain good paying jobs in the
3 United States.

4 Second, the increased costs will
5 impact the construction industry. In many cases,
6 the cost of building transportation products are
7 established when new buildings are designed and
8 financed and those higher costs will have to be
9 absorbed by NEII companies or passed on to U.S.
10 customers of all sizes, private and public.

11 Third, the proposed additional duties
12 will increase the cost of servicing building
13 transportation products.

14 Elevators and escalators are a
15 significant expense for building owners
16 consisting of both the initial acquisition costs
17 and costs of ongoing services and parts through
18 an approximately 25 year lifecycle.

19 We expect the commercial and
20 residential building owners will pass along these
21 increased costs to companies and individuals that
22 purchase or lease in those buildings.

1 Fourth, we expect the imposition of
2 additional duties to hinder building owners'
3 ability to modernize their building
4 transportation products, which is continually
5 done to improve their operation and safety.

6 With the higher costs, building owners
7 may choose to defer important and even necessary
8 services or upgrades critical to the quality,
9 reliability and safety of building transportation
10 products.

11 Fifth, NEII companies will be unable
12 to readily rearrange their supply chains to avoid
13 sourcing products from companies in China.

14 One of the unique aspects of our
15 industry is that products like elevators and
16 escalators have an extremely demanding
17 qualification and safety certification
18 requirements.

19 It can take years for NEII companies
20 to qualify alternative suppliers, including
21 suppliers, whether domestic or outside the United
22 States who are currently manufacturing or have

1 the capability to manufacture similar parts.

2 Finally, building transportation
3 products covered by the additional tariffs are
4 unrelated to any of the ten high technology
5 sectors the Chinese government is seeking to
6 promote through its Made in China 2025 program.

7 The proposed additional duties will
8 only injure NEII companies and our U.S.
9 customers, suppliers and workers.

10 We respectfully ask that you not
11 impose the proposed additional duties on our
12 products.

13 Thank you.

14 MR. BISHOP: Thank you, Mr. Vining.

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

17 CHAIR GRIMBALL: Thank you for your
18 testimony, we'll begin with questions.

19 MS. HOWE: My question is for Mr.
20 Cramer.

21 In your written submission, you note
22 that your competitors will be able to choose to

1 source their manufacturing from other locations
2 such as Taiwan or Mexico.

3 I was wondering if you could discuss
4 for us whether this is an option for JLab?,
5 understanding that you noted that it would be,
6 you know, some time and prices, but if you could
7 just discuss what that process would look like
8 and if it's at all an option for you?

9 MR. CRAMER: Sure. Taiwan and Mexico
10 two of my competitors have owned facilities
11 there. There's no third-party contract
12 manufacturers that I have available to me.

13 CHAIR GRIMBALL: Follow up question
14 for you and this is with respect to the 85
15 decibel volume limitation functionality --

16 MR. CRAMER: Yes, ma'am?

17 CHAIR GRIMBALL: -- that you created
18 I believe you said.

19 Do you have any concerns with respect
20 to IP theft related to that particular function?

21 MR. CRAMER: No, it's a decibel
22 suppression technology. It's pretty common.

1 CHAIR GRIMBALL: Okay.

2 MR. CRAMER: We just found out how to
3 make it for kids. We followed the toy standard
4 which is 85 decibels. You have like a fire truck
5 with a siren, it has to be under 85 decibels. We
6 followed that same standard for kids.

7 CHAIR GRIMBALL: Okay, thank you.

8 MR. CRAMER: You're welcome.

9 MR. HARDMAN: Good afternoon, Mr.
10 Firehammer.

11 You know, a lot of these questions
12 focused on whether or not you can get products
13 elsewhere and at what cost and what time line and
14 that really is my question for you. Can you get
15 stuff somewhere else and what's your timeline and
16 your costs associated with that?

17 MR. FIREHAMMER: Certainly. Prior to
18 us acquiring Ecolink in 2015, Ecolink did source
19 its technologies at a higher cost. So, as a
20 result of that, they had less innovation.

21 In the three years, two and a half
22 years since we've owned them, of the 35 patents

1 that they own, 20 of them are because of our
2 acquisition which reduced costs by moving the
3 manufacturing facilities from a contract
4 manufacturer to our owned operations in China.

5 And, as a result of that, allowed for
6 greater innovation.

7 We are small, we are dwarfed as
8 compared to our competitors. Honeywell is number
9 one competitor ours. They have operations --
10 owned operations in Mexico.

11 Second competitor is in Taiwan with
12 owned operations.

13 For us to move full capacity, it would
14 be probably two years to get full capacity for
15 these products in order to remain at a price
16 competitive advantage, or not advantage but price
17 competitive.

18 So, in that time period, we would lose
19 possible sales as we were trying to wrap up. So,
20 that would be devastating, I think, for our
21 company during that time period.

22 MR. HARDMAN: And a follow up, I think

1 you and a few others, at least two others, have
2 mentioned that you have wholly owned
3 manufacturing facilities. And, I'm wondering
4 what pushed you to do that?

5 Is it that you were trying to protect
6 your own intellectual property or what's the
7 business decision behind that, if you don't mind?

8 MR. FIREHAMMER: That was the driver,
9 protecting our intellectual property. Because,
10 if we keep it in house, we don't have to share it
11 with contract manufacturers.

12 But, also, very price competitive. It
13 is a price competitive industry that we're in and
14 the Universe Electronics, Inc., parent sells
15 remote controls and that's a very competitive
16 priced type product.

17 So, we saw in 2006 and '07 when we
18 acquired the factories in China, that this would
19 allow us to maintain the cost structure that
20 would keep us competitive.

21 MR. HARDMAN: Thank you.

22 MR. MCGUIRE: Good afternoon, for Mr.

1 Karnes.

2 So, you testified that some portion of
3 your products are manufactured in the United
4 States and the Philippines and that you have
5 another portion that are manufactured in China
6 and you said it would be difficult to source
7 those Chinese products from other alternative
8 locations.

9 Could you expand a bit more on what
10 challenges you would face in that category and
11 kind of what time you would face in shifting
12 production.

13 CHAIR GRIMBALL: I'm sorry, before you
14 answer that, could you also clarify whether there
15 are different types of projects, meaning products
16 -- excuse me, made in your Chinese facility
17 versus your facilities in the Philippines? I
18 didn't quite understand that, so if you could
19 include that.

20 MR. KARNES: Yes, I will. Our
21 manufacturing plant in the Philippines is a 100
22 percent dedicated towards our product of radar

1 detectors.

2 So, their skill and their knowledge
3 base, we do all of the design and engineering and
4 they provide us the manufacturing for all brands
5 of our radar detectors.

6 To answer the question, I'll
7 specifically go to dash cameras which is listed
8 under the list three. Dash cameras, the largest
9 selling or the highest volume area in terms of
10 markets for dash cameras are the Chinese market
11 and the Russian market.

12 Most of the dash camera technology
13 actually comes from China. There are Taiwanese
14 and there are also Korean companies that compete
15 in that space where their plants are also in
16 China.

17 So, the ecosystem that exists for us
18 to go in and be able to build to scale the types
19 of products that we sell into the professional
20 trucking market, and to just to kind of give an
21 overview to that is, those truck drivers are
22 driving 24/7 across America. They'll put a

1 million miles on their vehicles in three years.

2 So, the types of products we have to
3 make have to be extremely well built, reliable,
4 heat-resistant, cold-resistant, and vibration
5 resistant.

6 So, we have to go to the type of
7 company who can build the quality and build the
8 technology and also build the pricing to be able
9 to provide a value for an independent
10 professional trucker.

11 That really limits our ability to go
12 source it in other places where their unique
13 skills or their ecosystem does not exist. We --
14 and believe me, third -- going for second
15 sourcing and working different alternate sources
16 is actually a sourcing strategy of ours.

17 And there are just not a lot of places
18 that you can find these sorts of products that
19 can build to the quality and capacity.

20 I'll duplicate that with power
21 inverters, jump starters, they are native places
22 in technology areas in China that build them. We

1 can't find alternate sources that have that
2 skill, those parts, the ecosystem to build it and
3 to build at price points which we can sell into
4 the market which is the professional trucking
5 market.

6 MS. SMITH: Good afternoon, Mr.
7 Kinzie. My question to you, you testified that
8 Logitech recommends USTR establish a product
9 exclusion process to exclude products made by
10 wholly foreign-owned enterprises in China.

11 How would your proposal mesh with the
12 fact that companies and sectors selected by China
13 have been required by China to enter into joint
14 ventures?

15 MR. KINZIE: If I understand your
16 question correctly, the companies that you're
17 describing would not be eligible for that
18 exclusion.

19 The exclusion that I am describing in
20 the prepared remarks is one in which a wholly
21 foreign-owned enterprise would be eligible,
22 identified upon entry through U.S. Customs and

1 flagged at that point, both the information about
2 wholly foreign-owned enterprises is public, as
3 well as the requirement to declare who the
4 manufacturer is at the point of entry during
5 customs clearance.

6 MS. SMITH: Okay, thank you.

7 MR. SECOR: My question is for Mr.
8 Missan.

9 Along the lines of the questioning
10 with some of the other panelists, have you
11 investigated manufacturing in a country other
12 than China? And, what sort of ownership do you
13 have over your operations in China?

14 MR. MISSAN: Yes, so, we have looked
15 at the potential to manufacture in other
16 jurisdictions.

17 The product category that we're
18 manufacturing has some unique characteristics.
19 It's characterized by high volume manufacturing
20 and it's very precision oriented and it's a very
21 small form factor.

22 So, in terms of the U.S. market, that

1 capacity just does not exist at all. There's no
2 options here in the U.S.

3 We have looked at other territories
4 and, by and large, each of the territories that
5 we've examined has much higher labor costs. They
6 lack the know-how that the Chinese market has.
7 And, we've found that the particular know-how in
8 the manufacturing processes that have been
9 developed in China over the last 40 years are
10 very much applicable to our unique industry with
11 the small form factor precision manufacturing and
12 high volume.

13 And, that, based on our initial
14 analysis, it would take many years and many
15 millions of dollars to replicate that in full in
16 territories outside of China.

17 And as far as our relationship, we
18 have contract manufacturing relationships with
19 our partners in China.

20 I just wanted to reiterate that we
21 have not -- we've never been asked and have never
22 found any risk at all to our IP. We've never

1 been asked to transfer IP. There's been no
2 mentioned of any forced technology transfer.

3 And, in fact, we have a lot of control
4 inside the contract manufacturer where we can
5 apply IP safeguards, for example, to our firmware
6 and software. We have them in encrypted servers
7 and encrypted computers that only our employees
8 have access to so no one could even have access
9 to that IP even if they had a bad intent because
10 of the IP protections that we deploy.

11 And notwithstanding the fact that we
12 don't own the factory, but we're able to deploy
13 similar controls as if it was wholly owned.

14 MR. CONCEICAO: This is question is
15 for Mr. Smithweiss.

16 You stated that -- in your testimony,
17 you described the difficulty and expense of
18 establishing new production facilities for the DJ
19 controllers.

20 Are there any domestic manufactures of
21 products of this nature?

22 MR. SMITHWEISS: My understanding is

1 there is no domestic production at all of these
2 types of products.

3 MR. CONCEICAO: And as a follow up,
4 you said Pioneer supplies two-thirds of the DJ
5 equipment to the United States?

6 MR. SMITHWEISS: My understanding is
7 that its sales in the United States market, its
8 brand, is approximately two-thirds.

9 MR. CONCEICAO: Okay. So, would you
10 know who handles the other third?

11 MR. SMITHWEISS: I wish I did, I
12 don't. Sorry.

13 MR. CONCEICAO: Fair enough, thank
14 you.

15 MS. PETTIS: I have a question for Mr.
16 Updyke.

17 You discuss the tariff action that
18 took effect on July 6th. And since the duties
19 went into effect, do you have any information on
20 whether your members have shifted their supply
21 chains or seen any changes in consumer behaviors?

22 MR. UPDYKE: Thank you for the

1 question.

2 We are collecting that type of
3 information now. I don't have anything that I
4 can readily share today, but we will make an
5 effort to include some of that information in our
6 final written comments by September 6th.

7 MS. PETTIS: Thank you, thank you.

8 CHAIR GRIMBALL: Okay. This question
9 is for Mr. Vining.

10 I am a commuter and a mall shopper and
11 I've seen my fair share of escalators that are
12 not in service.

13 So, my question is about
14 serviceability of escalators.

15 So, I take it from your testimony that
16 perhaps some of those larger components of
17 escalators that we see when we're riding
18 escalators are the types of products that are
19 imported from China.

20 My question is about those sort of
21 inner components. Are any of those inner
22 components in general available from sources in

1 the United States?

2 Or is there, you know, at least a
3 market where, in the United States, where those
4 components could be repaired without having to
5 seek replacement parts from sources in China?

6 MR. VINING: Yes, so there's a multi-
7 answered question. I'm going to answer to that.

8 But, you know, I'd say some components
9 are available from domestic suppliers and some
10 are not, depending on the type of equipment,
11 specification, type of part and so it just varies
12 across the board.

13 So, there's a yes, yes, that it just
14 depends on the component and part.

15 CHAIR GRIMBALL: I know that's hard to
16 answer --

17 MR. VINING: And some of them are only
18 available through a Chinese or international
19 supplier.

20 CHAIR GRIMBALL: Do you have an idea
21 of the type of components that are available?

22 MR. VINING: We could get that

1 information for you --

2 CHAIR GRIMBALL: Okay, that'd be
3 great.

4 MR. VINING: -- when --

5 CHAIR GRIMBALL: Thank you.

6 MR. VINING: Okay.

7 MR. BISHOP: We release this panel
8 with our thanks and we invite Panel 16, our final
9 panel this evening, to please come forward and be
10 seated.

11 (Pause)

12 Will the room please come to order?

13 Mr. Chairman, our first witness on
14 this panel is Leigh Avsec of MasterBrand
15 Cabinets, Incorporated.

16 Ms. Avsec, you have five minutes.

17 MS. AVSEC: Good evening. My name is
18 Leigh Avsec. I am the General Counsel for
19 MasterBrand Cabinets, the largest residential
20 cabinet manufacturer with \$2.5 billion in 2017
21 sales, manufacturing presence in 13 states and
22 11,000 U.S. employees.

1 On behalf of those 11,000 U.S.
2 employees, I am here to ask you to remove several
3 tariff codes from the final retaliation list.

4 These cover component wooden products
5 that our employees use every day in our 18 U.S.
6 factories to build our beautiful cabinets which
7 are sold all across America at every price point.

8 First and foremost, we are a proud
9 U.S. manufacturer. We rely on a global supply
10 chain so that our 11,000 employees, many of whom
11 live in rural areas where our plants are the best
12 and often times, only jobs, can take those
13 components and turn them into cabinets.

14 Specifically, I am here to request the
15 plywood that comes in under various codes under
16 4412, plus vanities and components coming in
17 under codes under 9403 should not be subject to
18 any tariffs.

19 Today, I hope to help you understand
20 why we source these products from China and why
21 they are so important to our U.S. manufacturing
22 process.

1 It's not just a simple matter of
2 price. We source these products from China
3 because China is the only place that has the
4 capacity and the skilled labor that we require.

5 For example, plywood. All plywood is
6 not the same. The plywood we buy from the U.S.
7 is fundamentally different from the plywood that
8 we buy in China. To keep it very simple, Chinese
9 plywood has thinner veneers. And, this thinness
10 actually makes it better suited for the
11 applications we use it in.

12 But while that thinness is an
13 important attribute to the manufacturing process,
14 it means that the plywood is so delicate that it
15 has to be worked by hand rather than by machine
16 in a process that really isn't found outside of
17 China.

18 We looked into sourcing these products
19 in the United States. We can't. U.S. producers
20 don't have the capacity or, frankly, the desire
21 to make this product.

22 Other countries don't quite have the

1 skilled labor or the equipment.

2 The fact is, the product best suited
3 for our manufacturing needs comes from China.

4 The same is true for the wooden
5 components we source from -- we import from
6 China. It's more than a matter of price, we
7 source from the best suppliers.

8 We have long term relationships with
9 these suppliers and to change our supply chain
10 would be extremely onerous. It could take us
11 years, best cast scenario with our teams working
12 around the clock.

13 Why would it be so hard? Well,
14 remember that our products are mere commodities.
15 They're cabinets. And if you've ever redone your
16 kitchen, you know how important a cabinet is.
17 It's the heart of the home.

18 And as such, every cabinet has to be
19 perfect. It has to have the right color, the
20 right size, the right finish. You can't have any
21 defects.

22 Our suppliers have to be able to meet

1 our precise technical standards for finish size
2 and quality.

3 It would be difficult and expensive to
4 find new suppliers outside of China that could
5 perform the highly skilled processes involved in
6 producing components that meets both our
7 aesthetic and technical requirements.

8 There's one other reason that
9 resourcing our supply chain would be burdensome.
10 And, that's because the wooden components we use
11 are actually very highly regulated.

12 And we at MBCI, we take compliance
13 very seriously. We require full compliance with
14 Lacey Act, state legislation on formaldehyde
15 emissions and the new federal TSCA standards.

16 We have longstanding relationships
17 with suppliers that we trust. But, more
18 importantly, that we have appropriately audited
19 and even sometimes visited to ensure that these
20 comply -- that they comply with these regulations
21 and standards.

22 The cabinet industry has already been

1 hit hard by the imposition of the antidumping
2 tariff of hardwood plywood of nearly 200 percent
3 that went into effect last year.

4 The impact has actually been to
5 penalize the rule abiding U.S. manufacturers by
6 giving a competitive advantage to the many
7 importers that, frankly, break the law.

8 If our components were to take another
9 hit, it would only hurt U.S. manufacturers and
10 could give an unintended benefit to foreign
11 producers.

12 Our 11,000 workers just want to be
13 able to manufacture a quality product right here
14 in the United States. There's no intellectual
15 property theft associated with the components we
16 import from China.

17 These additional tariffs could only
18 further tilt the playing field in favor of
19 overseas competitors with no real discernable
20 benefit to U.S. companies, employees or
21 consumers.

22 For these reasons, and again, on

1 behalf of our 11,000 American workers, we ask
2 that you remove the codes that we have listed.

3 Thank you.

4 MR. BISHOP: Thank you, Ms. Avsec.

5 Our next witness is Peter Berkman with
6 Homewerks Worldwide, LLC.

7 Mr. Berkman, you have five minutes.

8 MR. BERKMAN: Thank you.

9 Members of the committee, I am Peter
10 Berkman, CEO of Homewerks Worldwide, LLC. We are
11 a 60-person firm started 12 years ago located in
12 a suburb outside of Chicago.

13 I have been in the import distribution
14 business for 30 years and I'm here today to
15 discuss the reasons that the USTR should remove
16 certain plumbing products imported by Homewerks.

17 We distribute opening price point and
18 commodity plumbing and bathroom related products
19 to large retailers and distributors who resell to
20 the public.

21 The HTS subheading at issue is for
22 brass faucets and brass plumbing valves that we

1 import mainly from China, from design,
2 engineering, tooling, sand casing, forging, die
3 casting, zinc injection, plastic injection,
4 machining, finishing, polishing, assembly and
5 testing producing faucets and valves is a
6 complicated process.

7 All of these skills are difficult to
8 create without millions of dollars of investments
9 and many years of building the Greenfield
10 production facility to get it up and running.

11 A full assortment of faucets and
12 plumbing valves includes thousands of different
13 items with over 10,000 molds required to
14 manufacture them in the different product types I
15 just mentioned.

16 To set up this varied manufacturing
17 process and all the tooling required would take
18 investments of millions of dollars in multiple --
19 and multiple years.

20 The existing faucet and valve
21 manufacturers outside of China, there are some,
22 do not have the capacity.

1 In fact, just last week, I sent a
2 Homewerks full-time associate to Indonesia to
3 investigate alternative sources.

4 She visited three existing valve
5 factories and one faucet factory in Indonesia.
6 Not one of them could meet our product
7 specification or capacity needs.

8 Two weeks ago, I personally reached
9 out to a valve manufacturer who Homewerks is
10 currently using in Italy for a more high-end
11 valve, explained the tariff situation to her and
12 asked if her company was willing to manufacture
13 the low-end Chinese commodity valves.

14 After some talk about quantities,
15 which are quite high, she refused to provide us
16 with a quotation. I pressed her further that
17 wouldn't this be a great investment chance for
18 her company, but we were turned down due to the
19 current factory's equipment. It takes different
20 type of equipment to make the low-pressure
21 opening price point commodity valves.

22 Based on my 30 years of experience and

1 these two recent examples, I do not believe that
2 existing capacity exists to supply U.S. demand
3 outside of China.

4 Moreover, I do not believe we can
5 convince an existing supplier or a new
6 greenfield investor to build capacity outside of
7 China because it would take millions and millions
8 of dollars and multiple years and, hopefully,
9 this tariff dispute could be over soon and then
10 the production would move back to China where we,
11 Homewerks, would be at a disadvantage due to our
12 commitment in the other country.

13 If either 10 or 25 percent duties are
14 imposed, there will be two adverse economic
15 consequences.

16 First, we will attempt to pass the
17 cost of additional tariffs along in the form of a
18 price increase to our customers who are the large
19 retailers.

20 They will likely raise the price. As
21 a matter of fact, they will raise the prices
22 based on one of your questions from earlier when

1 we had this in wave one, we passed the price
2 increase through and they raised the retail
3 price.

4 So, what this means is it will impact,
5 likely impact, the lower income customers buying
6 our opening price point and commodity faucets and
7 valves and then they are most likely not to do a
8 project. So, projects start with a faucet or a
9 valve and then you fix the whole bathroom.

10 You buy a cabinet, you buy lighting,
11 you buy flooring, you buy hardware. See, we're
12 in this together -- we just met.

13 You buy the whole project together.
14 So, the whole project, all of a sudden, doesn't
15 get started and it hurts the economy, really
16 hurts the economy.

17 In conclusion, Homewerks believes
18 there is no current alternative to sourcing these
19 opening price point in commodity faucets and
20 plumbing valves except from China.

21 No country has sufficient capacity to
22 supply the U.S. demand for faucets and plumbing

1 valves.

2 I believe it would a multi-year
3 process costing millions of dollars to add
4 necessary capacity outside the U.S.

5 Not only would it affect American
6 consumers, but it would affect the growth of
7 Homewerks and our 60 U.S. employees.

8 Thank you for providing me the
9 opportunity to testify. I'm happy to answer any
10 questions at the end of the panel.

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

12 Our next witness is Brett Bradshaw of
13 International Housewares Association.

14 Mr. Bradshaw, you have five minutes.

15 MR. BRADSHAW: Good afternoon. And,
16 thank you all for holding this hearing and for
17 your willingness to take into consideration our
18 sincere concerns and feedback about the proposed
19 tariffs.

20 I'm Brett Bradshaw and I'm testifying
21 on behalf of Bradshaw Home, Incorporated, and the
22 International Housewares Association.

1 I currently serve as the Co-President
2 of Bradshaw Home and the Chairman of the Board
3 for the International Housewares Association, a
4 not-for-profit trade association representing
5 more than 1,400 member organizations in the
6 housewares industry.

7 I appreciate the opportunity to appear
8 before you and express concerns for the duties
9 proposed under Section 301 and to request that
10 the USTR remove the tariff codes detailed in my
11 submitted written testimony.

12 Bradshaw Home is a privately owned
13 company back in California my great grandfather
14 started back in 1905. We are the largest kitchen
15 gadget and cleaning product supplier in the U.S.,
16 shipping over 250 million units yearly with over
17 440 U.S. employees.

18 Imposing a 25 percent tariff on the
19 proposed consumer products would not only be very
20 detrimental to our business, but also to the
21 already struggling retail sector that had over
22 7,000 store closures in 2017, a 200 percent

1 increase from the previous year.

2 Higher retail prices will reduce the
3 number of units sold, resulting in a net revenue
4 decrease for retailers, thus, accelerating the
5 rate of store closures.

6 Neither our business nor that of our
7 retail partners have the margin to absorb even a
8 small portion of this increase in costs.

9 Our items included on the tariff list
10 are built in approximately 130 different
11 manufacturing facilities requiring a wide array
12 of processes and capabilities. There are no
13 alternative sources for the supply of these
14 products.

15 More importantly, there are no sources
16 in China or elsewhere that are due to open in the
17 near future either. The majority of products
18 within the proposed scope of the tariffs would
19 require a greenfield project taking two years or
20 more to build after breaking ground. This
21 estimate does not include preliminary work
22 required that can take 6 to 12 additional months.

1 With years of efficiency gains within
2 our supply chain and aggressive competition,
3 sufficient margin does not exist in the retail
4 supply chain to absorb a 25 percent cost
5 increase. The increase will, therefore, be
6 passed on to consumers.

7 The low-tech and low value nature of
8 these basic products for the home means they're
9 built in small factories in China who only
10 produce consumer household products.

11 The volumes in each category in each
12 factory are usually low and the technology so
13 aged that high tech factories in the U.S. aren't
14 appropriate for these goods.

15 This policy, if enacted, will have a
16 broad impact across all levels of consumers. It
17 will, however, have a disparate impact on lower
18 income households that rely on our products in
19 their daily activities to clean their homes and
20 safely cook their food.

21 For example, let's consider can
22 openers. Recent data published by the National

1 Grocers Association show that canned fruits and
2 vegetables represent a larger percentage of food
3 costs for lower income consumers.

4 The cost of this tariff will be felt
5 most by those consumer that can least afford the
6 increase.

7 Finally, I'm most concerned about our
8 440 U.S.-based employees and their families. Our
9 data reconfirmed in real world trends over the
10 years shows that unit volume falls as retail
11 prices rise.

12 Many of the products on the list I've
13 submitted to the committee are sold at retail
14 prices below \$5. At that level, a 25 percent
15 rise in retail price equates to a similar volume
16 decline.

17 Twenty to 30 percent volume reduction
18 as a result of the tariffs will have a negative
19 impact to our business and reduce our ability to
20 compete globally.

21 This reduction in sales and income
22 will afford us fewer resources to cover overhead

1 and may potentially lead to job losses at our
2 distribution center and throughout our sales,
3 marketing and product development staff.

4 We've been fortunate that our hard
5 work has led to success in growth and that's
6 allowed us to invest in our U.S. operations, hire
7 more staff and compete in both domestic and
8 international markets.

9 If these tariffs are enacted, that
10 momentum will be completely reversed, making us
11 less competitive and stifle our ability to invest
12 in people and products.

13 In conclusion, we believe that
14 imposing a 25 percent tariff on these low
15 technology goods will not incentivize China to
16 change its acts, policies and practices, it will
17 only make basic necessities more expensive to
18 U.S. consumers and harm our company and many
19 others like it in the home and housewares
20 industry.

21 As I mentioned earlier, I also appear
22 at this hearing representing over 1,400 other

1 manufactures in the industry as the Chairman of
2 the Board for the IHA. We certainly support the
3 effort to eliminate China's unfair trading
4 practices, but feel the current path will lead to
5 job losses and reduce our competitiveness in the
6 global marketplace.

7 As an association we maintain a free
8 and fair trade and anti-tariff position. We
9 strongly encourage the USTR to remove the 60
10 submitted HTSUS codes from the proposed
11 supplemental list.

12 Thank you.

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

14 Our next is Lee Berger with Broan-
15 NuTone, LLC.

16 Mr. Berger, you have five minutes.

17 MR. BERGER: Good afternoon. My name
18 is Lee Berger and I am the general counsel of
19 Broan-NuTone, LLC. Thank you for the opportunity
20 to testify today.

21 I would like to highlight a few of the
22 reasons why the proposed tariffs will have a

1 significant and negative impact on our company
2 without contributing to the elimination of
3 China's trade practices described in Section 301
4 determination.

5 Broan is a U.S. based company
6 headquartered in Hartford, Wisconsin. Our
7 company is a global leader in resident
8 ventilation and air indoor quality.

9 We employ approximately 1,000 people
10 in the U.S. across three states, with most of our
11 domestic workforce based in Wisconsin.

12 Broan is the U.S. market share leader
13 in the resident ventilation industry and is the
14 only company among its major competitors to
15 manufacture its primary produce lines in the
16 United States.

17 These product lines, bath fans and
18 range hoods, account for approximately 70 percent
19 of our global revenues and are the products
20 hardest hit by the proposed tariffs.

21 Though Broan supports the
22 administration's efforts to eliminate China's

1 unreasonable and discriminatory trade practices,
2 we submit that the proposed tariffs are not
3 narrowly tailored to achieve these goals and will
4 cause disproportionate economic harm to Broan.

5 As a U.S. manufacturer and generator
6 of jobs, we believe that the economic hard that
7 will result from the proposed tariffs far exceeds
8 any possible benefit they may achieve.

9 As such, Broan requests that USTR
10 remove from the proposed list components that are
11 import for use in the U.S. manufacturing.

12 Most of the items subject to the
13 proposed tariffs and imported by Broan are
14 components the company uses to manufacture
15 finished goods in the United States.

16 These are critical to our business and
17 support our creation of U.S. jobs and revenue.

18 We urge USTR to reconsider, in
19 particular, the imposition of additional tariffs
20 on low-power motors classified on Subheadings
21 8501.40.20 and 8501.40.40.

22 These motors are key components in

1 Broan's U.S. manufacturing and our company relies
2 on them to support our largest revenue generating
3 products.

4 The reality is that these motors are
5 not available from alternative sources,
6 domestically or otherwise, in sufficient volumes
7 and are not the type of strategically important
8 technology that drives China's unreasonable and
9 discriminatory trade practices.

10 In the short term, Broan will no
11 choice but to continue to import motors and other
12 inputs from China and these additional -- the
13 additional tariffs will not have the desired
14 effect on Chinese policy makers.

15 Broan has thoroughly investigated the
16 availability of low power motors from alternate
17 sources.

18 The current volumes available in the
19 United States are far below Broan's requirements
20 which amount to millions of motors annually.

21 Even if our company could identify
22 viable alternative supplies in third countries,

1 doing so would require substantial investment
2 that is impractical in the short term.

3 It would involve long product
4 qualification processes to ensure high quality
5 and even longer lead times during increase
6 production capacity.

7 During that time, the imposition of an
8 additional 10 to 25 percent tariff on the
9 required manufacturing inputs will result in a
10 number of disproportionately harmful economic
11 consequences including increased consumer prices,
12 lost market share to foreign competitors and
13 financial losses accruing in the United States.

14 We note that the risk of loss market
15 share is particularly great since Broan also uses
16 steel for its manufacturing operations. The
17 increased cost from the combination of these
18 tariffs are costs that our major competitors will
19 not experience because they are importing
20 finished goods that are not subject to either set
21 of duties.

22 Thus, the proposed remedy will harm

1 Broan and be a boon to our foreign competitors
2 that do not invest in U.S. jobs and
3 manufacturing.

4 Finally, we want to highlight the fact
5 that the additional tariffs on many of these
6 manufacturing inputs will not be affective in
7 bringing about the elimination of China's
8 unreasonable and discriminatory trade practices.

9 As USTR itself has noted, these
10 practices are fueled by China's goal to become
11 the high-tech leader in global manufacturing.

12 Manufacturing inputs like low power
13 motors are precisely the type of product that
14 should not be targeted by the tariffs. They
15 represent old technology and imposing tariffs on
16 these products will not put the pressure on
17 Chinese policy makers who seek to move China away
18 from the manufacture of products like these in
19 favor of more advanced technologies.

20 For these reasons, we request the
21 creation of a categorical exemption for articles
22 imported for further manufacturing or, in the

1 alternative, the removal of subheadings
2 8501.40.20 and 8501.40.40 from the list of tariff
3 provisions subject to the tariffs.

4 This concludes my prepared testimony
5 and I am pleased to answer any questions the
6 committee may have.

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

8 Our next witness is Mike DiStefano of
9 Continental Materials, Incorporated.

10 MR. DiSTEFANO: Good afternoon. My
11 name is Michael DiStefano and I am the Executive
12 Vice President and Chief Operating Officer of
13 Continental Materials. We're a U.S. importer and
14 distributors of nails including roofing nails for
15 used in construction and the industrial market in
16 the U.S.

17 CMI was founded in 1958 in
18 Pennsylvania and we are actually celebrating our
19 60th year anniversary in 2018. Our customer base
20 is located throughout the United States and we
21 employ 20 salaried full-time employees and have
22 about 70 contract sales representative who also

1 market our products throughout the U.S.

2 We are here today to request the
3 removal of HTS 7317.00.55 and 7317.00.75 which
4 include nails, staples, brads, and similar
5 articles from the list of products subject to the
6 proposed Section 301 tariffs.

7 While we understand the
8 administration's goal to pressure China to change
9 its policies and practices with respect to
10 technology transfers and intellectual property,
11 we do not believe that the imposition of
12 additional duties on products such as nails,
13 staples and other similar products will be
14 effective to meet that goal.

15 First, the production of these
16 products simply does not involve the types of
17 advanced technology we have targeted or have been
18 targeted by China.

19 Second, there is insufficient
20 production of these products in the U.S. and
21 these China imports are necessary to support the
22 tonnage demanded by the housing construction

1 industries in the U.S. U.S. demand for nails,
2 staples and similar products has surged in recent
3 years to an increase in construction -- I'm sorry
4 -- increase in U.S. demand, therefore U.S.
5 suppliers will necessarily continue to source
6 these products from China. If additional tariffs
7 are imposed at either the 10 or 25 percent level,
8 the U.S. housing construction industries will
9 bear the brunt of the cost increases.

10 We urge the Committee to strongly
11 consider the disproportionate economic harm that
12 would result to the U.S. businesses and
13 ultimately to the U.S. consumers if the tariffs
14 are imposed on these products.

15 Some nails that we import from China
16 are either not produced in the U.S. or are
17 produced in very small quantities. For example,
18 there's only one U.S. manufacturer of coil and
19 hand-driven roofing nails which are readily used
20 in the construction industry. That company is
21 Maze Nails and they focus their production on
22 specialty versions of roofing nails which are not

1 typically required for use in the construction
2 industry.

3 Standard electrogalvanized nails are
4 another product that is not produced in the U.S.
5 and has not been produced in the U.S. for many
6 years. In addition, virtually all roofing nails
7 for construction in the U.S. are manufactured in
8 China. In 2008, Midcontinent filed an
9 antidumping petition against nails manufactured
10 in China, but requested that the Department of
11 Commerce exclude roofing nails from the scope of
12 the anti-dumping order. The reason for the
13 request is that Midcontinent does not produce
14 roofing nails in the U.S.

15 There's also very limited capacity
16 available outside of China for production of
17 nails to support the current tonnage required by
18 the U.S. housing construction industries. Over
19 the past 10 years Midcontinent filed numerous
20 antidumping petitions against nail manufacturers
21 in Oman, Malaysia, Taiwan, Korea, United Arab
22 Emirates, Vietnam, India, and Turkey, in addition

1 to China.

2 Due to the antidumping orders on nails
3 from virtually every major supplying nation
4 outside the U.S. the options are very limited for
5 cost-effective sources of nails. Still U.S.
6 importers of nails necessarily will pay the
7 exorbitant duties to source the quantity of nails
8 needed to meet the U.S. demand. We believe the
9 imposition of the tariffs would further
10 exacerbate supply conditions.

11 If the tariffs are imposed on nails,
12 staples and similar products manufactured in
13 China, companies like Continental Materials will
14 not be able to sustain the cost increases and
15 will need to pass the costs through to our
16 customers and ultimately to U.S. consumers.

17 Economists at the National Association
18 of Home Builders estimate the proposed tariff
19 would impact 500 products used in residential
20 construction. They estimate that 10 percent
21 tariff would represent a \$1 billion tax increase
22 on residential construction, likewise the

1 proposed 25 percent level, the impact would be
2 \$2.5 billion.

3 The housing and construction
4 industries have thrived in the U.S. in recent
5 years, but the imposition of tariffs at either
6 the 10 or 25 percent level will very likely
7 threaten the health of those industries.

8 For these reasons we respectfully
9 request the Committee recommend the removal of
10 HTS 7317.00.55 and 7317.00.75 from the list of
11 products subject to the proposed Section 301
12 tariffs. Thank you for the opportunity to be
13 heard today. I'd be happy to answer any
14 questions.

15 Mr. BISHOP: Thank you, Mr. DiStefano.

16 Our next witness is Mark Proffitt with
17 MECO Corporation.

18 Mr. Proffitt, you have five minutes.

19 MR. PROFFITT: Thank you for allowing
20 me this opportunity to testify today. My name is
21 Mark Proffitt. I'm the President of MECO
22 Corporation from Greenville, Tennessee.

1 In Greenville we produce charcoal,
2 electric and gas barbecue grills, as well as
3 folding steel tables and chairs. We also produce
4 all the components for these products as well.

5 MECO has been privately owned and
6 operated by the Austin family for 63 years
7 producing millions of chairs, tables and grills.
8 the company was started with the goal of creating
9 employment in our rural Tennessee community.

10 Many years ago when farming was prevalent they
11 recognized that the tobacco crops of the day
12 would not sustain our community and established
13 this company to give year-round employment
14 opportunities to our local folks.

15 We presently employ 105 people.
16 Before the Chinese began manipulating their costs
17 and currency, as well as engaging in unfair
18 trade, we employed nearly 900 people, that in a
19 community of 15,000 people. We currently operate
20 at less than 25 capacity. We've suffered reduced
21 employment and deteriorating financial conditions
22 for many years due to the aggressive nature of

1 China's practices. Even after successfully
2 filing an antidumping case on our furniture
3 product and achieving some tariff relief, we were
4 not successful in not sustaining that business.
5 China ramped up their efforts and we eventually
6 had to stop producing most of our furniture
7 products and lay off many of our workers.

8 MECO supports the proposed measures
9 including the recent administration's
10 recommendation that a 25 percent ad valorem duty
11 be imposed rather than the 10 percent duty.
12 However, we request in addition to the list
13 please add HTSU Subheading 7321.19.00. This
14 covers the products, the grills that we actually
15 produce in our Greenville, Tennessee facility.
16 That subheading presently has a zero percent
17 tariff and a zero percent proposed tariff,
18 proposed additional tariff. Without an increase
19 from the present zero level we will likely be
20 forced to reduce employment and exit most of the
21 charcoal grill business immediately.

22 Two recent examples illustrate why

1 this is like to occur: We recently quoted one of
2 our grill products to a major U.S. retailer. The
3 price of that product was \$13 that we quoted.
4 They told us they could buy that same product from
5 China for \$10 delivered; and our cost did not
6 include delivery, nearly 24 percent less.

7 The Chinese are able to do this in
8 part from the lower cost derived from their
9 unfair trade practices and because they take our
10 intellectual property. They do not invest in
11 creating their own intellectual property. They
12 take ours. And if you look at the last page in
13 the handout I gave you, you'll see a picture.
14 The top of that page shows a picture of the
15 product that we produce today, one of them. The
16 bottom half of that page shows a knock-off
17 product that China is effectively selling below
18 cost and taking opportunities from U.S.
19 manufacturers.

20 Additionally I mentioned a chair that
21 we produce and can sell to the retailer for \$19.
22 We know for a fact we can buy that same chair and

1 deliver it to a retailer in the U.S. from China
2 for \$10, nearly half the cost.

3 China must be given an incentive to
4 stop injuring our U.S. manufacturing facility,
5 preserve our current employment level, and create
6 more jobs for our communities. MECO urges you to
7 add subheading 7321.19.00 to the additional
8 tariffs list. Without that tariff our company
9 may not survive. Thank you for this opportunity.

10 MR. BISHOP: Thank you, Mr. Proffitt.

11 Our next witness is Martin Silver with
12 Max Home, LLC.

13 Mr. Silver, you have five minutes.

14 MR. SILVER: Thank you, Chairman Busis
15 and members of the Committee for the opportunity
16 to testify on the proposed supplemental action to
17 the administration's Section 301 investigation
18 and to present the view of Max Home, LLC.

19 My name is Martie Silver and I am the
20 managing member of Max Home, a U.S. upholstered
21 residential furniture manufacturer that employs
22 approximately 1,000 Americans in Northeast

1 Mississippi and Northwest Alabama. Max Home is a
2 100 percent U.S. manufacturer that produces high-
3 quality sofas, chairs and sectionals for major
4 retailers including Macy's, Art Van, West Elm,
5 Haverty's and Pottery Barn, as well as many more.

6 My goal here today is to convey the
7 key points on why the proposed additional tariffs
8 on rolled upholstery fabrics from China will
9 present an insurmountable challenge to U.S.
10 manufacturers such as Max Home. If the proposed
11 tariffs are implemented, prices of our products
12 will dramatically increase, sales will drop and
13 American jobs will be eliminated.

14 The proposal would additionally
15 undermine the express purpose of the U.S. foreign
16 trade zone's program that companies like Max Home
17 have relied upon for nearly a decade to build
18 business plans that allow them to remain globally
19 competitive while maintaining U.S.-based
20 operations.

21 Max Home provides a unique service for
22 consumers. Retail consumers can choose a fabric

1 that they want on their finished furniture
2 products and Max Home performs the complete
3 manufacturing process operations in-house to
4 facilitate those custom orders. We buy the
5 fabric exclusively in rolled form so that our
6 U.S. cut and sew operations can thrive and we do
7 not purchase sewn kits from foreign suppliers.

8 The most significant fabric imports we
9 are seeking to oppose for inclusion in the
10 supplemental action are micro-denier suede
11 fabrics produced with a hot caustic soda
12 reduction process such as those found in HTS
13 Chapters 54, 55, 59 and 60. Micro-denier suede
14 has never been manufactured in the United States,
15 ever. Therefore, these categories of Chinese
16 fabrics do not compete with any U.S. textile
17 manufacturer's product in any way.

18 I want to impress upon the Committee
19 the real world practical impact that adding 25
20 percent duty on these fabrics will have. China's
21 upholstery fabric producers will simply ship
22 their rolled goods that we currently purchase to

1 Vietnam to be incorporated into sewn kits where
2 they subsequently can be imported into the U.S.
3 at a free duty rate. This will allow the Chinese
4 producers to circumvent any U.S. duties, and more
5 importantly will result in the elimination of
6 most, if not all, of the U.S. cut and sewn
7 workforce.

8 This will not benefit U.S. producers,
9 U.S. jobs or U.S. furniture. On the contrary, it
10 will eliminate U.S. jobs and shift the majority,
11 if not all of the production processes, overseas.
12 U.S. furniture manufacturers will be forced to
13 relocate cut and sewn operations let's say to
14 Mexico, for example. Chinese fabrics can be
15 imported duty-free under Mexico's end-use tariff
16 regime and then shipped to the U.S. duty-free.
17 And we have already seen this happening with our
18 competition.

19 Max Home has participated in U.S.
20 Foreign-Trade Zone program since 2011 allowing us
21 to import micro-denier suede fabrics in rolled
22 forms and receive the same effective duty rate

1 that it would have if be -- if would be the case
2 if it was imported these fabrics from sewn kits
3 free. The Foreign-Trade Zone program has allowed
4 Max Home and other manufacturers in the region to
5 employ Americans as cut and sew technicians while
6 remaining competitive.

7 As a result, since 2011 Max Home's
8 work force has grown by 50 percent and our cut
9 and sew staff has increased by 70 percent.
10 Further, our purchases of premium quality fabrics
11 produced in America and by America mills has
12 grown by 240 percent because we offer the
13 consumers a choice on better U.S. fabrics for
14 custom order. Our industry is already at a
15 disadvantage compared to its Chinese competitors.
16 And between the removal of our foreign trade
17 benefits and the additional duties this action
18 will result in total duty rates reaching more
19 than 40 percent on some of our fabric imports.

20 I close again by stressing that 25
21 percent tariffs on rolled fabrics would be
22 devastating for U.S. residential furniture

1 manufacturing interests without any deterrence or
2 impact on the Chinese practices that Section 301
3 is meant to discourage. The Committee should
4 take into account that fabrics like micro-denier
5 suede are only commercially viable when sourced
6 from China and that Chinese fabric producers will
7 have a simple end-around option to circumvent any
8 new duties on rolled upholstery fabrics. U.S.
9 manufacturers like myself in our industry will
10 not have those options. We will simply be forced
11 to eliminate jobs.

12 I therefore request that the Committee
13 refrain from including HTS subheadings under
14 Chapter 54, 55, 59 and 60 on behalf of the final
15 list of tariffs, particularly under 5407, 5408,
16 5515, 5903, 5906, 9507 and 6005. Thank you very
17 much.

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

19 Our next final witness on this panel
20 is Jeff Swartz with Moen, Incorporated.

21 Mr. Swartz, you have five minutes.

22 MR. SWARTZ: Thank you and good

1 afternoon. My name is Jeff Swartz. I'm Senior
2 Vice President for Moen, Incorporated, one of the
3 world's largest manufacturers of plumbing
4 supplies including kitchen faucets, bath faucets
5 and accessories.

6 We are a proud employer of 2,500 U.S.
7 employees and on behalf of those employees I'm
8 here today to explain why the USTR should remove
9 specific faucet components from the proposed list
10 of products subject to additional tariffs under
11 Section 301.

12 These components support our U.S.
13 manufacturing operations and there are no viable
14 alternative sources outside of China. The reason
15 we buy these components from China is because it
16 is currently the only option we have given labor
17 and environmental constraints.

18 Moen has two factories in North
19 Carolina with hundreds of workers relying on the
20 components that we source from China. These
21 parts are combined with other critical components
22 made by Moen in the U.S. as well as other U.S.

1 suppliers to make a fully finished faucet from
2 our facility in North Carolina.

3 Putting a tariff on these necessary
4 components from China could hurt your U.S.
5 manufacturing presence. To be clear, Moen is a
6 U.S. manufacturer. We sell faucets and other
7 products to retailers, builders and wholesalers
8 all over the United States and 90 percent of
9 those faucets are assembled in North Carolina.

10 The vast majority of the world's
11 faucet component volume is primarily made of zinc
12 or brass and is sourced from China because that
13 is where the equipment and labor exists. Simply
14 put, China is the only viable option. We have
15 looked into sourcing the components from
16 elsewhere, but due to constraints around
17 equipment and capacity, finding skilled labor, as
18 well as environmental regulations, we could not.
19 And it's not just a Moen issue. It's actually an
20 industry issue.

21 First, the equipment needed to cast
22 the parts, polish them and to finish them exists

1 in scale only in China.

2 The second reason is that these
3 processes are very labor-intensive and China is
4 the only country that has people that have the
5 experience and desire to do this type of labor.
6 Manufacturing component pieces is hard, technical
7 and dirty work. It is much -- but is also a much
8 more skilled labor-intensive process than you may
9 expect, but one that's absolutely critical to our
10 overall operations.

11 Finishes for faucets such as chrome or
12 brushed nickel must be consistent in order to
13 give the final product a cohesive look. Defects
14 in a faucet finish are unacceptable to both our
15 production processes and our consumers. Although
16 the specific skills associated with manufacturing
17 finished faucets can be learned, it could take
18 years for Moen to find and train a workforce in
19 another country.

20 In addition to challenges in finding
21 a suitable workforce there are environmental
22 regulations that would prevent the move from

1 China to the U.S. The polishing and finishing
2 processes generate a number of issues that
3 require extensive compliance activities to meet
4 OSHA and EPA requirements. Specifically, the
5 dust generated during polishing requires
6 elaborate exhaust systems and all of the
7 finishing processes are heavily regulated by the
8 EPA requiring significant permitting and very
9 expensive systems in order to clean, monitor, and
10 discharge any water or air as part of the Clean
11 Water Act and the Clean Air Act.

12 Because of the labor and environmental
13 factors China's ability to manufacture faucet
14 components does not necessarily exist in any
15 other country with the volumes our U.S. factories
16 need, and this has been true for at least 15
17 years. Moen has previously investigated moving
18 some of its sourcing away from China. It has
19 investigated potential producers in numerous
20 country and it has even investigated using U.S.
21 and Mexican die cast manufacturers from the
22 automotive industries in those countries. None

1 of these possible alternative sources of supply
2 proved viable. A move away from China would take
3 years and cost a significant amount of money.

4 Moen supports the administration's
5 concerns over China's practices related to
6 technology transfer, intellectual property and
7 innovation, however, faucet component production
8 in China does not directly involve intellectual
9 property concerns. If the United States imposes
10 Section 301 tariffs on faucet components from
11 China, it will decrease the competitiveness of
12 faucets manufactured and assembled in the United
13 States and could give an unintended benefit to
14 foreign competitors who don't manufacture in the
15 United States. If the tariffs are removed, we
16 can focus on what we do best.

17 For these reasons and on behalf of our
18 American workers we ask you to remove the HTS
19 codes we listed. Thank you.

20 MR. BISHOP: Thank you, Mr. Swartz.

21 Mr. Chairman, that concludes direct
22 testimony from this panel.

1 MS. HOWE: My question is for Ms.
2 Avsec.

3 So in your testimony you said that if
4 the tariffs on our products are imposed, it would
5 give an unintended benefit to foreign producers.

6 MS. AVSEC: Yes.

7 MS. HOWE: Could you explain how it
8 would help foreign producers? Do we import a lot
9 of cabinets from foreign --

10 (Simultaneous speaking.)

11 MS. AVSEC: Sure. Sure. So one of
12 the things that we've seen actually related to
13 the antidumping case is there's been an uptick in
14 what we refer to as ready-to-assemble cabinets,
15 and those are cabinets that come over basically
16 in flat packs and, you know, come over to then
17 manufacturers in the U.S. who just do basically
18 some simple assembly, not the type of
19 manufacturing that we do.

20 And what the concern is is that they
21 would just utilize some components, bring it
22 into, you know, a third-party and then --

1 Vietnam, for example. Just making that up. But
2 would ship it over and then not have to pay any
3 of the tariffs, whereas, you know, we have 11,000
4 U.S. workers. We can't do that. We're sourcing
5 from where we can source. And as I noted, it's
6 not so easy for us to find other suppliers.

7 MR. HARDMAN: Good afternoon, Mr.
8 Berkman. I've been -- I had my question set up
9 and then I heard the last testimony, so now I'm
10 going to shift a little bit. You gave some very
11 specific; which I found actually interesting,
12 explanations on the different manufacturing. And
13 you pointed out different materials, all the
14 different castings, all of this. How much -- I
15 mean, you import the entire product, correct?

16 MR. BERKMAN: Yes.

17 MR. HARDMAN: So how much of that is
18 really required to be done in China and how much
19 can we do, for example, in North Carolina?

20 MR. BERKMAN: So I don't love China.
21 I don't hate China. I just source the best place
22 to provide quality products to our customers.

1 So to answer your question, just to
2 understand our product, we have thousands of
3 products, not -- we bring in the complete product
4 package. So a valve, a faucet. So let's say the
5 faucet, it sounds like Moen is bringing in the
6 parts and assembling and doing more manufacturing
7 in the States. We bring in the complete faucet
8 and we either package it in our brand, but more
9 of it goes to our customer's private label brand.
10 So Home Depot has their own brand on the shelf.
11 Lowe's has their own brand on the shelf. So we
12 provide them. They import some themselves. They
13 buy from other people like us. They buy from the
14 best people they choose.

15 So we're bringing in the entire
16 faucet. So I don't think anyone could make that
17 in the States anywhere near price-competitive,
18 and even if they could, it would take, like I
19 explained, multiple years and millions of dollars
20 in investments to greenfield it in the States.
21 And even then they would not be competitive at
22 all. American workers don't want to do those

1 jobs. They don't want to polish like Mr. Swartz
2 said. They don't want to melt metal. Do we even
3 want people wanting melting metal in the States
4 from the environmental? So to make a faucet, to
5 make a valve it starts with melting metal and
6 pouring it into a mold. And that pollution goes
7 somewhere. And the environmental. I don't think
8 Americans want to do those jobs.

9 So to answer your question in my
10 experience we cannot make these faucets and
11 valves in the United States.

12 MR. HARDMAN: Thank you.

13 MR. MCGUIRE: Good afternoon, for Mr.
14 Bradshaw.

15 So you mentioned in your testimony
16 that for most of the household cleaning products
17 that you sell China is the only option, that you
18 have no available alternative. Is this -- so can
19 you just clarify for us whether third-party
20 countries produce this product and it's just not
21 cost-competitive or whether China is the only
22 producer of these products, period?

1 MR. BRADSHAW: Yes, most of these
2 products are kitchen gadgets that I'm talking
3 about, so think can openers, pizza cutters,
4 strainers, ice cream scoops, peelers, all those
5 little handheld gadgets that you have in your
6 kitchen drawer at home that you use to prepare
7 food.

8 These products were built in the U.S.
9 and they left about 35 years ago to Taiwan. They
10 left Taiwan when Taiwan migrated to higher value-
11 add-type products: computers and electronics.
12 About 25 years ago they went to China.

13 They're low-cost, low-tech, low-
14 volume, high-variety: 4 or 5,000 different SKUs
15 built in 130 different factories with a high
16 labor cost to these things. And so they follow
17 cheap labor. China simply has the capacity, the
18 skilled workforce, the know-how, the access to
19 raw materials to build these types of products.
20 We've been looking for years at other countries
21 and they're just not there yet.

22 MR. MCGUIRE: Thank you.

1 MS. SMITH: Good afternoon, Mr.
2 Berger. My question to you is that you testified
3 that your primary product lines are bath fans and
4 range hoods.

5 MR. BERGER: Yes.

6 MS. SMITH: For these two products
7 what is the breakdown between the input? Are
8 they produced in China and you bring them here or
9 is one produced here and you import one?

10 MR. BERGER: They are produced here,
11 but we use Chinese components specifically a
12 motor, a fractional horsepower motor that
13 actually drives the fans in each of those
14 products.

15 MS. SMITH: Okay. All right. Thank
16 you

17 MR. BERGER: But by and large those
18 are made in the United States. There are some
19 exceptions but the vast majority are produced
20 here in the U.S.

21 MR. SMITH: Okay. Thank you.

22 CHAIR BUSIS: So what percentage of

1 the value of the complete hood or fan unit is the
2 U.S. value and what percent is the Chinese motors
3 or other components?

4 MR. BERGER: That's a good question.
5 Unfortunately I don't have that on the top of my
6 head. I do know it is the most significant
7 component. I will research that and include the
8 response when we file our written comments by
9 September 6th.

10 CHAIR BUSIS: Thank you very much.

11 MR. SECOR: Mr. DiStefano?

12 MR. DiSTEFANO: Yes?

13 MR. SECOR: You mentioned in the
14 testimony the antidumping duties on nails from a
15 variety of countries. Has there been any
16 increase in capacity building in the United
17 States while those antidumping duties have been
18 in effect?

19 MR. DiSTEFANO: Not that I know, and
20 we know the industry pretty well.

21 MR. SECOR: And do you import solely
22 from China or from other countries as well?

1 MR. DiSTEFANO: We import roofing
2 nails only from China.

3 MR. SECOR: Okay. Thank you.

4 CHAIR BUSIS: I know you're not a nail
5 manufacturer. I'm just wondering whether you
6 think it's possible that -- as you may know,
7 China has massive overcapacity in steel and I
8 wonder if that's a factor that's causing --
9 basically it sounds like China is the only
10 producer of nails, which I presume are mostly
11 steel.

12 MR. DiSTEFANO: Of roofing nails, yes,
13 they are, because of the antidumping that has
14 been placed on other countries.

15 It's not all nails. I was just making
16 sure. It's roofing nails specifically. And then
17 that's the anti-dumping in the other countries,
18 so they can't be produced in other countries and
19 shipped to the United States.

20 CHAIR BUSIS: And what are roofing
21 nails? Are they steel or are they aluminum?
22 What are they made of?

1 MR. DiSTEFANO: They're steel.

2 CHAIR BUSIS: They're steel?

3 MR. DiSTEFANO: And they're mostly
4 electrogalvanized.

5 CHAIR BUSIS: Okay.

6 MS. PETTIS: Question for Mr.
7 Proffitt. If tariffs on electric, charcoal and
8 gas grills from China go into effect, how long
9 would it take MECO and other domestic producers
10 to increase capacity to meet demand for these
11 products?

12 MR. PROFFITT: Thank you for the
13 question. We actually have a fair amount of
14 capacity available that we can start utilizing
15 immediately. I can't directly speak for the
16 other couple of manufacturers that are still
17 producing here. I do know one of them has been
18 adding capacity in some of their product lines
19 and I know that one of the others also has
20 available capacity, but I can't speak to the
21 specifics. But as far as the time that it would
22 take, it's a fairly short time for us to add

1 capacity. It's basically tooling and some basic
2 equipment, but we have a fair amount of
3 equipment. So the most would be 6 months to 12
4 months at the top.

5 MS. PETTIS: Okay. Thank you very much.

6 MR. CONCEICAO: Mr. Silver, you were
7 talking about the micro-denier suede that you
8 import from China for upholstery and you said
9 it's never been made in the United States, isn't
10 now, hasn't been, what have you. Are there other
11 countries besides China from which you could get
12 either the micro-denier suede or the other
13 fabrics you import for your upholstery?

14 MR. SILVER: In theory yes, because it
15 was invented in Japan and there's still some
16 company in Japan, but that's like 40 or \$50 a
17 yard as compared with \$2 a yard.

18 The other -- there was manufacturing
19 of that in Korea and Taiwan, but those companies
20 have opened up branches in China to make the
21 goods. So although you might buy it through a
22 Korean company or a Taiwanese company, it's

1 actually still coming from China.

2 MR. CONCEICAO: China's pretty much
3 the primary source?

4 MR. SILVER: That's it.

5 MR. CONCEICAO: Thank you.

6 MR. HARDMAN: Mr. Swartz, you heard my
7 comments earlier about your production
8 capabilities or -- I'm curious as to what it is
9 that you're manufacturing. Is all the parts
10 coming in and you're assembling them, or are
11 there some parts that America still manufactures?

12 MR. SWARTZ: Right, I actually brought
13 some show and tell here. I thought there might
14 be a question on that. We actually manufacture
15 very critical parts here in the U.S., one of
16 which is a cartridge, which is really the engine
17 of a faucet. So this is what determines the flow
18 of water, on and off, hot and cold. That is
19 something we make in our North Carolina facility.
20 There's a lot of other parts that go into a
21 faucet. A single faucet could have 20 to 30, 40
22 parts, many of which are assembled or actually

1 manufactured in the U.S.

2 What we're specifically talking about
3 today are things like handles and spouts that
4 have a very fine polished finish, a very
5 technical finish. That's a beautiful design.
6 This is the -- these are the pieces that are the
7 vast majority of capacity is in China.

8 MR. HARDMAN: Okay. And all of those
9 pieces are -- you have the same issue with
10 environmental concerns?

11 MR. SWARTZ: Correct.

12 MR. HARDMAN: All right. Thanks.

13 CHAIR BUSIS: Mr. Burch, I think we're
14 -- we can dismiss this panel, right? And that's
15 our last panel for the day?

16 MR. BURCH: Thank you.

17 CHAIR BUSIS: And we will recess
18 tomorrow until 9:30 a.m.

19 MR. BURCH: Yes, we release this panel
20 with our thanks.

21 (Whereupon, the above-entitled matter
22 went off the record at 4:58 p.m.)

A	
a.m 1:10 7:2 53:10,11 468:18	353:10 379:16
Aaron 2:11 5:3 180:9 180:15 201:16 223:10	accessing 202:3
Aaron's 213:10	accessories 68:22 126:7 221:18 452:5
abandoned 257:14	accidents 312:12,15
abiding 419:5	accomplish 204:12
ability 23:22 36:7,20 67:10 131:15 135:19 136:3,7 143:1 151:22 152:3 169:12,16 198:5 203:20 245:2 260:13 296:14 303:2 361:12 372:21 380:14 384:1 398:3 406:11 429:19 430:11 455:13	accomplished 232:17
able 30:6 36:5 46:7 71:7 71:13 75:9,11 92:10 112:6,6 134:9 147:13 159:3 160:13 161:11 162:2 169:4 186:7 191:11 199:4,5 207:18 214:22 216:14 224:3,11,13 225:5 226:12 227:1 247:20 252:15 261:19 273:3 367:6,21 399:22 405:18 406:8 410:12 417:22 419:13 441:14 445:7	accomplishes 372:7
above-entitled 53:9 162:14 468:21	account 144:8 282:20 376:12 388:21 432:18 451:4
abroad 41:12	accounted 72:4 189:7 229:9
absolute 345:13	accounts 13:20 20:9 86:21 190:6
absolutely 206:5 454:9	accruing 435:13
absorb 22:12 72:7,10 128:8 211:21 267:21 359:1 378:15 396:17 427:7 428:4	accurately 333:4
absorbed 397:9	accustomed 288:21
absorbing 30:17 160:16	Ace 127:18
absorbs 354:16	achievable 28:1
absorption 285:3	achieve 39:9 62:11 81:16 85:7 173:13 179:20 183:9 256:14 298:6 372:6 378:9 433:3,8
abundance 339:8	achieved 15:20 85:15
abuse 248:1	achieving 84:5 444:3
abusing 255:4	acid 349:10
AC 140:16	acquired 16:3 357:9 403:18
accelerate 124:7	acquiring 401:18
accelerating 427:4	acquisition 16:6 139:4 384:16,21 385:1 397:16 402:2
accept 194:7	act 55:8 94:9 129:13 201:3 358:10 382:17 388:12 418:14 455:11 455:11
acceptance 109:22	action 8:13,15,20 9:2,5 9:13 104:10 118:22 119:4 168:13 224:12 287:13 292:18 296:7 296:12 358:9 388:11 396:17 411:17 446:16 448:10 450:17
access 177:15 179:22 210:20 224:18 225:5 248:20 379:6 410:8,8 461:18	action's 13:8
accessible 203:10	actions 7:15 8:6 21:6 55:12 234:19 235:10 298:8 343:7,8 392:4 393:17
	active 243:2 258:16 363:20
	activities 254:21 314:9 369:14 370:3 372:14 391:15,17 428:19 455:3
	activity 248:8
	actors 371:6
	acts 7:9 8:7 38:21 85:18 129:17 234:14 292:18 298:10 358:20 361:1 369:4 370:19 372:2 374:12 382:4 383:3 383:11 385:7 388:12 430:16
	actual 76:3
	acutely 323:7
	ad 129:15 131:12 444:10
	AD/CVD 28:5
	adapt 75:9
	add 46:16 211:5 213:22 261:20 289:13 329:12 350:9 425:3 444:13 446:7 465:22
	add-type 461:11
	added 55:8 73:9 108:11 126:20 209:12 222:15 222:20 244:18 267:21 326:5 334:5 345:14 345:16 385:18
	adding 27:4 261:10 278:9 296:2 303:18 448:19 465:18
	addition 34:15 72:1 80:21 81:13 142:5 165:6 182:9 199:9 243:10 285:17 291:17 291:21 307:7 333:19 348:20 353:17 359:18 365:9 381:3 383:5 440:6,22 444:12 454:20
	additionally 57:2 127:14 134:15 168:21 204:1 325:3 445:20 447:14
	additions 162:18
	address 38:21 225:16 232:6 238:6 273:11 292:18 329:3 369:1 388:12
	addressed 17:16 38:18
	addresses 197:11
	addressing 8:6 188:15
	adequate 366:20
	adheres 43:13
	adjacent 391:8 392:13
	Adjourn 6:19
	adjustment 347:14
	Adleta 26:19 27:5
	administer 373:10
	administration 1:19 12:17 13:12 58:2 69:9 85:8,15 88:2 103:22 113:17 120:15 126:9
	139:7 163:5 171:8 172:6,19 176:2,5,19 177:6 179:15 228:2 232:14 240:10 283:21 308:7 327:13
	administration's 13:7 62:11 70:14 84:1 179:14 194:16 204:13 204:18 234:18 300:1 375:6,13 382:3 394:5 432:22 438:8 444:9 446:17 456:4
	administrative 9:16 60:17 168:4
	admire 159:7
	adopted 110:11
	adoption 373:3
	advance 25:5 63:3 70:7 179:21 375:12 379:5
	advanced 14:2 33:13 62:19 129:22 130:15 189:11,16 191:21 236:11 238:2 239:5 263:16 378:19 379:5 436:19 438:17
	advancement 234:2
	advancements 69:13
	advancing 130:21
	advantage 17:22 37:2 43:5,9,12,14 182:16 189:13 204:8,14 236:17 287:7 378:17 402:16,16 419:6
	advantages 17:9 381:10
	adverse 177:2 183:3 238:12 360:3 423:14
	adversely 114:10 121:11 296:4 326:17 396:8
	Aerial 2:18 5:9 245:20
	aesthetic 418:7
	affairs 104:1 388:16 affair 47:16,16 86:12 118:21 136:6 185:14 185:15 310:4 312:16 312:19 377:18 425:5 425:6
	affective 436:6
	affiliate 39:22
	affirmative 167:19
	afford 36:5 123:7 162:2 217:6 273:4,7 323:11 353:14,16 359:16 361:5 385:19 429:5 429:22
	affordability 88:9
	affordable 135:12

159:5 206:14,16
 227:22 240:6 289:4
 323:11 330:7,8 384:3
afforded 349:5
Afghanistan 164:18
aforementioned 32:20
afraid 352:2
Africa 102:7 277:4
afternoon 162:17,22
 163:19 186:14 194:1
 200:1 210:3 217:17
 233:7 239:11 251:4
 268:21 271:7 282:1
 288:3 294:2 315:13
 320:22 329:21 330:1
 339:15 357:2 368:17
 368:20 375:1 381:18
 388:7 394:15 401:9
 403:22 407:6 425:15
 431:17 437:10 452:1
 458:7 460:13 462:1
Ag 258:18 260:3
aged 428:13
agencies 11:18 380:18
agency 9:17 141:22
 142:10 148:2 162:20
 373:10
agenda 289:9
agents 202:9 224:17
aggregate 238:15
aggregated 235:3
aggressive 126:10
 378:11 428:2 443:22
aggressively 206:1
agility 251:16
ago 60:13 62:21 63:1
 79:14 96:19 110:3
 185:11 305:8 317:8
 334:13,17 344:8
 353:2 370:12 420:11
 422:8 443:10 461:9
 461:12
agree 33:22 241:2
 242:18
agreement 22:3
agreements 135:16
 168:14,19
agrees 234:13
Agricultural 163:9
 327:17
agriculture 1:17,17
 12:11 100:5 163:10
 252:22
ahead 202:13 343:9,10
 352:15
AI 37:4
aid 169:20 244:11,18
aides 243:3

aim 179:10
aims 69:10
air 3:5 4:21 131:4,9,10
 131:17,17 132:7,11
 132:14 133:5 135:6
 137:11 140:18 156:22
 157:2 161:2 162:2
 202:6 305:14 309:6
 432:8 455:10,11
Air's 132:4 157:11
Alabama 117:21 234:1
 447:1
Alaris 2:8 4:4 18:21
 19:3,9,15,18 20:6
 21:8,12,17 22:2,7,11
 22:12,15 24:7 44:15
Alaris' 23:16
alarm 380:1
Alaska 81:11
Alcoa 259:8
alert 363:13 364:8
Alexandria 125:13
align 369:21
aligned 167:14 372:5
all- 251:8
all-time 351:8
alleged 38:21 85:17
allegedly 39:3 85:10
 86:1
allies 232:12 386:21
allow 112:10 170:21
 177:14 193:2 230:13
 230:17 296:8 322:20
 403:19 447:18 449:3
allowed 11:11 344:2
 347:15 402:5 430:6
 450:3
allowing 24:9 28:20
 32:21 67:18 74:1
 131:7 168:15 245:17
 377:14 442:19 449:20
allows 133:15 200:18
 202:7
alloy 14:5 18:12 43:5
 310:21
Alta 2:21 4:11 79:3,7
 80:3 81:18 98:21 99:3
Alta's 80:18 81:15
alter 73:1
alternate 50:15 367:17
 406:15 407:1 434:16
alternative 51:11 128:6
 133:22 158:16 171:11
 184:11 203:22 257:11
 265:7 274:14,18
 296:21 386:1 390:19
 394:6 398:20 404:7
 422:3 424:18 427:13

434:5,22 437:1
 452:14 456:1 460:18
alternatives 292:4
 305:17 330:20
altogether 120:3 193:9
alumina 311:1,2,9
aluminum 29:7 30:17
 31:21 32:10 255:22
 256:13 259:4,6,9,14
 259:17 262:15 277:9
 310:20 311:9 393:16
 464:21
Amanda 80:16
Amazon 185:10 353:6
Ambassador 273:10
amend 238:11
America 2:3,14 5:8,13
 56:9 81:10 101:9
 102:6,7 108:22
 121:17 122:5 129:7
 169:14 170:14 171:4
 171:19 172:14 173:7
 173:18,21 174:4
 187:13 233:6,12,17
 282:9,17 287:16
 292:5 311:19,20
 321:5 351:3,15
 353:20 364:15 383:13
 384:15 385:13 395:4
 405:22 415:7 450:11
 450:11 467:11
America's 54:18 187:6
 376:9
Americans 35:9 65:7
 88:13 177:15 180:2
 204:10 244:14 273:3
 321:19 323:15,16
 353:11 375:22 379:20
 380:20 381:12 387:2
 446:22 450:5 460:8
Americas 3:6 6:4
 381:16,22 394:17
Amos 3:2 5:5 199:20
 200:2 214:14
amount 23:19 41:13
 116:5 128:1 142:21
 155:20 156:1 185:1
 190:15 229:5 312:20
 434:20 456:3 465:13
 466:2
amounts 229:1 231:5
 325:4
Amy 1:16 11:20
analog 366:11
analysis 141:17 409:14
ANC 148:5
and/or 168:19 221:10
 393:16

Anderson 2:2 4:3 12:22
 13:2,3,4 18:19 42:3,7
 42:12,16,19,22 43:7
 43:10,14 44:5,7,11
Andhra 302:6
Andy 2:19 6:4 374:20
 375:2
Angle 2:2 5:1 163:17,18
 163:19,20 170:2
 205:16,21 206:5,15
angular 312:12
annex 235:7
annexed 283:14
Anniston 234:1
anniversary 437:19
announcement 174:17
 181:22 208:2 240:11
announcing 8:22
annual 7:20 8:3,17
 20:10 83:14 106:19
 120:12 144:10 258:6
 258:10 261:17 290:6
 364:19
annually 61:20 127:7
 173:15 179:9 434:20
anodyne 248:18
ANSI 148:6
answer 18:17 76:15
 89:1 92:18 136:17
 143:16 158:9 160:5
 271:15 293:19 298:16
 304:1 307:22 326:21
 356:17 374:17 404:14
 405:6 413:7,16 425:9
 437:5 442:13 459:1
 460:9
answered 46:14 413:7
answering 308:19
answers 147:8 150:8
 331:4
anti-dumping 440:12
 464:17
anti-skid 312:6
anti-tariff 431:8
anticipate 138:19 234:8
antidumping 40:6
 57:10 66:9 88:5 252:3
 266:11 267:2 287:9
 419:1 440:9,20 441:2
 444:2 457:13 463:14
 463:17 464:13
antiquated 55:18
anybody 134:8 214:16
 312:22
anymore 147:7
Anytime 141:14
apart 214:17
apartment 200:9 248:6

- API** 227:16 303:13
 310:9
apologize 209:19
apparently 394:7
appeal 368:6
appealing 277:14
appear 38:18 88:20
 119:16 125:22 132:8
 209:1 233:10 235:6
 274:2 288:8 321:2
 426:7 430:21
appeared 194:9
appearing 10:7 394:20
appears 131:20
applaud 55:11 58:1
 308:6 309:4
Apple 191:7 193:3,11
 226:17 352:21 355:5
 355:10
appliances 35:2 313:16
 332:16
applicable 50:22 142:6
 170:19 409:10
application 389:19
applications 127:21
 203:7 258:19 263:9
 416:11
applied 126:22 271:21
 272:2 319:9
apply 242:18 244:6
 245:14 316:9 319:22
 410:5
appreciate 13:5 19:4
 83:22 194:15 195:10
 255:10 294:7 333:7
 362:8 368:19 374:16
 426:7
appreciates 70:13
 255:17
appreciation 298:22
approach 232:9,13
 372:16 389:13
approached 190:19
 252:4
appropriate 83:2 141:5
 373:10 428:14
appropriately 418:18
approvals 142:11
approved 168:7 312:10
approximate 23:13
approximately 7:20 8:3
 8:17 9:22 15:10 20:9
 77:6 83:13 122:9
 138:14 197:8 229:8
 234:5 244:15 288:15
 289:17 316:18 317:12
 317:18 326:9 328:8
 357:20 360:9 391:7
 397:18 411:8 427:10
 432:9,18 446:22
Arab 440:21
arbitrary 230:16
Archibald 2:3 4:16
 103:16,17,19,21
 108:2 144:1,6,9,17,22
 145:11 146:1,7,15
 147:10
architects 288:19
area 13:19 53:8 108:8
 125:12 252:14 282:5
 350:1 405:9
areas 75:13,20 82:2
 235:15 257:16 339:17
 359:11 365:19 406:22
 415:11
arena 275:14
arguably 82:21 216:15
argue 89:7
arguments 19:5 195:20
arising 392:3
Arizona 104:13
Armstrong 345:3
Army's 164:9
array 177:18 427:11
arriving 82:18 100:6
art 55:18 101:22 447:4
Arthur 1:11,14 12:18
articles 436:21 438:5
artificial 165:22
artificially 236:19 287:8
artistic 332:11
artists 385:16,19
Asia 33:10 66:20 82:14
 93:22 94:19 190:6
 191:9 208:1 264:19
 265:1 279:4 280:1
 297:8
Asia-Pacific 196:17,21
Asian 48:10 50:15
 266:17 267:5,6,10
 278:19,22 279:10
aside 102:3,10 134:5
asked 239:16 283:20
 409:21 410:1 422:12
asking 209:2
asks 11:5
aspect 32:15 215:8
aspects 17:5 398:14
aspiring 385:15
assemble 157:4,22
 172:14 173:7 175:5
 178:3 191:9 203:12
assembled 35:13 156:8
 158:13 170:13 173:11
 173:13 174:2,3 191:4
 364:11 453:9 456:12
 467:22
assemblers 178:10
 213:13
assemblies 34:20
 137:18 177:17 178:21
 208:7
assembling 175:2
 459:6 467:10
assembly 35:15 71:8
 109:15 166:9 175:10
 191:12,16 208:9,10
 421:4 457:18
assess 37:20 229:21
assessments 230:3
assist 20:14 67:7
 108:17
assistance 167:19
 319:16
Assistant 327:22
assisting 113:14
associate 422:2
associated 62:19
 253:11 262:2 317:11
 360:18 383:2 401:16
 419:15 454:16
associates 119:19
 121:18
association 2:7,8,17,20
 3:4,8 4:13 5:3,5,21
 6:5,12 52:14 84:16,21
 84:21 88:10 100:19
 117:1 176:9,15,16
 193:20 194:2 221:8
 227:17 243:6 262:7
 282:19 307:18 310:13
 315:10,20,21 317:7
 317:13 388:4,10
 394:22 425:13,22
 426:3,4 429:1 431:7
 441:17
association's 227:15
associations 33:22
 116:16 283:2
assortment 245:3
 421:11
assume 252:6
assuming 141:10 142:7
 161:15
assurance 109:14
assurances 149:1
 215:7
assure 346:3 389:18
Astrachan 2:3 5:13
 282:8,10,11,15
 287:21 328:4,10
 329:1,7,19 333:10
 345:10,11
Atlanta 53:18 54:9
 108:8
atomized 149:11,20
atomizer 114:7 115:1
atrophy 59:6
attach 221:18
attached 371:21 372:12
 396:4
attaching 247:15
attack 79:13 380:8
attacks 380:6
attempt 8:9 70:14
 423:16
attempted 45:18 69:19
 341:20
attempts 93:1 384:16
attention 64:21 186:9
 205:8 262:6
Attorney 168:9
attractive 377:14
attribute 416:13
attributed 149:20
audio 2:10 6:1 11:10
 178:15 350:5,13
 352:13,17 355:5
 367:19
audio/video 211:14
audit 154:5
audited 366:15 418:18
August 1:7 7:13 8:4,21
 9:6,20 391:5
austerity 71:17
Austin 68:15 443:6
Australia 231:9
authorities 237:13
Authority 312:4
authorization 196:6
automatically 278:3
automation 187:8
 357:13
automotive 257:17
 259:12,16,20 260:3
 277:11 363:12 366:5
 455:22
autonomous 234:4
availability 14:16
 267:14 302:16 347:17
 434:16
available 19:19 27:20
 60:7 63:13 71:9 93:4
 105:22 115:11 122:16
 123:2 197:16 208:8
 216:6 221:7 223:12
 251:15 257:11 275:8
 287:3 290:10 296:21
 298:15 301:20 310:3
 319:18 324:4 328:22
 329:8 339:18 342:4
 374:17 400:12 412:22

413:9,18,21 434:5,18
440:16 460:18 465:14
465:20
average 35:8 150:19,21
241:3 261:11
avoid 166:22 174:19
230:15 322:15 370:2
372:14 381:6 387:14
391:18 398:12
avoiding 179:10
Avsec 2:4 6:9 414:14
414:16,17,18 420:4
457:2,6,11
award 181:19 352:16
award-winning 165:21
awarded 321:16
awards 181:18
aware 93:5 110:22
219:16 223:7 345:19
axle 32:8

B

B 118:8
baby 201:13
back 26:11 35:14 66:1
96:11 106:6 188:4
195:8 212:11 220:12
252:3 304:22 332:15
333:6 334:15 336:13
338:15 340:4 348:12
354:4 423:10 426:13
426:14
backbone 47:12
backbones 26:9
background 242:2
backing 298:13
backlog 99:13
bad 410:9
Baer 2:4 5:2 170:3,4,5,5
176:7 207:3,11
208:17 209:5,6,8,15
209:17,19,22 210:2
Bak 2:13 5:4 186:11,16
186:17,21 187:4,11
187:22 190:2,19
217:19
Baker 299:6,14
balanced 112:3
ball 14:22 15:13,15 16:2
16:7,22 18:1,10
ballasts 392:20
balls 13:9,13,16 14:4,10
14:12,17,21 15:6,19
17:15,17 18:12 43:3
43:16,19,21
bamboo 85:3 87:8,10
87:11 88:18
ban 303:9

banking 19:22
bankruptcies 25:10
28:19
banners 153:6
bar 18:12 43:17
barbecue 443:2
bare 352:14
barely 76:21
barite 229:1,10 269:15
299:10,15 300:8,21
301:4,5,11,15,16,19
302:14,17 303:9,14
303:16 314:3,8
347:16,18,19
barium 228:19,20 269:1
269:15 299:10 303:21
Barn 447:5
barrier 104:16,20 105:5
105:14 107:6
barriers 91:20 106:11
188:15,21
bars 14:5,7 43:6
barytes 301:11
base 22:19 23:16 47:7
109:11 133:21 135:8
137:18 141:1 243:21
252:21 272:4,5
288:17 337:4 360:2
378:10 405:3 437:19
based 19:10 29:7 31:2
53:18 68:15 77:3
82:18 83:11 98:15
110:1 112:8 113:10
122:12 127:19 131:11
143:13 148:10 156:14
180:18 183:15 184:20
195:19 206:11 216:19
219:19 230:9 257:8
257:13 261:13 269:13
270:10 275:4 284:14
285:17 292:13 318:2
357:10 365:21 380:15
409:13 422:22 423:22
432:5,11
baseline 182:10
basement 321:12
basic 32:17 34:17 36:15
161:7 428:8 430:17
466:1
basically 115:12 118:9
118:12 147:3 148:3
158:14 160:17 311:15
313:2 344:3 457:15
457:17 464:9 466:1
basin- 140:18
basis 19:5 83:14 323:20
340:16 373:20
basketball 249:3

batches 157:5
bath 432:17 452:4
462:3
bathroom 420:18 424:9
batteries 151:19 235:1
235:15,21 236:2,3
240:2 244:9,11,12,16
244:18,22 245:12
392:17
batteries' 238:14
battery 151:21 235:19
235:22 236:1,3,6
237:5,9,17 238:2
244:9,20 245:12,15
270:10
bauxite 311:3,9,14,18
311:21 312:2,9,12
313:3 349:7,8
bear 151:14 265:12
439:9
bears 111:14
Beats 353:16 355:4
beautiful 67:2 80:19
415:6 468:5
bedding 105:3,4 107:15
bedrock 355:13
bedroom 57:11 90:14
Bedrosian 2:5 5:14
287:22,22 288:2,3,5,6
293:20 329:22 330:1
330:6 331:11 333:8
Bedrosians 2:5 5:14
288:8,11 291:13,17
292:4,10,13
Bedrosians' 288:17,21
beg 356:15
began 108:14,16
142:18 357:8 443:16
beginning 167:2
beginnings 321:15
begun 123:12
behalf 35:7 53:19 64:10
125:21 163:21 194:20
283:8,19 288:8
308:17 315:19 347:5
347:6 388:9 415:1
420:1 425:21 451:14
452:7 456:17
behaviors 411:21
behemoths 352:20
Beier 3:12 4:6 38:4,8
51:21
Beijing 318:16
Beijing's 394:7
belief 58:19
believe 16:1 18:2 52:18
84:2 100:11 107:15
112:2 114:9 115:17

123:15 129:6 141:3
145:1 147:8,18
161:17 175:19 186:1
195:20,22 225:14
232:5,11 240:7 242:6
243:19 253:14 254:13
264:13 275:15 300:4
319:17 320:5,8
335:22 337:21 340:20
348:20 351:10 372:20
375:8 378:15 400:18
406:14 423:1,4 425:2
430:13 433:6 438:11
441:8
believed 182:3 380:5
believes 63:17 258:2
424:17
bells 380:1
Ben 163:4 327:11
beneficial 101:22
benefit 37:12 39:4,7
67:15 85:10 133:3
303:16 331:8 383:7
396:16 419:10,20
433:8 449:8 456:13
457:5
benefits 34:5 37:19
74:14 82:1 106:10
112:20 177:2 194:17
243:13 450:17
benefitting 227:22
BENJAMIN 1:15
Berger 2:5 6:13 431:14
431:16,17,18 437:7
462:2,5,10,17 463:4
Berkman 2:6 6:10
420:5,7,8,10 425:11
458:8,16,20
Berry 317:7
best 48:16 93:16
121:16 224:22 238:20
247:12 274:21 278:5
286:10 292:7 300:2
353:6 370:14 372:8
415:11 417:2,7,11
456:16 458:21 459:14
better 18:10 79:13
145:6 155:16 225:2
264:8 355:17 363:14
371:11 416:10 450:13
beyond 72:20 124:3
201:21 278:12
bias 31:20 48:6,7
251:18 275:14
big 26:11 98:14 209:3
210:17
big-box 154:7
bigger 144:15 159:1

biggest 101:9 246:8
301:22 302:1 350:15
bill 1:21 2:12 4:9 59:15
59:19 91:9 106:3
312:21 327:21
bill-of- 166:12
billion 7:20 8:3,18
52:15,19 53:2 86:16
101:13 159:8 177:5
179:8 189:8 244:15
246:8,12 249:1,6
250:9 283:11 296:1
296:13 297:7 306:19
306:19 317:18,22
337:13,14 346:9
389:2,4,5 391:6,8,11
391:13 414:20 441:21
442:2
binding 389:19
biofuel 81:1
birth 241:22
Bishop 1:21 12:21
18:19 24:12 28:22
33:3 38:2 41:18 53:4
53:12 59:14 64:22
67:19 73:19 79:2
84:13 89:2 103:8
108:2 113:20 119:9
124:16 131:3 136:21
143:17 162:9 163:16
170:2 176:7 180:8,13
186:10 193:18 199:19
205:10 227:4 233:4
239:8 245:19 251:1
255:11 262:18 268:15
273:17 282:1 287:21
326:22 327:3 349:18
349:20 350:3 356:20
362:11 368:12 374:19
381:14 387:22 394:10
399:14 414:7 420:4
425:11 431:13 437:7
442:15 446:10 451:18
456:20
bit 43:1,2 54:3 106:22
117:5,16 249:8
269:12 331:14 332:21
337:3 338:16 339:3
348:12 350:14 352:12
404:9 458:10
black 321:16
blatant 285:22 329:14
blends 292:15
block 320:7
blocks 37:3 316:15
318:21
blood 243:15
blow 57:19

blueprints 355:16
bluetooth 211:12
352:18
Bluetooths 34:14
BMW 118:9,13
board 76:21 77:7 80:15
137:18 141:4 178:20
413:12 426:2 431:2
boards 79:10 80:12,19
80:21 81:5 211:1
226:8 396:2
boat 29:7 30:13 31:14
264:6
boaters 364:3
boating 366:5
body 148:7
bolster 309:19
bolt 32:6 258:21 277:22
bono 347:4
boom 246:4 248:22
249:6 250:12
boon 436:1
boost 320:14
boosting 227:21
border 12:2 163:2
271:22 272:2 327:10
born 161:18
borne 241:13 242:11
borrow 25:18
Boston 376:7
bottom 61:10 253:3
254:9 445:16
bought 74:11 86:11
117:21 290:12
bound 309:13
bracket 32:7,7
brads 438:4
Bradshaw 2:6 6:11
425:12,14,15,20,21
426:2,12 431:13
460:14 461:1
brain 241:22
branches 466:20
brand 244:9,10 263:8
353:9 354:15 375:19
411:8 459:8,9,10,11
branded 239:19 260:19
275:16 387:16
branding 251:17
brands 108:12 239:22
240:3 251:6 294:16
294:17 355:3 363:15
368:9 405:4
brass 420:22,22 453:12
Brazil 94:7 328:17
349:3
breach 380:7
break 10:6,6 14:13

162:12 346:1 419:7
breakdown 462:7
breaking 427:20
Brett 2:6 6:11 425:12
425:20
Brian 2:7 5:15 293:21
294:3 343:13
bricks 310:18
brief 10:5 29:15 92:1
briefly 48:20 249:21
Brilliant 2:11 5:3 178:9
180:9,16,17 181:5,11
181:14,16,17,21
182:3,4,12 183:1,6
184:3,8,12,17 185:8
185:19 213:8 214:7
Brilliant's 184:18
bring 92:16 122:4
154:19 167:12 188:11
192:1 206:9 243:11
354:1 369:17 393:22
394:7 397:2 457:21
459:3,7 462:8
bringing 146:2 164:6
182:1 344:17 436:7
459:5,15
bristle 60:3,6 63:2,4,6
63:12,18 64:12,19
91:11,12
bristles 62:15,20 63:15
92:10
broad 75:21 189:15
228:6 323:4 326:3
428:16
broad- 284:13
Broad-NuTone 6:13
broader 105:19 333:16
broadly 15:14 306:16
Broan 432:5,12,21
433:4,9,13 434:10,15
435:15 436:1
Broan's 434:1,19
Broan- 431:14
Broan-NuTone 2:5
431:19
brought 19:6 91:18
297:1 346:4 467:12
brunt 265:12 439:9
brush 2:12 4:9 59:16,20
60:11 61:18 62:10
63:10 64:11,19,19
91:9,10
brushed 454:12
brushes 60:2 62:14
63:16 64:3 93:8
Bu 300:22
budget 323:10 330:10
buds 352:17 353:17

Buffalo 186:19 191:13
bug 272:13
build 99:2 187:21 216:1
226:12 227:2 234:9
252:7 258:14 328:15
337:1 345:20 353:13
364:21 366:12 377:17
405:18 406:7,7,8,19
406:22 407:2,3 415:6
423:6 427:20 447:17
461:19
builders 25:2,2 211:18
254:12 288:18 323:11
326:18 330:16 441:18
453:7
building 2:17 5:20 37:3
133:14 158:20 180:21
191:19 216:11 220:19
220:21,22 226:18
285:16 315:10,20
316:4 336:19 342:11
351:14 395:1 397:6
397:12,15,20 398:2,3
398:6,9 399:2 421:9
463:16
buildings 397:7,22
builds 186:21 213:22
346:17 383:19
built 252:10 257:10
264:8 334:6 335:19
346:18 352:14 366:14
406:3 427:10 428:9
461:8,15
bulbs 392:21
Bulgaria 291:3
bulk 159:16
bumped 193:3
bumping 193:11
bunch 118:18
bundled 290:14
Burch 1:22 293:20
298:17 304:3 308:21
315:8 320:18 468:13
468:16,19
burden 116:22 139:11
234:15 244:2 268:9
322:10 382:6 391:19
393:14
burdensome 418:9
burn 115:5
Burnett 2:3 4:16 103:17
104:1,2 106:12 144:1
burs 248:10
bus 233:15 234:2
235:19 237:16 251:8
263:7,11 266:15,16
266:21 267:3,12
268:6 270:11,14

buses 234:12 235:3,17
236:5,10,21 237:3,9
237:20 238:16
business 1:19 12:16
19:3 20:9 21:20 26:13
28:12 30:2 33:21 47:4
47:4 48:11 55:7,10
57:1,12 59:11 68:20
71:12,13 72:12 77:20
96:17,19 97:1 105:3,4
108:9 109:18 112:7
114:5,9 115:15
116:14 125:1 126:16
127:4 128:9 130:20
132:4,14 133:7 136:8
142:13 157:12 159:2
160:5 166:17 169:12
176:19 180:22 182:22
183:4,5 184:16 188:1
190:13,15 205:2
236:7 245:8 256:3
278:5 288:12 292:22
295:1 305:18 308:4
331:2 352:3 354:14
354:20 355:2,20
356:6 358:5 363:2
365:1,17 370:5,14
371:22 372:1,8 403:7
420:14 426:20 427:6
429:19 433:16 444:4
444:21 447:18
businesses 23:2 24:1
26:8 30:4 33:18 35:10
36:4 50:2 51:1 115:18
116:22 118:19 125:6
135:9 159:1 176:18
186:4,8 196:2 198:10
198:20 199:3,8
210:13 213:2 237:10
238:22 254:10 266:3
266:6 267:19 308:2
315:3 355:9 358:3,18
360:3 366:18 380:7
380:19 439:12
Busis 1:11,13 327:3,21
327:21 329:1 336:9
342:10 343:9 345:9
346:14,19 349:18
446:14 462:22 463:10
464:4,20 465:2,5
468:13,17
buy 26:18 81:5 95:8
150:2,5 191:4 199:6
212:10 240:20 255:1
272:13 343:20 353:6
364:14 416:6,8
424:10,10,11,11,13
445:22 448:4 452:15

459:13,13 466:21
buyer 47:7
buyers 47:5
buying 424:5
byproducts 80:22

C

cabinet 414:20 417:16
417:18 418:22 424:10
cabinets 2:4 6:9 85:3
88:18 101:5,16
332:16 414:15,19
415:6,13 417:15
457:9,14,15
cable 126:6 247:16
CAFTA 108:22
calamitous 57:21
calcine 312:9
calcined 311:14 312:2
calculators 34:13 35:2
calculus 35:20
calibrated 182:12
California 81:12 98:6
246:18 321:6 353:1
355:16 357:10 426:13
call 65:10 71:20 262:5
272:9 309:10
called 82:16 106:13
114:7 115:1,20
185:19 226:7 241:22
257:22
calling 253:17
camera 405:12
cameras 11:10 225:6
363:12 364:5 369:12
371:17 379:5 405:7,8
405:10
camper 264:6
cams 369:12
Canada 134:6 157:22
158:11 246:10 363:4
Canadian 299:18
cancelled 26:2
canned 429:1
capabilities 15:19,21
123:2 155:17 203:8
223:22 274:22 326:2
330:12 427:12 467:8
capability 71:6 183:10
198:18 216:11 275:1
278:14 399:1
capable 140:11,16
217:8,10 231:8
296:17
capacities 297:18
capacitor 137:16
capital 15:18 24:3
25:18 81:19 226:4

249:9 261:21
Capitol 316:4
captive 155:8
capture 15:6
captured 34:8
captures 213:6,7
capturing 15:1
car 263:6 265:14
364:14
carbide 313:2
carbon 151:20,20
392:18
card 196:6 198:18
253:17
cards 196:10
care 19:22 36:21 240:1
242:17,21 243:3
244:3 332:12
career 74:21
careers 187:6 351:11
careful 394:5
carefully 9:10 182:12
204:20 370:1
cargo 253:20
Caribbean 197:2
Carlsbad 357:10,21
Carolina 65:8 104:12
171:20 172:9 175:3,6
175:11,20 176:4
452:19 453:2,9
458:19 467:19
carpet 294:12 295:2,15
343:17
Carson 2:7 5:15 293:21
294:1,2,3 298:17
333:10,22 342:15
346:16
cartridge 467:16
carved 114:21
cascade 3:7 4:10 73:20
74:4,6,9,22 75:1,9,17
75:19 76:11 78:6,20
97:16 231:21
case 22:8 32:6 39:18
66:9 67:9 152:9
167:18 280:6 312:22
444:2 450:1 457:13
cases 28:6 167:15
324:18 335:1 377:11
397:5
cash 194:11
casing 421:2
cast 417:11 453:21
455:21
casting 421:3
castings 458:14
catastrophic 354:14
356:6

catch-all 32:4
catching 32:5
categorical 436:21
categorically 176:20
categories 87:12
210:14 240:17 251:8
313:1 325:18 349:15
363:20 364:21 365:14
365:17 383:2 448:15
category 40:20 87:9
105:19 189:15 200:5
242:22 270:16 304:18
352:20 353:20 404:10
408:17 428:11
cats 243:13
cause 8:9 18:3 21:7
23:19 30:3 45:4
126:21 177:1,11
178:21 195:22 236:7
247:8 250:13 256:17
261:6 266:2 271:18
273:3 314:10 358:16
369:7 385:11 433:4
caused 84:8
causes 148:18
causing 236:19 387:13
464:8
caustic 448:11
CB 363:5 364:1
CDC 241:12 242:9
CE 364:13
cease 59:6
cedar 2:15 6:3 80:13
81:9 82:12,15 100:2
178:12 362:14,19
366:7
celebrating 437:18
cell 35:1 237:5
cellophane 146:21
cells 235:3,22 236:3,8
237:18 238:15
cellular 240:14
census 117:8 297:6
center 20:3 122:1,2
138:22 210:22 211:17
212:12 213:17 234:1
430:2
centers 36:9,11 121:21
295:7 321:7,20 326:3
Central 108:22
centric 208:1
cents 286:3
century 316:12
CEO 13:4 79:7 80:10
108:6 119:14 124:22
163:20 180:16 194:1
350:12 420:10
ceramic 283:15,16,16

284:4 285:13,16
 286:6,13,16,20
 288:14 289:13,19,21
 289:22 290:5,7
 293:14 294:12 295:15
 321:9 323:9 328:5
 340:19 341:7,10,11
certain 40:14 51:18
 59:21 62:4 68:5 85:17
 90:16 103:4 123:3
 127:9 129:21 131:13
 137:9,16 224:1
 229:22 267:15 289:3
 304:14 309:10,19
 322:9 325:8 349:10
 392:16 393:12 420:16
certainly 25:11 32:5
 48:12,17 159:16
 274:9 328:15 351:21
 401:17 431:2
certainty 345:14
certification 142:2
 197:21 398:17
certified 305:13 390:13
certify 154:7 373:16
CES 181:19
cetera 272:3 313:16
CFR 142:2
chain 29:5 30:15 35:19
 48:12 49:17 55:19
 57:8 63:4 90:18 116:1
 121:13 128:20 133:15
 133:18 134:4 140:13
 152:4 156:14 158:20
 169:5 174:15,19
 175:8 183:14 184:12
 193:1 208:8 216:17
 216:18 217:9 218:1
 225:12 299:4 322:7
 323:1 325:10,12,16
 355:22 356:2 381:6
 387:5 415:10 417:9
 418:9 428:2,4
chains 37:15 123:16
 154:7 229:15 261:4
 271:11,17 367:20
 398:12 411:21
chair 1:13,14,14 4:2 7:3
 11:5 12:18 41:21 52:7
 52:10,20 53:3 93:7
 97:8 99:17 143:20
 147:19 162:11,17
 163:14 192:13,16,19
 205:13 209:6,9,16,18
 209:21 210:1 222:22
 223:3,16 225:8,17
 227:3,7 238:4,8 239:3
 239:7,12 250:2,4,19

250:22 268:1,13,18
 273:15,18,19 278:17
 280:7,9,15,17 281:3,6
 281:8,10,13,16,21
 327:3,21 328:1 329:1
 336:9 342:10 343:9
 345:9 346:14,19
 349:18 374:1,5
 399:17 400:13,17
 401:1,7 404:13 412:8
 413:15,20 414:2,5
 445:20,22 462:22
 463:10 464:4,20
 465:2,5 468:13,17
Chairman 12:21 41:19
 53:12 59:18 89:3
 103:15,20 124:20
 137:3 143:18 163:16
 163:20 205:11 233:8
 268:16 282:7 327:1
 350:3 399:15,15
 414:13 426:2 431:1
 446:14 456:21
chairs 54:11 70:11
 96:12 443:3,7 447:3
challenge 57:9 75:15
 181:2 366:8 447:9
challenges 50:11 75:2
 75:10 93:17 130:9
 204:16 404:10 454:20
challenging 392:8
chance 172:18 345:12
 422:17
Chandler 2:8 5:2 176:8
 176:9,11,13 180:8
 210:4,8 213:3,5 214:5
change 49:6 73:1 86:3
 142:10 146:13 152:17
 177:3 204:18 250:11
 271:17 298:10 394:7
 417:9 430:16 438:8
changed 178:17 187:9
changes 30:22 121:11
 411:21
Changing 291:12
channels 27:11 182:19
Chapin 241:8
Chapter 55:3 59:4
 451:14
Chapters 50:6 448:13
characteristics 41:10
 67:4 408:18
characterized 408:19
charcoal 443:1 444:21
 465:7
charge 223:19 235:19
charged 193:10 237:2
chargers 244:20

charges 309:13
charging 77:16
chart 170:8,9 318:8,9
 394:3
cheap 75:16 99:19
 100:9 110:15 461:17
Chehalis 79:8
chemical 63:11
chemically-tipped 60:5
chemicals 107:6
Cheryl 2:13 5:4 186:11
 186:15
Chester 363:18
Chicago 420:12
chief 68:2 200:3 304:11
 357:3 437:12
child's 353:22
children 243:16 247:22
Chile 77:2 98:14
China's 7:9 13:8 16:13
 34:1 38:21 39:4 52:21
 69:13 74:3 85:10
 102:19 111:4 123:21
 124:2 126:10 127:12
 129:13,17 130:6
 132:10 135:2 161:4
 177:3 188:10,18
 204:17 205:2 231:6
 234:19 237:14,17
 248:20 250:11 254:19
 293:4 296:4 313:20
 358:20 361:1 369:4
 383:2,7 388:12 389:8
 431:3 432:3,22 434:8
 436:7,10 444:1
 448:20 455:13 456:5
 467:2
China-based 134:16
China-manufactured
 109:21
China-produced
 175:14
Chinese-manufactured
 203:19
chip 198:17
chips 81:2
choice 105:17 128:15
 180:7 188:1 252:17
 311:19 326:3 434:11
 450:13
choices 27:7 152:10
 324:11
choose 212:9 398:7
 399:22 447:22 459:14
chose 172:19
chosen 8:8 257:15
Chris 2:20 5:18 29:5
 304:4,10

Christopher 3:9 4:5
 29:1
chrome 454:11
chronic 246:22
circuit 34:20 137:18
 177:16 178:20 211:1
 396:2
circuits 34:21
circumstances 105:21
 174:14 230:1 267:9
 381:8
circumvent 449:4 451:7
cite 155:9
cited 284:1
cities 192:2
citizen 114:3
citizens 113:15 168:10
City 13:17
claim 149:10 230:15
clarify 275:6 333:14
 404:14 460:19
Clas 2:8 4:4 18:20,22
 19:1,2 24:12 44:15,21
 45:3,7
class 82:7 117:9 144:8
 183:6 272:17,17
classes 310:15 313:7
classic 305:1
classifiable 284:5
 286:16
classification 69:15
classifications 309:11
 309:13,21 311:13
classified 20:20 21:1,3
 66:22 73:13 115:7
 358:13 433:20
clay 286:10 293:7
clays 311:14
clean 81:1 287:15
 428:19 455:9,10,11
cleaner 166:17
cleaning 426:15 460:16
clear 97:10 173:8
 179:15,17 240:10
 299:22 335:2 347:3
 389:19 453:5
clearance 408:5
clearly 179:9 240:16
 385:11
Clearwater 29:8
click 39:20
client 347:5,7
clients 56:22 223:15
 299:15
clinical 376:20
clock 417:12
close 22:2 78:8 98:13
 171:4 286:11 340:5

340:13 386:21 450:20
closed 98:3 256:8
 302:11
closely 135:7 222:5
 319:20
closely-held 135:8
 158:22
closer 273:18
closest 289:20
closing 77:22 112:14
 253:17
closure 171:13 368:7
closures 317:4 426:22
 427:5
cloud 203:8 223:14
 233:13
clubs 385:16
CMI 437:17
Co-CEO 131:8
Co-Chairs 1:11
co-founder 200:2
Co-President 426:1
coach 234:3
coalition 185:19
Cobra 363:15
code 28:8,9,9 32:12
 34:9,20 66:4 114:13
 117:9 144:4 151:10
 213:10 214:20,22
 222:18 223:12 303:21
 351:22 352:9 354:13
 356:14
codes 20:22 55:3 59:3
 65:21 66:6 75:21,22
 78:15 110:2 126:12
 142:6 151:9,18
 160:12,19 177:10
 274:10 368:7 415:3
 415:15,17 420:2
 426:10 431:10 456:19
cohesive 454:13
coil 2:14 4:18 113:21
 115:1 116:9 149:8
 160:2 439:18
coils 114:7 117:22
 149:11,20 150:3,11
 150:22,22 151:1
Coincidentally 108:13
cold 248:17 315:16
 317:10 467:18
cold-resistant 406:4
Colin 2:2 5:1 163:17,20
collaborate 187:16
collaborative 191:21
collapse 75:6
collateral 386:18
colleague 367:18
colleagues 164:5

189:19 225:18
collect 378:18 379:8
collected 379:14
collecting 412:2
collections 71:5 291:9
 291:14,19
collective 113:3 352:6
collectively 388:17
 391:10 395:7
college 82:4
color 292:14 417:19
colors 291:9 333:7
 341:20,21,22 342:2,4
Combat 164:10
combating 58:2
combination 88:1
 191:20 435:17
combine 70:21
combined 57:19 75:22
 76:5 388:21 452:21
combines 183:10
come 27:2 53:6,7 79:12
 91:21 94:5 101:2
 103:10,11,13 118:15
 141:4 161:18 162:20
 178:18 182:1 208:18
 221:13 224:2,15
 225:12 227:6 275:3,3
 275:11 277:5 282:3,5
 282:6 302:3 311:10
 335:20 340:2 341:9
 343:3 347:11 348:4
 348:12 349:22 350:14
 362:17 367:16 368:5
 414:9,12 457:15,16
comes 97:2 107:10
 150:2 161:10 218:14
 219:10 229:8 247:9
 249:7 405:13 415:15
 417:3
coming 45:17 89:12
 94:11 98:11 99:22
 101:17 116:21 148:14
 174:20 213:15 297:11
 328:12 333:17 334:19
 335:13 339:4,7 345:8
 415:16 467:1,10
command 260:13
commend 308:13
commends 395:11
comment 8:13 20:21
 329:5 342:13 343:11
commented 100:1
Commenters 289:6
comments 9:7,11 10:17
 16:11 17:20 38:19
 60:10 68:10 88:21
 103:7 112:14 124:14

138:1 141:7 142:12
 195:17 212:19 225:16
 262:6 285:21 290:3
 292:7 293:10 297:17
 329:13 362:10 369:1
 393:5 412:6 463:8
 467:7
commerce 1:15 12:6
 230:12 234:16 322:11
 327:13 382:6 440:11
commercial 20:15 25:2
 25:3 71:1 125:3 142:4
 289:5 304:20 330:4
 330:10 336:19 357:17
 364:3,5 388:16
 397:19
commercially 122:16
 134:2,8 157:6 203:22
 451:5
commission 1:10 26:21
 64:11 168:1 286:2
 317:16 319:12
commissioned 178:19
commitment 423:12
commitments 354:19
committed 61:4,6 64:1
 187:4 192:12 295:19
 361:16
committee 1:3,9 7:7 9:9
 9:11 10:13,14,19 17:3
 24:11 59:19 68:1
 84:10 103:21 105:21
 107:17 119:15 124:21
 131:2 137:4 171:14
 194:10 227:12 233:9
 234:14 264:1 273:5
 282:12 294:8 304:8
 327:5 328:2 338:1
 357:6 362:10 387:18
 388:8 395:14 420:9
 429:13 437:6 439:10
 442:9 446:15 448:18
 451:3,12
Committee's 67:15
 250:10
commodities 417:14
commodity 32:18 58:11
 386:4 420:18 422:13
 422:21 424:6,19
common 70:3 76:19
 203:12 244:2 245:11
 248:14 400:22
commonly 82:16
 179:11 240:13,18
 242:22
communicate 201:8
communication 146:10
 363:22

communities 33:18
 36:14 78:9,22 80:16
 82:6 83:21 320:15
 391:3 446:6
community 36:16 74:15
 74:19 243:11 246:21
 250:14 443:9,12,19
commuter 412:10
companies' 35:7 197:9
 221:20
Companionship 243:13
company's 54:19 71:2
 225:21 350:16 364:19
 367:11 383:22 384:12
 392:8
comparable 183:7
 185:4 319:9
comparative 189:13
compared 111:8,15,22
 159:13 196:22 198:4
 209:13 249:3 259:13
 260:3,11 317:19
 349:7 355:2 402:8
 450:15 466:17
comparing 76:3
compel 298:9
compelled 371:1,4
compelling 386:17,20
compete 66:7 67:1
 78:13 93:9 98:10
 106:9 110:19 133:15
 145:8,21 159:15
 171:20 172:18 174:13
 192:21 238:1 245:2
 246:15 249:11 306:4
 365:12 390:14 405:14
 429:20 430:7 448:16
competing 51:5 83:19
 93:14,18 145:19
 301:6 307:14 325:6
competition 75:6 79:17
 178:16 263:21 289:10
 300:16 365:12 392:2
 428:2 449:18
competitive 17:22
 51:10 98:8 109:3
 110:15 140:4 143:10
 146:8 158:8 192:7
 205:22 226:11 301:6
 307:6 309:18 345:6
 365:11 378:1,17
 393:11 402:16,17
 403:12,13,15,20
 419:6 430:11 447:19
 450:6 459:21
competitively-priced
 135:13
competitiveness 33:19

37:1,13 50:22 105:2
 131:15 180:4 205:20
 245:5 315:3 390:22
 396:13,20 431:5
 456:11
competitor 44:21 145:2
 166:16 174:12 220:15
 289:20 402:9,11
competitors 42:5 44:20
 51:6,6 61:22 62:7
 64:2,17 89:16 92:16
 98:2 99:6,8 108:20
 134:12,16 139:10,13
 139:19 140:5 143:4
 143:11 144:20 145:5
 157:20 158:6 159:14
 169:21 204:14 205:18
 220:3,5,5 226:16
 275:2,4 290:13 302:2
 307:17 322:17 336:3
 377:13 393:12 396:15
 399:22 400:10 402:8
 419:19 432:14 435:12
 435:18 436:1 450:15
 456:14
competitors' 99:20
compilations 130:14
complain 285:19
complaining 35:6,7
complaints 285:10
complete 61:22 181:5
 263:8 309:14 448:2
 459:3,7 463:1
completed 198:1 206:6
 287:11
completely 225:11
 258:21 430:10
completion 307:4
complex 217:9 307:21
compliance 111:3
 113:4 142:3 148:10
 154:3,8 155:21
 188:12 368:18 389:20
 418:12,13 455:3
compliant 154:20
complicated 339:5
 421:6
comply 105:1,10
 112:17 142:2 418:20
 418:20
complying 110:17
component 31:3,14
 48:5 141:12 142:15
 158:12 190:4,22
 193:4 218:3,4,16
 219:7 222:10,10,11
 222:13 229:11 293:1
 324:15,19 393:9

413:14 415:4 453:11
 454:6 456:7 463:7
components 34:22
 37:2 49:9,20 125:3
 127:12 134:13,17
 137:9,14 139:16
 140:6,9,14 141:14
 142:8 143:14 156:7
 156:16 157:22 159:16
 161:7 166:9,11
 177:21 184:8 187:20
 202:16 203:12 204:9
 207:4 209:14 215:18
 216:19 217:11 221:13
 221:17 222:9 256:7
 257:19 261:2,9,16
 270:11 286:20 364:8
 364:10 390:4,7,10,11
 392:22 395:22 412:16
 412:21,22 413:4,8,21
 415:13,16 417:5
 418:6,10 419:8,15
 433:10,14,22 443:4
 452:9,12,15,20,21
 453:4,15 455:14
 456:10 457:21 462:11
 463:3
composed 185:20
composite 41:1,1
compound 72:13
compounded 171:22
compounding 30:1
comprehensive 54:12
 389:13
comprised 34:17
compromised 202:9,12
computer 191:11
 369:11 371:16
computers 177:16
 186:18,22 187:21
 189:6,17 190:3 191:6
 191:20 192:6 193:3
 193:12 219:11,13,17
 219:19 220:6 410:7
 461:11
Comstock 2:9 5:7
 227:8,9,11,12 233:4
 268:22 269:7 270:6
 310:8
Conceicao 1:15 12:1,2
 47:20 48:19 49:8,22
 50:3 93:19 94:17
 95:12 153:11 156:3
 156:18 162:22 163:1
 217:17 219:8 221:5
 277:7 278:11,16
 327:9,9 337:8,11
 338:2,5 339:12

410:14 411:3,9,13
 466:6 467:2,5
concentration 261:1
concept 178:17
concern 28:7 29:19
 74:2 75:20 105:19
 177:14 195:6 230:22
 330:11 457:20
concerned 29:16 40:9
 74:17 185:21 199:7
 214:9 215:8 263:17
 340:8 429:7
concerning 141:9
 142:14 313:8
concerns 21:6,7 53:21
 91:14 179:13 186:8
 195:11 214:8 287:19
 365:4 379:18 389:8
 400:19 425:18 426:8
 456:5,9 468:10
concise 11:3
conclude 11:6 107:18
 192:17 238:9 239:4
 250:5,19 268:2,13
 374:2,5
concluded 134:1
 143:18 322:8 383:7
concludes 41:19 89:3
 205:11 268:16 327:1
 399:16 437:4 456:21
concluding 9:20 250:6
conclusion 11:14 37:16
 63:17 119:2 303:15
 356:4 424:17 430:13
conditioners 140:18
 161:3
conditioning 131:10,17
 137:11 157:1 162:2
conditions 441:10
 443:21
conducting 283:5
 391:16
conduit 202:20
conference 369:12
 371:17
confidence 26:15
confident 140:12
confidential 142:13
 168:12 297:16
confidentiality 21:21
configurations 258:22
confirm 237:1
conflict 164:12
confusing 230:20
Congoleum 2:20 5:18
 304:5,11,12,16,19
 305:1,5,9,21 306:6,11
 306:13 307:5,8 308:1

308:17 345:2
Congress 106:2
congressional 380:3
Conjointly 115:19
conjunction 7:6 266:10
connect 34:18
connected 34:9,10
 177:17,18 178:21
 179:7 211:12 213:7
connection 7:8 212:12
 231:22 380:1 385:2
connectivity 201:10,17
 201:18
connectors 247:16
connects 201:6
conscious 240:6
 323:10
consensus 307:19
consequence 215:15
 254:19
consequences 73:8
 121:4 302:8 303:11
 303:17 423:15 435:11
Consequently 236:5
 383:9
conservatively 132:20
consider 9:10 33:14
 47:1 84:10 221:2
 256:20 264:1 428:21
 439:11
considerable 57:9
 142:21 287:1
consideration 32:21
 131:1 199:17 233:1
 374:16 392:10 394:5
 425:17
considerations 181:1
considered 62:18 70:5
 74:7 189:12 228:8
 229:20 298:12 313:4
 354:12
considering 9:1 14:19
 76:9
consist 70:9 149:15
consistent 19:6 67:3
 372:18 454:12
consisting 151:1
 397:16
consists 176:16 239:21
constantly 202:5
constants 391:22
constrained 267:8
 268:5
constraints 90:21 91:1
 303:6 452:17 453:16
constricting 324:10
construct 70:2
constructed 138:11

- construction** 25:9,19
25:22 26:16 28:20
39:16 41:8,14 87:20
125:4 127:20 135:17
157:14 216:5 231:18
246:5 307:3 316:16
395:18 397:5 437:15
438:22 439:3,8,20
440:1,7,18 441:20,22
442:3
- constructive** 130:11
- consultant** 299:2
- consultation** 230:4
- consultative** 232:9
- consulting** 299:15
- consumable** 114:22
- consume** 276:22
- consumed** 115:20
116:6 229:5
- consumer** 2:8 5:2 20:12
23:5 25:1 26:14 27:3
27:6,8 31:17 34:7,22
57:18 59:1 61:15 69:6
69:14 70:1 114:17
115:22 142:3 150:21
151:16 161:18 176:8
176:14 177:8 179:3
182:15 183:8,13
198:4 206:17 210:17
211:11 212:7,13
214:3 216:7 220:7,10
224:11 235:16 239:19
240:4,6,9 241:3 253:6
272:1,6,15 287:15
290:21 320:8 322:5
333:4 335:1,3 342:7
355:20 356:10 364:3
369:11 382:19 387:8
387:15 392:17,18,20
411:21 426:19 428:10
429:5 435:11
- consumer-** 92:6
- consumers** 23:8 30:20
33:18 34:6 35:8 40:15
58:21 64:7 68:21 73:5
101:21 104:4 120:10
161:22 166:2 167:13
177:13 179:11 195:2
202:15 203:15 204:2
204:4 223:5 227:22
228:10 237:8,10
238:22 239:15 240:14
240:19,20 242:10
243:22 265:11 266:3
266:8 267:20 268:12
272:16,17 277:5
286:22 322:22 323:2
323:5,7 325:6 326:2
- 326:18 332:2 358:2
358:18 359:16 361:5
366:18 369:8,18
375:10 377:4,12
384:2 419:21 425:6
428:6,16 429:3
430:18 439:13 441:16
447:22,22 450:13
454:15
- consumers'** 296:18
324:11
- consuming** 229:17
361:20 381:5
- consumption** 116:11
307:2 318:21
- contain** 130:4 173:12
256:21 293:2 304:19
- contained** 38:17 88:19
- containers** 83:5,6,7
92:9,10
- containing** 235:20
- contains** 60:8 68:8
137:21 211:8
- content** 49:19 209:13
- CONTENTS** 4:1
- continent** 277:4
- Continental** 2:10 6:14
437:9,13 441:13
- continually** 398:4
- continue** 17:8 32:22
36:11 60:21 107:18
133:19 136:8,15
177:5 234:9 236:18
237:21 238:3 265:9
266:6 267:16 296:4
296:15 361:13 380:14
389:12 434:11 439:5
- continued** 75:10 78:20
348:3
- continues** 167:8 173:3
368:3
- continuing** 233:19
- contract** 135:20 166:8
321:16 363:16 366:9
366:15 400:11 402:3
403:11 409:18 410:4
437:22
- contracted** 136:2
- contraction** 31:17
- contractors** 25:6,14
27:12 47:16 51:9
288:18 312:16
- contracts** 50:18 51:4
128:3 135:15,16
231:20
- contractual** 354:18
365:7 390:4
- contradicts** 179:9
- 315:5
- contrary** 130:10 371:7
449:9
- contrast** 118:6
- contributed** 370:18
- contributing** 432:2
- contributions** 33:1
- contributors** 185:9,17
- control** 109:14 140:22
181:5,5,8,11,18 182:3
182:5 183:6 229:15
246:13 254:21 301:4
379:6 410:3
- controller** 386:2
- controllers** 382:21
384:5,12 385:6 396:1
410:19
- controls** 17:4 202:2
211:15 403:15 410:13
- conversation** 350:10
- conversations** 103:12
- convey** 116:19 117:10
447:6
- convince** 246:2 423:5
- cook** 428:20
- Cooper** 280:2
- cooperate** 190:20
- cooperated** 168:8
- coordinated** 17:12
- Cop** 13:1
- copied** 285:19
- copies** 228:14
- copper** 14:12
- copying** 284:1 285:22
329:14,17
- core** 31:11 54:20 215:3
- corner** 200:20
- Corp** 2:11,13 5:4
385:22
- Corporate** 288:5
- corporation** 2:20 3:1
5:18 6:15 26:20 27:5
163:21 186:12 190:10
263:2 304:5,11
383:14 384:4,7,15
442:17,22
- correct** 144:5,6 278:15
280:10 458:15 468:11
- correctly** 223:1 407:16
- corundum** 311:14
- cosmetics** 183:9
- cost** 22:22 25:6 30:9
45:12 50:17 61:16
69:7 76:9,19,22 77:6
78:13 96:5,7,14 98:11
110:10 111:1,2,6
120:18 122:22 123:20
127:1 138:13 146:5,6
- 149:20,21 150:4,6,10
150:11 152:15 154:16
155:21,21,22 160:16
161:17 166:10 174:9
179:8 183:11,21
190:2 197:19 206:11
206:17 208:21 210:12
215:11 219:22 220:7
226:11 242:6 249:16
250:17 253:1,11
265:12 266:1,7
267:19 271:18,20
272:15 273:2 278:12
292:2 303:7,19 314:4
318:4 354:16,22
355:12 386:10 397:6
397:12 401:13,19
403:19 423:17 428:4
429:4 435:17 439:9
441:14 445:5,8,18
446:2 456:3 461:16
- cost-** 128:20
- cost-competitive**
460:21
- cost-effective** 133:14
133:19 441:5
- cost-effectiveness**
161:10
- cost-prohibitive** 361:20
- costing** 96:6 425:3
- costlier** 377:11
- costly** 57:13 191:5
381:5 391:20
- costs** 22:13 23:8 31:6
40:13 51:19 52:17,18
64:6 71:15 72:7 77:10
77:11,14,15,17 96:2
100:13 111:3,7 127:3
128:8 136:4 162:7
166:13 169:7 182:14
183:18 184:2 206:12
206:12,21 213:22
253:5,19 254:2 262:9
265:11 267:21 302:4
303:5,18 343:21
347:20 359:2,5,6,7,14
359:22 365:10 376:3
376:19 380:20 385:18
392:1 396:18 397:4,8
397:16,17,21 398:6
401:16 402:2 409:5
427:8 429:3 435:18
441:15 443:16
- Council** 2:3 3:11 4:6
5:13 33:5,11 282:8,17
282:18 283:3,10
284:6
- counsel** 170:6 186:16

288:5 292:5 375:3
414:18 431:18
counter 18:9 228:3
321:4 322:2 324:17
330:21 332:14 336:21
341:19
counterbalance 18:13
counterfeit 360:15
counterparts 283:6
counterproductive
65:18 180:1
countervailing 40:6
66:9 88:6 252:2
countries 81:14 297:22
311:10
countries 27:22 41:6
45:6 47:22 48:10,22
49:9,15 50:7 69:20
72:16 73:18 90:6,8,19
93:2,4,22 94:10,16,22
95:5 102:8 108:21
111:22 128:19 134:7
139:15 153:16 216:3
216:9,13 217:20
218:10 219:14 225:12
231:8 248:18 255:3
264:19 265:15 266:5
266:17 267:5,15
271:12 274:15 275:9
277:4 278:22 279:9
279:10 283:6 287:4
291:2,6,12,16 317:3
328:16,18 332:6
335:21 340:10 346:11
371:18 389:17 395:8
416:22 434:22 455:22
460:20 461:20 463:15
463:22 464:14,17,18
466:11
countries' 40:18 278:19
country 13:19 26:9
42:18 47:11 70:19
91:4 94:5 109:18
112:21 113:15 122:16
124:9 151:12 152:4
206:14 215:13,21
226:1 267:7 270:3,4
271:8 296:21 315:22
316:19 348:15 371:13
387:3 408:11 423:12
424:21 454:4,19
455:15,20
country's 124:3 169:18
couple 76:10 86:9 95:4
150:2 200:4 210:14
228:18 271:16 277:17
465:16
coupler 32:9

courage 248:13
course 29:14 35:16
76:13 106:4 174:22
197:12 219:15 344:5
345:10 346:21 382:21
court 366:19
cover 19:13 77:13,17
83:17 95:1 177:18
320:6 415:4 429:22
covered 67:11 101:4
114:19 205:7 284:7
393:13 399:3
covering 8:16 26:10
38:14 88:16 368:8
389:1 395:22
coverings 24:20,22
40:17 52:16
covers 66:21 138:18
444:14
Cowles 2:9 4:8 53:13
53:15,16,17 59:14
89:6,10,18 90:1,4,7,9
90:13,22 91:5
Cowlitz 80:6
CPI 31:9,11
crack 224:16
craft 372:21
crafted 122:20
craftsman-based 96:22
craftsmanship 96:13
craftsmen 27:17 70:11
Craig 3:7 6:5 388:2,15
Cramer 2:10 6:1 350:4
350:6,7,12 356:20
399:20 400:9,16,21
401:2,8
cream 461:4
create 106:9 131:16
191:1 208:5,6 289:10
296:11 360:6 372:3
421:8 446:5
created 108:14 166:2
166:21 178:12 181:14
184:18 200:5 257:7
396:18 400:17
creates 145:17 166:4
creating 55:18 78:11
107:13 187:5 201:10
277:13 351:2,12
443:8 445:11
creation 36:11 181:3
277:13 278:13 366:4
433:17 436:21
creative 361:11
creators 351:10
crime 359:11
crippling 127:14 171:1
crisis 31:10

criteria 179:16 385:4
critical 13:18 14:11,20
105:22 107:13,14,14
164:12 166:6 183:9
190:4 229:4 235:13
238:6 245:1 270:1
296:14 313:12 398:8
433:16 452:21 454:9
467:15
crops 443:11
cross 323:17
crushed 337:4
CT 60:5,6 62:15,22 63:2
63:11,12,19 91:11,14
92:11 93:1,3
CTA 176:20 177:10
178:19 179:12 181:19
cups 353:21
curb 228:5
curious 44:9 467:8
currency 18:15 188:18
443:17
current 18:11 31:12
36:10 71:20 83:13
88:5 113:10 134:3
136:9 154:14 170:9
172:15 173:2 228:1
252:4 260:6 264:12
300:20 328:7,13
331:15 340:6,14
387:7 422:19 424:18
431:4 434:18 440:17
446:5
currently 26:4 28:4
30:21 32:1 62:16
76:17 77:3 82:11 84:8
86:11 89:8,12,13
97:20 99:10 123:10
124:5 134:2 166:11
186:21 189:21 190:6
191:14 198:7 228:7
231:3 235:6 236:4
251:22 252:11 262:16
264:13 265:5,16
267:2 270:17 274:16
298:2 306:22 307:3
315:14 331:17 332:18
338:14 347:19 348:16
398:22 422:10 426:1
443:19 448:22 452:16
curtail 64:8 71:18
curtailed 98:5
custom 448:4 450:14
customer 72:11,18
117:19 121:8 133:21
152:9,19,22 153:2,8
252:21 285:8 288:17
299:20 355:13 360:1

437:19
customer's 459:9
customers 20:2,6 21:8
22:16 23:1,6 26:1,18
30:5 36:8 39:14 41:7
55:9 56:18,20 57:17
57:22 67:15 68:13
72:8,9 78:7 87:18
117:16,17 118:4
119:18 120:12,13
121:11 122:15 123:7
123:17 125:18 127:16
128:2,3 129:5,9
130:21 132:5 152:10
153:3 154:4,6 156:2
169:8 175:1 187:17
194:8 245:3 256:19
260:18 263:19 288:10
288:21 331:21 332:11
357:17,19 359:5,6
360:2 366:4 385:15
395:17 396:18 397:10
399:9 423:18 424:5
441:16 458:22
customers' 21:22 46:11
69:7 131:18
customs 12:2 163:1
217:1 327:10 374:4
407:22 408:5
cut 55:10 80:19 293:8
341:8,14 448:6 449:6
449:13 450:5,8
cutback 86:11
cutters 461:3
cutting 77:9 78:12
249:16 263:15 283:5
324:16 355:1 365:18
380:15 384:21
cutting-edge 135:1
cyber 130:13 380:6,8
384:17
cyberhacks 168:11
cybersecurity 202:8
cycle 72:15
cypress 82:14

D

D.C 1:10 33:11 316:3
336:18
Daikin 138:7,10,12
Daikin's 139:4
daily 201:12 428:19
Daltile 294:19
damage 59:13 73:5
386:18 387:13
damaged 72:20
damaging 190:16 285:8
danger 31:16 54:21

- dangerous** 110:20
DARPA 164:9
dash 363:11 364:5
 405:7,8,10,12
data 36:9,11 52:13
 82:21 83:3 117:8
 141:20 210:22 211:17
 212:12 213:17 286:2
 317:15 337:19 373:22
 375:22 378:19 379:1
 379:9,11,14,20
 428:22 429:9
database 118:3
date 305:4
dated 293:7
dating 304:22
David 2:4 3:2 4:20 5:2
 124:17,21 170:3,5
day 9:21 48:11,12 51:14
 125:5 152:11,13
 164:5 175:5 278:8,9
 358:4 415:5 443:11
 468:15
day-to-day 36:6,20
 370:5
days 9:20 61:7 174:16
 193:5 254:5
dead 200:17
deal 51:7 97:19 154:6
dealing 100:4 135:8
 188:3
dealings 292:22
deals 171:19
decade 29:21 160:22
 447:17
decades 15:17 32:18
 56:6,14 66:16,20
 113:3 180:6 290:11
 318:9 370:12 387:9
decibel 400:15,21
decibels 353:21 401:4
 401:5
decided 341:1
decision 31:1 55:11
 198:6 225:21 254:8
 403:7
decision-making
 179:14
decisions 30:19 179:17
decisive 372:17
declaration 373:22
declare 408:3
decline 109:3 245:6,7
 348:3 429:16
declined 56:6 105:5
 251:19 317:12
declines 317:14
decoration 3:12 4:6
 38:4,8 51:21 285:1
decorations 102:1
decorative 68:22 324:3
decrease 25:12 116:3,5
 116:11 243:14 262:11
 314:9 331:2 360:1
 361:5 427:4 456:11
decreasing 330:22
dedicated 60:12 61:3,6
 125:18 155:11 234:2
 404:22
deep 74:2
default 25:9
defect 241:22
defective 219:5,6
defects 417:21 454:13
defending 58:8
defense 313:13 378:22
defer 398:7
deficit 189:1,8
defined 176:18 310:1
defrauding 285:7
degrees 82:4 310:20
delays 183:19 217:1
delicate 416:14
deliver 101:15 136:2
 166:1 174:22 384:1
 446:1
delivered 76:18 445:5
delivery 193:13 326:1
 445:6
Dell 191:7
demand 15:5 16:17,17
 16:19 18:5 42:5 57:3
 86:19 87:2,4 89:12
 97:18 99:1 129:9
 147:5,14 179:4 231:6
 231:17 258:6 261:17
 262:11 264:12 265:4
 265:18 266:20,22
 267:5 272:10,20
 278:13 296:20 302:14
 307:4 324:10,22
 328:5,9 331:14
 334:14,17 335:8,19
 338:9,14 340:6,14
 342:1,4 379:16 423:2
 424:22 439:1,4 441:8
 465:10
demanded 267:13
 438:22
demanding 125:20
 398:16
demands 46:6,11 56:3
 56:20 87:14 298:2
 331:17
demonstrate 30:7
 237:4 297:17
density 300:12 347:14
department 1:15,15,16
 1:17,17,18,18 11:21
 12:5,10,13 20:4 100:4
 141:20 163:10,11
 230:11 247:17 248:11
 269:9 327:8,13,19
 378:22 440:10
departments 61:1
 312:17
depend 14:16 122:15
 306:14 359:11
dependent 71:5 75:18
 132:22 150:18
depending 413:10
depends 132:6 133:6
 413:14
depleting 303:4
deploy 224:11 410:10
 410:12
deployed 164:11 165:3
deposits 286:10 311:17
Depot 81:6 127:18
 239:20 353:7 459:10
depreciation 18:14
depressed 317:3
depressing 285:11
depression 26:12
Deputy 327:22
Derek 5:11 262:20
 263:1
derived 445:8
Derrick 3:3 4:4 24:13
 24:17
describe 150:7 336:11
described 9:5 72:22
 82:15 236:13 370:3
 410:17 432:3
describing 214:14
 407:17,19
Desiderio 381:20
design 3:3 4:4 24:14,18
 27:2,9 45:16,18 54:5
 61:1 89:19 90:1
 165:20 166:7 178:4
 181:13 187:18,19
 237:1 285:15,17
 355:15 360:6 363:16
 366:13 372:1 390:11
 405:3 421:1 468:5
designed 41:8 77:18
 80:18 129:3,20
 131:18 165:7 181:16
 182:5 202:19 354:5
 370:2 397:7
designer 352:16
designers 68:12 187:16
 292:14 326:19
designing 133:7
designs 24:21 115:2
 168:12 186:21 285:19
desire 416:20 454:5
desired 434:13
desktop 177:16
despite 178:15 192:8
 284:9 295:20
destabilize 236:19
destinations 102:3
destroy 290:18
destructive 177:5 232:3
detail 38:19 141:8
 207:9 208:20 274:19
detailed 27:15 195:17
 271:14 426:10
detailing 126:10
details 16:10 42:9 44:9
 92:22 142:14 170:8
 237:1 245:17
detectors 363:15
 392:19 405:1,5
deteriorating 443:21
determination 432:4
determinations 230:19
determine 373:11,12
determined 7:15
 206:20 314:20
determines 467:17
determining 385:5
deterrence 451:1
detriment 204:10
detrimental 127:5
 167:17 237:15 278:4
 381:7 395:15 426:20
devaluation 78:17
devastate 179:5
devastated 247:9
devastating 24:20
 53:22 59:8 76:11
 402:20 450:22
develop 15:18 21:10
 23:22 95:6 200:7
 243:16 291:19 292:14
 325:15 328:9 360:7
 361:13
developed 40:21 62:22
 67:1 91:16 154:12
 164:8 165:7 166:20
 409:9
developer 65:9
developers 25:5,17
 288:18 330:17
developing 17:13 63:10
 129:6 353:22
development 21:11
 25:17 37:7 56:11
 113:1 138:22 165:9

165:16,20 169:2
 227:14 236:12 253:9
 253:15 285:15 308:6
 338:16 370:8 384:11
 391:16 430:3
developments 330:10
develops 357:12 360:4
 383:18
device 114:19 150:1,5,9
 181:12 183:15 203:9
 214:16 215:1,19
 216:1 223:18,20
 224:5
devices 34:9,12,12,18
 115:1,20 177:17,18
 177:20 178:12,21
 179:7 181:7,9 187:12
 191:4 199:6,13
 201:13 202:12 211:12
 211:12 213:7 220:1
 221:18 222:7,8 223:6
 223:11 224:3 225:3,4
 225:6 375:19 376:4
 377:17 378:18
devote 285:14 390:17
Devoting 142:21
Dexstar 257:22 258:2,7
DHS 162:21
diagnose 165:1
Diamond 27:13
die 421:2 455:21
Diego 376:8
difference 229:6 286:8
 303:4 349:16
different 41:2 75:2
 111:13 115:2 126:2
 152:17 153:12 216:3
 258:21 259:2,18
 260:15 263:9 274:9
 274:10 276:10,12
 291:15 299:8 311:8
 311:10,15,16 331:21
 331:22 332:2 334:1
 334:16,18,21 335:9
 336:16 337:2 339:6
 348:22 349:11 404:15
 406:15 416:7 421:12
 421:14 422:19 427:10
 458:12,13,14 461:14
 461:15
differentiate 294:16
differentiates 220:20
difficult 44:18 57:13
 71:3 75:8,14,17 96:9
 96:10,21 106:14,16
 158:2 210:6,10 345:7
 404:6 418:3 421:7
difficulties 127:9 221:9

difficulty 45:5 56:12,20
 410:17
digital 179:20 202:2,4
 375:12 377:2
digitally 305:10 344:19
digits 318:18
diligence 21:21
dimension 67:3
dining 90:15
dioxide 244:21
dip 196:10
direct 10:15 36:19
 41:19 58:22 89:3
 143:18 189:22 205:11
 205:17 268:16 275:17
 300:6 327:1 344:4,5
 393:3 399:16 456:21
directed 39:19
directly 15:4,7 16:5
 17:1 48:3 64:17 81:21
 100:19 101:2 132:22
 145:8 191:4 201:6
 225:19 293:11 306:4
 395:9 456:8 465:15
director 19:2 33:9
 227:13 282:16 368:18
 388:16
directs 17:4
dirty 454:7
disadvantage 111:8
 140:4 172:16 206:22
 355:2 393:11,19
 423:11 450:15
disadvantaged 172:22
disadvantages 319:4
disagree 340:11
disagreement 342:12
disastrous 133:5
disc 382:22
discernable 419:19
discernible 254:1
discharge 455:10
discontinuations
 291:21
discontinue 121:2
 291:13
discontinued 226:19
discount 120:1
discourage 168:18
 451:3
discrepancy 286:7
discrete 195:12,19
discretionary 31:17
 71:18
discriminate 382:5
discriminatory 126:11
 228:6 232:6 383:4
 433:1 434:9 436:8

discuss 59:20 68:4
 119:16 137:8 241:6
 247:4 309:21 395:15
 400:3,7 411:17
 420:15
discussed 24:6
discusses 68:9 137:22
discussing 28:12 85:12
 319:7 336:14 343:8
discussion 346:20
discussions 389:15
disease 241:10,17
 376:21
diseases 241:11,15
 242:12
dismiss 468:14
disparate 428:17
displaced 189:3
display 64:15
disproportionate 30:4
 167:12 186:3 196:1
 198:14 256:18 266:2
 358:16 369:7,17
 385:11 433:4 439:11
disproportionately
 69:22 178:2 185:14
 323:14 435:10
dispute 423:9
disrupt 236:6 261:3
 291:1
disrupted 165:8 343:14
disrupting 334:19
disruption 39:13 41:14
 344:1
disruptive 278:10
dissolution 301:3
dissuade 190:21 204:2
distant 246:11
DiSTEFANO 2:10 6:14
 437:8,10,11 442:15
 463:11,12,19 464:1
 464:12 465:1,3
distinct 52:3
distort 236:20
distorted 234:19
distorting 188:19 232:7
distracts 278:5
distribute 114:8 262:9
 420:17
distributing 114:18
distribution 47:10
 121:21 122:1,2,7
 123:8 295:7 321:7,20
 326:3 344:3 420:13
 430:2
distributor 47:7 233:16
 263:5 272:3 321:3
distributors 26:1,7

27:11 47:5 81:7
 127:17 132:19 288:14
 288:19 290:19 326:19
 367:11 420:19 437:14
District 168:9
divert 302:21
diverted 391:14
divided 77:5
division 19:15,17 20:6
 20:11 22:1,15 109:8
division's 19:18
DJ 3:6 6:4 381:16,22
 382:2,10,13,18,21,21
 383:13,14,17,19
 384:2,4,5,7,15 385:6
 385:13,14,22 386:22
 387:10,18 410:18
 411:4
DJ's 383:1 385:2
DJA 382:1
Dobermann 251:6
docket 11:14
doctors 165:1
document 116:15
 319:11
documentation 141:17
 373:11
dogs 243:13
doing 119:1 192:7
 197:7 217:10 224:21
 226:21 308:14 334:10
 338:15 355:19 380:17
 435:1 459:6
dollar 2:22 4:19 119:10
 119:14,20 120:1,7,7
 120:11,22,22 121:1
 122:10,11,22 151:7
 151:16,19 152:11,11
 152:16,18,19 153:6,6
 239:20 243:18 306:19
dollars 26:21 52:19
 76:10 127:2 128:4
 129:2 159:8 183:22
 197:20 278:8 283:11
 292:2 296:1,13 297:7
 325:15 337:13 353:12
 380:15 389:5 409:15
 421:8,18 423:8 425:3
 459:19
domestic 14:15 16:17
 26:22 27:19 30:16
 42:6 49:12 56:5 60:2
 66:15 67:1 80:12
 82:11 86:7,8 97:17,18
 98:22 99:1,2 110:11
 140:15 141:2 144:19
 147:13,14 160:14
 161:11 172:9 185:3

231:18,21 232:1
 246:9 257:21 259:8
 259:11 270:13 277:9
 278:2 286:5 301:16
 302:14 307:2 314:16
 317:20 318:1 324:1
 328:4 331:7 340:13
 341:7,17 342:6
 347:18 390:8 393:12
 398:21 410:20 411:1
 413:9 430:7 432:11
 465:9
domestically 50:7 60:7
 62:4 66:7 94:3 106:10
 106:17 107:16 140:13
 152:14 229:13 238:1
 274:15 275:9 277:14
 283:11 299:12 306:9
 307:8 313:7 340:9
 341:21 342:5 434:6
dominance 228:3
dominant 297:20
 300:17
dominate 133:17
dominated 187:22
 189:14 218:19
door 76:18 111:18
doorbell 201:15
doors 54:10
dormitory-type 133:10
double 25:21 112:7
 338:21
doubled 52:18 290:6,8
 326:8
doubly 184:6
doubtful 161:17 347:22
downsize 35:21 326:12
downsizing 249:16
downstream 17:14
 25:11 71:15 86:17
 101:13 132:19 237:18
 268:10 286:19 377:4
downtime 46:10
downturn 75:3 334:14
downturns 157:16
downward 249:14
dozens 192:2 312:7
draft 238:17
dragging 29:22
dramatic 181:1 188:8
 261:22 286:7 364:18
 365:9
dramatically 72:14
 187:9 262:12 286:4
 334:16 447:12
drawer 461:6
Dre 353:16 355:4
dream 74:8 82:8

drilling 228:22 299:4,7
 299:19 301:12 303:12
 303:18 314:9,14
 348:1,11
drive 22:15 77:19 171:3
 253:5 277:18 324:9
 363:13 380:20
driven 110:6 236:18
driver 364:8 403:8
drivers 254:11 405:21
drives 434:8 462:13
driving 76:14 364:9
 405:22
drop 179:4 302:18
 447:12
dropping 254:3
drug 248:1
drums 354:1
DTP 138:13,20,21
 142:18
due 10:19 22:17 30:22
 40:6,20 54:21 56:3
 57:7,9 63:7 83:11
 97:21 105:2 108:22
 109:6,20 115:12
 166:9 186:1 234:21
 242:16 260:21 261:18
 262:1 303:4,7 319:14
 357:22 367:13 422:18
 423:11 427:16 441:2
 443:22 453:16
dumb 223:20
dump 287:5 346:12
dumping 90:14 188:21
duplicate 406:20
duplicated 27:18
durability 264:9
durable 41:3 304:20
DuraCeramic 305:7
Durkan 294:19
dust 455:5
duties 13:11 14:21 18:2
 22:20 23:10 28:4 39:8
 57:10 67:6,13 85:6
 86:6 87:17 119:17
 120:16,18 121:19
 122:5 123:19 124:6
 124:12 126:20 128:2
 151:15 170:11,12,14
 170:18,21 173:5,20
 174:17,21 176:1
 252:3 255:8 256:17
 265:21 267:3 295:12
 297:12 329:2 338:6
 358:11,15 360:22
 361:3,15 362:7 369:2
 369:6,10,16 373:8
 374:9 383:9 385:10

387:20 395:16 396:10
 396:12 397:11 398:2
 399:7,11 411:18
 423:13 426:8 435:21
 438:12 441:7 449:4
 450:17 451:8 463:14
 463:17
duty 7:19 8:2,15,19 9:2
 13:14 17:18 18:7,8,13
 24:8 40:7 66:9 71:11
 82:22 88:6 115:16
 126:18,19,22 129:15
 131:13 132:2,3
 172:12,20 174:2,3,4,8
 175:15,15,16,16,17
 175:18 198:14 208:12
 219:11,12 235:5
 265:20 266:11 279:19
 286:18 318:22 396:6
 444:10,11 448:20
 449:3,22 450:18
duty-free 170:21 173:13
dwarfed 449:15,16
dwarfed 402:7
dying 123:4
dynamic 231:11
dynamics 277:17

E

E 1:10
e- 34:12 116:5
e-cigarettes 149:19,21
e-liquid 115:20 116:8
e-payment 378:20
e-readers 177:19
e-tail 353:5 364:13
Eads 2:11 4:17 108:3,4
 108:5,6 113:20
 147:11,15 148:3
ear 352:17 353:17,21
 353:22
earlier 96:7 147:20
 171:15 321:14 360:5
 396:6 423:22 430:21
 467:7
early 75:6 190:13 226:9
 294:22
earmarked 391:12,13
earn 114:6 120:13
earnest 394:2
ease 243:15 378:16
easily 45:9 214:17
 338:21 368:5 386:5
East 50:15 102:6
eastern 290:1
Eastman 19:11
easy 109:20 277:21
 332:17 458:6

eat 272:14,15
ECM 3:2 4:20 124:17,22
 125:1 126:1,8,21
 127:11,14,14 130:3,7
 130:10
ECM's 125:7,21 126:16
Ecolink 357:9,9,14,20
 358:22 359:1,4 360:4
 360:9 362:3 401:18
 401:18
Ecolink's 358:3 360:7
 360:10,14,18 361:7
 361:19
economic 11:17 15:18
 17:13 18:3 29:20 30:4
 37:12 41:14 69:21
 71:10,14 106:10
 115:16 119:6 157:15
 158:3 196:1 248:18
 248:21 256:18 261:7
 264:1 331:22 358:17
 369:7,18 371:20
 372:11 385:12 391:5
 423:14 433:4,6
 435:10 439:11
economically 129:8
 157:16 159:17 160:6
economics 159:4
economies 182:17
economists 118:17
 441:17
economy 8:10 14:18
 17:16 26:10 28:17
 29:22 33:1 47:13 73:7
 83:16 167:18 169:19
 177:9 185:10,13,17
 186:2 187:10 194:18
 195:3 227:21 262:5
 266:13 291:1 305:20
 334:13 351:6 424:15
 424:16
ecosystem 210:18
 212:16 405:17 406:13
 407:2
edge 263:15 283:5
 380:15 384:21
education 20:1 187:1
 187:14 247:3
educational 36:16
 133:10
eero 3:2 5:5 199:21
 200:3,6,9,16 201:6,22
 202:17 204:11,16
 223:6,6
eero's 201:1 202:5
 203:1,5,14,16,20
effect 24:20 25:11,19
 30:1 36:1 40:7 67:9

91:21 118:12 122:6
 123:20 131:14 151:14
 165:11 177:6 252:17
 252:20 254:1 314:11
 335:18 364:18 372:22
 411:18,19 419:3
 434:14 463:18 465:8
effective 7:21 8:4 40:5
 78:11 84:4 92:8
 129:16 253:2 266:10
 358:20 361:1 369:3
 369:13 374:11 383:10
 438:14 449:22
effectively 55:8 289:10
 290:20 392:7 445:17
effectiveness 235:9
effects 18:14 53:22
 254:6,9 266:12
 322:22
efficiencies 166:10
efficiency 162:6 428:1
efficient 78:11 133:14
 162:4 232:18 237:20
 388:20
efficiently 80:19
effort 124:3 142:22
 232:6 412:5 431:3
efforts 46:3 58:2 84:1
 113:3 124:7 165:5
 194:16 234:18 248:18
 250:10 283:8 308:7
 375:7 378:11 395:12
 397:1 432:22 444:5
egregious 36:22
eh 276:16
eight 10:4 194:6 312:13
 313:10,22
eight-digit 32:12,20
 200:12
eight-year-old 354:6
either 22:8 50:15 52:11
 94:19 100:15 144:16
 146:20 158:15 167:11
 174:9,12 207:13,14
 208:11 211:15 258:17
 259:1 264:3 266:1
 274:14 275:9 423:13
 427:17 435:20 439:7
 439:16 442:5 459:8
 466:12
elaborate 50:11 348:17
 455:6
elect 162:3
electric 114:20 115:8
 234:3 235:19 236:9
 236:21 237:9,21
 392:16 395:4 443:2
 465:7

electrical 3:7 6:5 125:2
 125:17,20 127:20
 140:16 154:13 388:3
 388:9,18 389:3,11
 392:16,19,22
electrogalvanized
 440:3 465:4
electronic 2:20 5:4
 34:13 35:2 114:21
 140:17 189:6 193:19
 194:2,7,20 195:2
 202:17 363:7 382:19
 387:8
electronically-comm...
 137:17
electronics 2:4,12,15
 5:2 6:2,3 34:8,22
 170:4,6 171:3 178:13
 181:13 182:15 189:17
 198:4 221:4 235:16
 356:1,22 357:4
 362:14,19 364:15
 366:7 383:18 387:15
 403:14 461:11
element 2:4 5:2 72:5
 170:3,6 171:3,16
 173:6,18 207:3
 373:22
Element's 170:9 171:12
 174:8
elements 189:17 211:8
Elevator 3:8 6:6 394:12
 394:17,18 395:5,5,6
elevators 395:22
 396:22 397:14 398:15
eligible 407:17,21
eliminate 238:12 253:4
 289:10 358:20 361:1
 369:13 387:19 431:3
 432:22 449:10 451:11
eliminated 189:2,9
 447:13
eliminating 123:20
 129:16 256:15 383:11
elimination 369:4,20
 374:12 432:2 436:7
 449:5
Elkhart 258:1
Elm 447:4
emails 200:19
embarrassed 353:15
embodies 235:22
embraced 370:13,14
emergency 36:15
emerging 206:20
Emigh 2:11 5:3 180:9
 180:10,12,15,16
 186:10 214:7,11

215:14
eminent 125:16
Emirates 440:22
emission 234:11
emissions 418:15
emphasize 58:3
emphasized 135:3
employ 56:12 59:12
 61:2 79:10 81:21
 109:16 113:15 120:4
 132:18,20 136:9,15
 154:1 191:15 244:14
 352:22 363:3 395:9
 432:9 437:21 443:15
 450:5
employed 51:20 139:4
 157:12 233:18 283:13
 295:8 443:18
employee 72:4 109:11
 132:17 376:17
employees 21:18 23:13
 23:15 54:21 61:3,6,9
 67:14 72:2 74:16,18
 74:19 76:12 82:5
 109:4,6 112:12,20
 125:21 132:5,21
 154:2 164:1 165:18
 234:8 241:9 247:11
 247:11 248:14 288:9
 306:8,12 325:21
 326:10 352:4 353:1
 355:1 356:8 376:11
 391:2 410:7 414:22
 415:2,5,10 419:20
 425:7 426:17 429:8
 437:21 452:7,7
employer 452:6
employers 120:5
employing 54:13 65:7
 233:17 316:18 319:22
 387:2
employment 35:16
 132:7 166:5 317:11
 318:3 320:14 325:2,9
 443:9,13,21 444:20
 446:5
employs 68:16 104:12
 104:14 180:17 200:9
 258:3 292:13 306:6
 306:21 321:18 357:20
 446:21
enable 104:16 194:6
 199:10
enabled 300:15
enables 166:1 183:12
enabling 323:10
enacted 177:4 428:15
 430:9

enactment 188:6
encountered 46:17
 130:12
encourage 62:13
 219:13 373:2 431:9
encouraged 234:17
encouragement 16:9
encouraging 242:8,9
encrypted 410:6,7
end-around 451:7
end-use 449:15
endeavor 55:14
ended 226:17
endorsement 97:9
ends 122:15 214:3
 247:16
energy 51:13 81:1
 141:21 227:21 228:3
 235:21 236:9 237:15
 252:21 300:3 309:20
 314:6 315:4 365:22
energy-efficient 133:20
enforceable 188:12
 389:20
enforcement 39:19
 142:3 148:7 328:1
 366:20
enforcing 371:9
engage 354:22
engaged 134:22 169:2
 181:3 182:18 389:18
engagement 232:11
engaging 387:2 443:17
engine 165:13 467:16
engineer 178:5 293:15
 362:2
engineered 28:6,7
 38:11,14 39:6 40:4
 295:14
engineering 23:20
 60:22 141:16 203:1
 203:18 357:11 366:14
 405:3 421:2
engineers 139:1 154:2
 164:20 166:2 187:15
 200:10 203:3,18
 357:21 358:1 360:6
 361:8
enhanced 67:4
enhancements 202:7
enhancing 65:14 67:8
 228:3
enjoyed 130:10 203:4
ensure 78:19 148:8
 167:6 235:9 326:5
 375:7 395:12 418:19
 435:4
ensures 133:18

ensuring 382:11
enter 111:19 407:13
entered 15:14 110:13
 168:14
entering 168:18 188:5
enterprise 159:13
 301:2,4 373:13,15
 407:21
enterprises 36:2 196:3
 237:3,4 373:5 407:10
 408:2
enthusiasts 364:9
entire 30:14 53:19 54:1
 55:17 56:16 58:6
 59:12 74:21 79:17
 114:19 155:12 156:14
 165:8 177:8 193:4
 364:20 458:15 459:15
entirely 83:2 179:1
 181:14 184:18 200:5
 202:18
entities 166:21 371:4
entity 263:19
entrance 173:14 205:22
entrenched 394:8
entrepreneurs 176:18
 351:15
entrepreneurship
 180:5
entrusted 352:3
entry 93:10 188:10
 206:1 373:22 407:22
 408:4
environment 190:17
 253:12
environmental 141:21
 302:13 452:17 453:18
 454:21 455:12 460:4
 460:7 468:10
environmentally-frie...
 66:18
EPA 190:14 455:4,8
equal 248:19
equaling 175:17
equalize 83:1
equally 93:10 139:11
equates 429:15
equipment 34:17 70:4
 112:12 113:2 131:18
 131:20 132:3 133:1,8
 134:1 135:12 136:13
 137:6,11 142:4 157:8
 186:18 191:17 202:12
 232:21 246:17 258:14
 359:7,14,22 380:4
 383:19 384:2 385:14
 385:20 387:11 388:18
 389:3 411:5 413:10

417:1 422:19,20
 453:13,17,21 466:2,3
equipments 135:14
equitably 365:6
equivalent 138:18
ERB 2:11 4:17 108:3,6
 108:12,14 109:8
 112:10,16,22
Eric 1:17 2:3 5:13 12:9
 282:8,15
Erik 3:6 6:4 381:15,19
escalators 395:22
 396:22 397:14 398:16
 412:11,14,17,18
eschew 277:10
Escort 363:15
ESG 154:9
especially 21:8 50:1
 82:3 87:22 101:18
 242:9 277:3 367:14
essence 139:21 272:9
essential 322:6
essentially 116:3
 146:18,22 184:22
 295:2
establish 234:6 283:6
 407:8
established 57:7 62:21
 68:14 229:14 397:7
 443:12
establishing 320:4
 372:20 410:18
estate 395:18
estimate 31:2 50:10
 83:12 96:1 149:13
 150:20 243:17,21
 297:8 318:3 323:20
 340:1 427:21 441:18
 441:20
estimated 61:18 68:17
 88:11
estimates 16:14 386:9
estimation 217:14
 219:9 270:12 348:7
et 272:3 313:16
ETA 194:3,19 197:8,11
EU 51:20 267:2
Europe 40:11 45:10,22
 102:6 266:16 275:1,4
 290:2
European 266:20 298:1
 328:18 342:16 367:15
evading 134:18
evaluate 365:18
evaluating 341:1
evaluation 215:22
Evan 1:15 12:2 163:1
 327:9

evening 414:9,17
event 71:7
events 300:7
eventually 25:8 80:10
 96:16 191:10 245:9
 444:5
everybody 133:5
 158:21 159:14
everybody's 339:3
everyday 244:2 245:11
evidence 22:11 42:10
 346:4
evolved 387:9
exacerbate 143:9
 265:22 441:10
exact 96:22 97:1 243:17
exactly 43:21 95:7
 103:5 291:10
examined 409:5
example 30:13 36:2
 86:18 87:8 92:4,11
 117:19 122:20 140:20
 142:1 145:13 198:5
 232:2 240:22 259:8
 271:21 272:22 297:5
 305:1 317:6,9 318:20
 323:20 325:20 341:9
 348:19 355:4 361:22
 392:5 410:5 416:5
 428:21 439:17 449:14
 458:1,19
examples 285:21 316:3
 329:13,17 423:1
 444:22
exceed 379:9
exceeds 191:17 220:14
 433:7
excel 37:11
Excellence 181:20
excellent 285:3
exception 19:8 368:6
exceptions 107:21
 275:10 276:1 462:19
excess 287:1 291:21
 328:10,16 336:2,6
 337:4 338:18 346:10
exciting 312:3
exclude 119:8 143:14
 173:3 229:21 380:11
 407:9 440:11
excluded 24:8 69:16
 126:13 132:12 169:22
 172:13 195:8 262:16
 303:22 374:15
excluding 240:13
exclusion 168:7 229:19
 230:11 352:11 407:9
 407:18,19

exclusions 232:19
exclusive 373:3
exclusively 166:14
 383:18 448:5
excuse 147:19 192:13
 238:4 404:16
executive 24:17 282:16
 304:11 437:11
exempt 28:15
exempted 186:4 254:14
exempting 193:15
exemption 179:16
 193:17 262:8 372:20
 373:9 436:21
Exemptions 373:19
exercise 206:6
exerted 295:21
exhaust 455:6
exhausted 175:9
Exhibit 114:14 117:18
exist 56:1 123:6 160:18
 161:13 341:18 406:13
 409:1 428:3 455:14
existence 104:3
existing 20:7 23:16
 87:20 89:15 121:20
 219:20 261:3 291:7,9
 300:20 333:18 345:16
 421:20 422:4 423:2,5
exists 141:11 215:4
 266:14 405:17 423:2
 453:13,22
exit 56:7 444:20
exorbitant 441:7
expand 15:3 41:11
 71:20 89:9 296:10
 320:11 326:1 331:9
 391:5 404:9
expanded 233:20 320:6
 364:4
expanding 296:2 326:4
expansion 16:22 59:7
 261:21 262:13 367:12
 367:15
expansions 345:12
expect 112:18 266:9
 267:18 394:1 397:19
 398:1 454:9
expected 179:2,7
 265:10 377:8
expects 306:11
expended 50:17
expense 172:4 397:15
 410:17
expenses 83:16 113:7
 376:13
expensive 36:19 37:6
 40:8 109:21 199:14

204:6 218:16 261:9
377:12 418:3 430:17
455:9
experience 58:10 60:19
159:1 205:17 230:10
234:21 248:3 263:18
347:10 422:22 435:19
454:5 460:10
experienced 130:9
expertise 226:20
261:13 357:11 358:1
experts 11:17 178:14
expired 10:11 192:16
238:9
explain 322:20 452:8
457:7
explained 15:22 28:11
50:14 422:11 459:19
explaining 330:5
explanation 16:20
175:22
explanations 458:12
explicitly 66:11
exploited 379:2
explore 123:13
explored 128:18 274:19
276:9,13
explosion 110:10
export 35:15,18 36:7
52:21 86:8 102:3
145:5 231:5 302:16
302:17,22 303:9
313:21
exported 86:22
exporter 299:17,18
exporters 86:13 299:17
299:17 301:6 302:18
302:20
exports 18:11 100:19
102:5 188:17 237:17
301:4 314:8 318:13
389:5,5 392:7
express 53:20 74:2
426:8 447:15
expressed 179:13
expressing 290:4
extend 201:5,9
extended 232:12
300:14
extenders 201:4
extension 74:17
extensive 11:8 47:7
141:16,20 182:18
188:20 455:3
extra 152:19 179:8
212:8
extracted 14:14
extreme 30:3 351:8

extremely 87:7 128:20
216:6 365:5 398:16
406:3 417:10
eye 79:15 224:21

F

fabric 70:21 447:22
448:5,8,21 450:19
451:6
fabricating 134:19
324:16
fabrication 207:21
208:6 234:6
fabricators 288:19
331:3
fabrics 71:4 108:12
447:8 448:11,16,20
449:14,21 450:2,10
450:13,21 451:4,8
466:13
face 50:12 66:1 75:15
270:15 318:21 393:15
404:10,11
Facebook 185:10
faced 46:15 66:12 75:2
130:15 152:7,15
172:22 192:9 223:4,6
333:13
faces 57:9 172:16
facets 227:18
facilitate 448:4
facilities 14:3 21:16
35:22 36:18 60:18
77:22 81:20 98:7 99:6
131:19 133:11 197:17
207:22 244:13 252:11
253:7 256:4 286:12
295:6 296:2 366:15
376:7 388:22 400:10
402:3 403:3 404:17
410:18 427:11
facility 13:17,19 14:1
21:18 22:5,9 98:3
142:20 155:22 157:13
171:5 175:3,7,21
191:14,15 208:6
234:7 241:9 280:9,10
280:19,22 404:16
421:10 444:15 446:4
453:2 467:19
facing 82:9 106:15,16
145:15
fact 21:7 22:5 34:5
37:18 66:8 107:17
128:10 130:7 153:19
170:20 173:11 189:19
189:20 198:21 206:5
206:9 235:13 243:21

286:9 309:4 313:18
371:10 407:12 410:3
410:11 417:2 422:1
423:21 436:4 445:22
factor 46:1 83:9 190:2
408:21 409:11 464:8
factories 27:14 41:12
134:17 154:3,5,8,17
155:7,9 160:21 252:5
252:10 253:8 257:8
265:1,3 275:15,19
291:8,13,20 292:16
340:22 345:16,17,18
346:17 358:7 360:12
366:3 390:3 403:18
415:6 422:5 428:9,13
452:18 455:15 461:15
factors 110:6 157:16
225:21 455:13
factory 138:11 151:21
171:12 184:21 208:13
214:21 223:11 226:18
253:7 279:4,21
328:14,20 340:21
346:2 370:11,14
371:12 410:12 422:5
428:12
factory's 422:19
factors 230:18 248:18,21
Fagert 2:12 4:9 59:15
59:17,18,19 64:22
91:9,16 92:20 93:3,12
fail 375:12
failure 220:17
fair 84:1 112:5 237:21
319:14 387:2 395:12
411:13 412:11 431:8
465:13 466:2
fairly 99:7 161:4 301:3
465:22
fairness 54:7
faithful 386:17
faithfully 112:17
fall 69:17 174:20 182:4
249:14 349:14
falling 382:18
falls 125:8 315:15
429:10
Fame 108:12
familiar 158:19 160:3
families 19:14 74:14
75:11,18 78:22 88:10
132:6 176:4 351:12
352:15 355:12 358:5
359:13 429:8
family 74:17 82:1,14
118:2,19 120:1,7,11
121:1 122:11 152:11

152:18 153:6 157:12
243:9 247:20,22
248:2 256:3 443:6
family- 79:10
family-owned 59:9
104:2
family-wage 81:22
83:21
fan 160:2 463:1
fans 432:17 462:3,13
far 37:21 75:16 89:10
89:19 146:11 216:16
217:2 250:20 312:6
343:12 348:22 349:7
349:13 409:17 433:7
434:19 465:21
farm 246:21
farmers 254:12
farming 443:10
fashion 230:7 310:5
346:18
fast 330:13
faster 197:2 318:13
fastest 40:19 352:19
father 160:2
faucet 421:20 422:5
424:8 452:9 453:1,11
454:14 455:13 456:7
456:10 459:4,5,7,16
460:4 467:17,21,21
faucets 420:22 421:5
421:11 424:6,19,22
452:4,4 453:6,9
454:11,17 456:12
460:10
favor 318:16 419:18
436:19
favoring 245:10
favorite 363:6 364:7,9
FDA 115:12 376:22
FDR 316:5
fear 26:11 54:19
fears 26:2
feasible 51:14 139:9
222:4 292:3
features 202:1,6 378:19
379:5
federal 7:18 8:1,12,21
10:21 11:13 19:20
148:2 235:8 237:9
283:14 312:4 368:21
374:8 418:15
feedback 425:18
feel 58:16 109:4 209:11
350:15 431:4
fees 359:8,15 360:1
feet 60:16 76:21 77:7
122:3 191:16 321:21

331:12 332:4 341:4
 344:18 345:1 346:9
felt 216:11 254:6,10
 323:7 429:4
fence 80:12,15,21 81:5
 81:8 98:21
fences 80:20
fencing 79:9,20,22 82:9
 82:12 83:5,8 84:2,7
 99:22
fetus 241:21
fewer 25:13 27:7 78:7
 121:5 169:9 429:22
field 83:20 92:14 172:8
 237:22 309:17 318:15
 319:4 320:4 375:7
 382:11 389:18 419:18
fields 37:10 138:18
Fifteen 249:17
Fifth 398:11
fifty 346:5
fight 322:14
fighters 164:18
fighting 277:2 305:19
 355:9
figured 209:18
figures 317:21 318:2
 319:2 337:12
filament 64:12
filaments 63:10
file 463:8
filed 66:9 374:3 393:5
 440:8,19
filing 444:2
fill 92:9,10 231:17
 269:11
film 19:16 20:14
films 20:17
final 20:13 35:14,17
 65:22 79:20 84:7,14
 136:22 194:14 199:20
 203:16 208:9,10
 212:18 235:12 238:17
 262:19 295:11 342:13
 394:11 412:6 414:8
 415:3 451:14,19
 454:13
finally 16:21 18:6 41:7
 87:16 123:19 143:7
 191:11 204:7 245:16
 256:20 298:4 325:10
 361:18 399:2 429:7
 436:4
finance 387:6
financed 397:8
financial 289:8 379:7
 379:20 435:13 443:21
financially 133:4

291:18 292:3
find 48:17 71:7 151:22
 152:2,12,16 159:14
 171:7 180:22 249:18
 343:6 364:12 365:21
 367:16,21 385:22
 391:20 406:18 407:1
 418:4 454:18 458:6
finding 56:12 70:20
 343:2,6 345:5 390:18
 391:17 453:17 454:20
findings 370:3
finds 63:14 285:5
 342:21
fine 118:15 342:14
 468:4
finish 183:8 216:8,12
 285:16 417:20 418:1
 453:22 454:14 468:4
 468:5
finished 20:17 35:12
 36:3 62:1,14 64:3
 92:4,15,17 99:11
 102:12 107:9 134:13
 134:19 139:21 141:15
 149:14,18 156:7,11
 156:22 158:13 159:15
 172:11 173:4 182:9
 198:19 219:10,13
 251:21 343:22 390:3
 390:16 433:15 435:20
 448:1 453:1 454:17
Finishes 454:11
finishing 283:16 284:13
 284:18 421:4 455:1,7
fir 82:17,17 100:2
fire 81:17 104:15 105:5
 105:14 107:5,6 144:2
 311:14 401:4
fire- 145:20 146:13
fire-resistant 144:8
 145:9 146:12
fire-retardant 105:12
Firehammer 2:12 6:2
 356:21 357:1,2,3
 362:12 401:10,17
 403:8
firm 226:7,9 381:20
 383:16 420:11
firmly 242:5
firms 110:11 112:22
 116:16 317:7
firmware 410:5
first 9:19 12:21 21:10
 47:22 53:12 83:7
 85:14 96:7 103:15
 107:20 112:16 121:5
 126:15 153:9 160:1

163:16 164:11,22
 165:4 172:11 177:7
 181:4,21 195:20
 197:16 200:7 201:6
 201:21 209:2 214:7
 216:5 217:18 221:11
 226:3 227:7 228:19
 233:22 240:11 248:21
 249:17 263:14 277:17
 279:8 282:7 284:21
 300:9,19 301:1 305:6
 309:16 310:15 311:13
 322:15 323:2 328:3
 344:8 350:3,21
 352:12 354:1,22
 359:1 363:7 369:19
 378:6,7 391:7 396:11
 414:13 415:8 423:16
 438:15 453:21
firsthand 167:16
fit 183:8 216:7,12
 240:16 354:7
Fitbit 2:19 6:4 178:17
 374:21 375:3,18
 376:14,22 379:11
 380:21
Fitbit's 376:4 380:14
fitness 34:11 177:20
 211:13 375:9 381:9
fits 115:3
fitting 39:21
five 10:8 13:2 18:22
 24:15 29:3 33:6 38:5
 53:15 59:17 63:13
 65:3 67:22 73:22 79:5
 81:18 84:17 103:17
 108:4 113:22 116:8
 119:11 124:18 128:10
 131:5 137:1 141:4
 142:9 150:13,15
 151:1 163:18 170:4
 176:10 180:11 186:13
 193:21 196:13,22
 199:22 207:21 208:4
 227:9 233:6 239:10
 245:21 246:1 247:22
 251:3 255:14 256:4
 258:4 262:21 276:16
 282:10 288:2 294:1
 296:1 298:20 304:6
 305:3 309:2 315:11
 317:19 320:21 350:6
 353:1 357:1 362:15
 364:20 368:15 374:22
 376:14 381:17 388:5
 394:14 414:16 420:7
 425:14 431:16 442:18
 446:13 451:21

five-man 248:5
five-pack 150:10
fix 424:9
fixed 25:6 171:10 174:6
fixes 176:6
fixing 224:14
fixtures 392:21
flagged 408:1
flagship 80:7
flammability 104:17
 105:1,8
flat 15:6 457:16
flat-panel 35:1
flavor 34:7
flawed 171:22
fledgling 169:11
fleets 253:20 254:4
flexibility 95:9
flexible 95:5
flood 79:14 100:8
flooded 82:11
flooding 83:4 297:4,14
floor 24:19 26:10 40:10
 40:16 52:12,15 165:9
 283:15 284:12,17
flooring 26:18 27:7,7
 27:11,17 28:4,8,14
 38:12,14 39:6,8,21
 40:4,8,9,19,20 45:19
 51:18 52:15,16 65:12
 85:2,2,2,3 87:8,11,12
 88:4,17,17,17,18
 101:4,16 102:16
 289:16 294:4,11,13
 295:3,13,14,14,18
 296:8,8 297:5,7,13,18
 298:5,14 304:14,15
 304:20 305:10 306:4
 306:9,13,17,18,19
 307:9,12 308:8,9
 321:4 324:17 330:21
 333:13 334:12,14
 335:9,13 336:7,13
 342:18 343:14 346:20
 424:11
floorings 25:4
floors 332:14 335:5,6
Florida 29:8
flow 188:17 467:17
fluid 58:14 299:4
fluids 228:21 299:7,19
 301:10
fluorescent 392:20
fluorochemicals 305:12
Flyer 2:14 5:8 233:5,12
 233:14,20,21 234:13
 235:18 237:18 238:14
Flyer's 235:14

- focus** 21:1 33:16 74:13
109:17 230:8 240:17
258:17 259:7,9
260:14 353:9 381:3
384:18 439:21 456:16
- focused** 168:22 180:21
244:17 264:17 278:18
376:20 401:12
- focuses** 133:7 322:11
- focusing** 37:9 75:13
240:12 257:18
- folding** 443:3
- folks** 152:2 212:11
246:20 443:14
- follow** 225:15 338:5
356:8 400:13 402:22
411:3 461:16
- follow-** 208:15 219:8
273:15 274:6
- follow-up** 52:7 92:21
93:7 99:17 144:18
147:20 156:4 209:7
212:22 271:2 274:4
278:11
- followed** 161:9 401:3,6
- following** 121:4 175:12
209:11 239:16 255:20
295:11 388:8 392:15
- follows** 396:11
- food** 247:19 428:20
429:2 461:7
- foot** 286:4,5
- football** 138:18
- force** 57:14 90:17
170:17 245:7 262:11
297:14 326:6,8,11,13
354:20 365:18 450:8
- forced** 32:15 35:21
71:14 121:2 123:22
174:18 175:4,11
183:1 190:14 221:10
263:19 317:4 325:6
356:7 359:4 381:1
382:7 384:19 410:2
444:20 449:12 451:10
- forces** 164:11 187:8
301:6
- forcing** 55:10
- forefront** 113:1 164:6
164:21
- forego** 262:13
- foregoing** 143:13
- foreign** 16:9 62:13
105:3 145:4 163:9
169:20 180:3 202:8
204:7,14 224:17
226:15 290:9 300:19
322:1 373:5 390:15
393:12 396:15 419:10
435:12 436:1 447:15
448:7 450:16 456:14
457:5,8,9
- foreign-based** 365:11
- foreign-owned** 373:13
373:15 407:10,21
408:2
- Foreign-Trade** 449:20
450:3
- foremost** 153:9 415:8
- foreseeable** 254:14
- forest** 2:21 3:4 4:11,12
79:3,7 80:3 81:14,16
84:15,20
- forests** 78:9 80:15
- forever** 72:17
- forging** 421:2
- fork** 248:4
- form** 40:8 72:8 100:15
359:7 408:21 409:11
423:17 448:5
- formal** 393:4
- formaldehyde** 418:14
- formation** 157:11
- formed** 19:11 132:15
383:17
- former** 290:13
- formerly** 315:16
- forms** 17:6 319:15
320:6 449:22
- Fort** 321:12
- forth** 154:10
- fortified** 234:20
- fortunate** 430:4
- Fortune** 178:16
- forward** 19:6 37:22
48:13,18 53:6,8 74:12
103:10 164:13 179:12
199:17 224:22 227:6
282:3 287:19 308:19
347:11 349:22 362:9
394:4 414:9
- fought** 314:21
- found** 8:7 46:3,5 80:14
129:18 155:15 157:16
158:1 168:5 178:19
219:4 222:4 224:2
243:12 312:4,5
319:13 372:4 382:4
383:3 401:2 409:7,22
416:16 448:12 458:11
- foundation** 351:14
- founded** 54:4 60:12
164:4 187:3 200:4
321:11 437:17
- Founder** 163:21 180:16
- four** 2:16 4:10 67:20
68:3,5,9,14,19 69:5
69:19 70:4,13,15 71:4
72:10 73:6,9,11 83:10
95:16 123:15 151:1
192:4 193:5 197:14
198:8,22 246:14
249:2 306:6,18 336:5
353:1 378:3 383:2,11
- fourth** 197:21 246:11
377:7 398:1
- FR** 105:12,15 107:13
146:17
- fraction** 144:12
- fractional** 159:12
462:12
- framed** 192:21
- frames** 76:5,15,18 77:1
77:7 92:5,6,7,11,12
- framework** 387:7
- Francisco** 376:7
- frankly** 157:13 171:7
341:14 416:20 419:7
- fraud** 198:18
- free** 170:22 173:14
209:11 344:20 367:5
389:14 431:7 449:3
450:3
- freedoms** 180:7
- freeze/thaw** 285:3
- freight** 77:4 303:7
- frequency** 226:22
- friction** 314:13
- friends** 200:4 248:2
347:8
- Frisco** 114:3
- frog** 263:16
- front** 118:8 228:14
230:3 337:20 357:6
- fruits** 429:1
- fuel** 165:12
- fueled** 436:10
- Fujitec** 395:3
- Fujitsu** 44:22
- fulfil** 71:2
- fulfill** 56:3 258:9 270:13
278:19
- fulfilled** 298:3
- full** 11:7 124:13 128:1
245:2,4 396:3 402:13
402:14 409:15 418:13
421:11
- full-time** 154:1 200:9
247:15 422:2 437:21
- fully** 60:10 65:14 68:9
137:22 191:4,9
204:16 299:22 347:18
382:10 384:9 453:1
- function** 210:21 400:20
- functionality** 202:21
400:15
- functions** 181:6
- fundamental** 308:4
- fundamentally** 205:1
416:7
- funded** 180:19 185:21
- funds** 31:18 237:9
- FURminator** 240:1
- furnaces** 310:21
- furnishings** 70:12
- furniture** 2:9 4:8 53:14
53:18 54:1,4,5,6,10
54:12,17 55:6,13,16
55:18 56:1,5,10,13,16
56:16 57:5,11 58:5,9
58:11,17,22 59:3,9,10
68:5,12,18,20,22
69:12 71:1 89:6,8,20
90:15 91:2 95:17,20
96:7 101:6,16 102:15
444:2,6 446:21 448:1
449:9,12 450:22
- further** 8:9 25:18
115:17 135:4 136:17
147:2 156:8 161:20
190:18 230:16 241:5
254:14 265:22 319:11
360:17 371:19 388:11
393:18 419:18 422:16
436:22 441:9 450:10
- Furthermore** 110:15
183:14 184:5 189:11
215:5
- future** 37:3,21,22
121:12 136:9 164:10
169:18 250:16 254:15
262:10,13 299:18
307:4 391:19 427:17
- FX** 2:15 5:19 308:22

G

- gadget** 426:15
- gadgets** 461:2,5
- gain** 77:19 100:12
109:22 377:14 378:16
379:2
- gained** 224:17 226:20
- gains** 15:11 428:1
- galvanized** 32:10
- gang** 248:8
- GAO** 381:1
- gap** 199:8 253:17
- garden** 80:22 251:9
- garment** 111:14
- garments** 81:3
- garnered** 30:11

Gary 2:22 3:7 4:10,19
73:20 119:10,14
gas 227:18,20 228:8
231:3,6,21 232:16,20
299:11 300:12 301:12
303:19 310:12 314:13
443:2 465:8
gateways 177:22 211:3
Gateworks 226:7
GDP 194:22
gear 204:6
gears 147:21 148:1
general 32:4 38:7
131:20 150:20 170:6
172:10 230:2 239:20
334:1 341:8 350:21
375:3 412:22 414:18
431:18
generally 10:15 107:3
110:20 144:12 145:12
180:21 240:3 272:16
generate 20:13,17
236:16 455:2
generated 455:5
generating 434:2
generation 48:7 351:14
generations 54:14
generator 433:5
gentlemen 84:19
186:15
genuine 81:9 285:11
genuinely 350:15
geo 378:20
geographic 258:9
geography 355:21
geological 314:7
317:17 320:7
geopolitical 180:22
Georgia 53:19 108:8
316:22
Germany 107:1 147:6
getting 100:11 273:6
giants 204:8
give 34:6 114:15 179:15
204:7,13 223:21
281:20 326:2 375:21
405:20 419:10 443:13
454:13 456:13 457:5
given 11:1 107:20
172:18 266:4 267:14
347:14 380:10 446:3
452:16
gives 181:5 223:22,22
giving 113:17 419:6
glad 136:17 143:16
gladly 134:7
glass 288:15 293:15
321:9 323:22 324:7

339:16 340:1
global 3:9 4:22 16:15
16:18 19:2,9 33:14
36:8 125:8 137:1
189:11 193:1 217:7
229:10 236:17 238:2
239:15 258:16 266:20
268:5 305:20 307:6
377:8 382:12 383:20
387:15,16 389:14
390:22 393:20 394:22
415:9 431:6 432:7,19
436:11
globalization 57:5
globalized 55:19
globally 61:13 69:1
106:19 140:13 196:14
264:11,18 336:16
429:20 447:18
globe 106:9
goal 62:12 67:7,16
68:19,21 73:8 84:5
142:19 170:16 256:15
436:10 438:8,14
443:8 447:6
goals 81:17 126:8
167:14 204:13,18
238:20 309:14 433:3
goer 264:5
gold 14:12
Goodman 3:9 4:22
137:1,5,10,14,22
138:4,9,11 139:2,5,6
139:18 140:1,3,10,12
140:20 141:14,19
142:1,7,12,15,17
143:9,13 159:7
160:13 161:19
Goodman's 139:12
140:18 141:5,7
goods 69:4 99:11 104:6
120:2 134:13,19
135:14 136:1 139:21
156:7,12 158:13
159:15 179:11 182:9
189:1,8 240:13,18,20
243:19 252:19 253:16
295:11 373:4 390:4
390:16 428:14 430:15
433:15 435:20 448:22
466:21
Goodyear 260:8,19
279:13
Goodyear's 260:13
Google 185:10
Goshen 256:4
Gosnell 2:13 4:9 65:1,3
65:4,5 67:19 93:20,20

94:1,21
gotten 107:1,1
government 11:18
15:22 16:5,13 17:4,7
18:9 23:1 28:17 37:11
37:20 43:16 47:13
73:1 85:18 86:1 97:9
100:15 102:22 112:18
113:8,11 129:20
135:3 148:7 167:19
171:12 175:13,19
231:1 234:15 235:5
236:13 237:11,12
254:21 292:19 310:2
313:11 314:21 319:15
319:16 350:18 358:10
370:22 372:15 379:17
380:2,6,18 399:5
government's 15:12
16:8 63:20 112:1
124:7 236:22 370:19
governments 19:21
180:3
governments' 392:3
grade 78:7 303:14
311:17 349:4
grader 80:8
grades 311:16
graduate 82:4
graduating 74:9
grain 249:4 250:8
grand 160:1 250:9
grandfather 426:13
grandkids 354:8
granite 2:17 5:20
315:10,17,17,20,21
316:1,8,10,13 317:7
317:10,21 318:12
319:8,18,21 320:1,6
321:16 330:3,14
336:11,15 337:15,22
338:7 341:18,19
342:3,7
granites 289:5 330:7,8
330:15,17
granted 19:7 305:4
373:19
grants 17:10
graphic 61:1
grateful 29:9 247:20
grave 53:21 54:21
75:17
gravitated 93:13 94:12
94:15
greater 33:9 139:8
179:20 325:4 402:6
greatly 104:5
greatness 180:7

green 2:13 5:4 10:9
186:11,12,14,15
192:13,14,18,20
193:18 217:18,22
219:15
greenfield 421:9 423:6
427:19 459:20
Greensboro 65:7
Greenville 442:22
443:1 444:15
grew 80:5 378:5
grill 444:21 445:2
grills 443:2,7 444:14
465:8
Grimball 1:11,14
162:17 163:14,14
192:13,16,19 205:13
209:6,9,16,18,21
210:1 222:22 223:3
223:16 225:8,17
227:3 238:4,8 239:3,7
250:2,4,19,22 268:1
268:13,18 273:15,19
278:17 280:7,9,15,17
281:3,6,8,10,13,16,21
374:1,5 399:17
400:13,17 401:1,7
404:13 412:8 413:15
413:20 414:2,5
grind 248:10
grinding 13:9,12,16,20
14:3,4,10,12,17,20,22
15:5,13,15,19 16:2,7
16:15,21 17:14,17
18:1,10 43:3,16,18,19
Grocers 429:1
gross 183:2
ground 14:14 164:11
165:3 246:6 299:12
337:6 346:1 427:20
grounds 284:16
groundskeepers
254:11
group 66:8 233:15
239:15 290:14 294:20
311:12 351:9 367:3
groups 241:6 389:17
grout 282:22
grow 33:1 136:8,15
185:9,16 233:19
237:21 367:6 377:8
growing 15:1 36:10
40:19 71:19 87:8
109:17,19 128:9
189:6 196:18 241:12
253:11 284:10 351:11
352:19 353:22 354:14
392:9

grown 54:12 82:13
343:15 450:8,12
grows 87:10
growth 29:20 36:12
59:7 63:8 64:8 76:2
111:10,18 112:10
121:10 122:6 131:15
169:13 189:1 192:8
197:1 206:18 237:14
261:19 290:15,17
314:6 320:15 351:13
367:9 425:6 430:5
Grunfeld 381:20
guaranteeing 127:9
guard 222:5 271:9
guess 46:13 52:11
119:2 276:16 279:2
guidance 375:22
guidelines 179:16
guides 255:8
guinea 354:6
Guyana 311:19
Guyanese 349:7

H

H51762 34:10
hackers 202:3
hacking 223:5
hairs 323:17
half 20:9 120:13 127:2
159:8 198:22 199:2
229:8 270:2 296:1
335:16 376:14 401:21
445:16 446:2
halogen 392:21
halt 25:8,16
hamper 142:22
hampers 203:20
hand 70:3 101:10
122:21 126:6 416:15
hand-driven 439:19
handheld 461:5
handle 387:12
handles 411:10 468:3
handout 445:13
hands 2:16 4:10 67:21
68:3,5,9,14,19 69:5
69:19 70:4,13,15
72:10 73:6,11 95:17
352:14
Hands' 71:5
handy 219:10
happen 48:15 338:17
387:11
happened 161:1
happening 330:19
449:17
happy 13:9 18:17 88:22

144:18 205:8 243:2
269:11 293:18 304:1
332:22 338:4 356:17
425:9 442:13
hard 32:22 54:7 74:10
108:15 109:9,18,22
111:2,15 127:22
135:22 148:5 190:21
212:14 223:19 243:17
305:20 308:13 322:7
323:3,19 325:11
338:20 413:15 417:13
419:1 430:4 433:6
454:6
hard-hat 110:7,8,13
112:7
hard-working 321:19
hardest 432:20
Hardman 1:15 163:3,4
207:2 208:15 209:4
268:21 270:5 327:11
327:12 329:21 330:2
331:5 333:5 339:15
340:7 342:9 401:9
402:22 403:21 458:7
458:17 460:12 467:6
468:8,12
hardness 14:6
hardscaping 321:4
322:2
hardship 248:13 261:7
hardware 127:18
185:21 202:17,20
203:3,20 213:12
214:15 222:9,11
223:20 225:9,10
378:9 424:11
hardwood 28:6,7 66:10
86:16 87:5 88:3 419:2
hardworking 246:19
355:12
harm 8:9 18:3 30:4
63:22 84:8 115:16
119:6 126:16,21
130:20 132:4 167:12
177:11 196:1 256:18
264:2 266:2 322:4,5,6
323:6 325:12 358:17
369:7,18 375:10
377:4 385:3,11 391:6
430:18 433:4 435:22
439:11
harmed 64:3 104:5
237:19
harmful 8:7 131:14
315:2 322:22 369:13
370:2 372:14 385:7
435:10

harming 65:19 73:5
Harmonized 235:10
Hartford 432:6
hat 109:18 111:15
Hatch 106:5,13
hate 458:21
hats 108:15 109:9,22
111:2 148:5
Hauwei's 380:1
Haverly's 447:5
head 144:15 147:21
207:21 209:10,17
247:17 248:5 354:7
463:6
headgear 109:9 110:4
111:9,15,21 112:8
147:12 148:5
heading 195:8
headings 195:5
headphone 354:3
headphones 34:13
352:18 353:16,18,19
354:5,9
headquartered 79:8
125:7 132:15 194:4
233:12 321:5 376:6
432:6
headquarters 166:19
256:3
headsets 211:13
health 19:22 36:15 78:9
81:16 108:18 112:19
178:18 241:13 242:5
242:17 243:12 348:21
349:13 375:12 376:1
376:17,18,19 377:2
378:12,19 379:6,20
380:8,19 442:7
healthcare 36:17 82:1
376:2,2 380:20
healthier 381:12
healthy 128:9 243:2
hear 98:1 202:10
285:18 329:3
heard 33:21 138:2
215:10 218:15 276:19
310:8 340:15 341:4
352:7 442:13 458:9
467:6
hearing 1:5,9 7:8 9:3,19
9:21 10:7 11:9,11,12
11:15 19:7 38:18
79:12 88:20 136:19
162:12 171:10 172:6
173:3 195:10 209:12
210:12 218:11,18
244:11,18 283:19
294:9 346:22 351:18

368:20 425:16 430:22
hearings 389:7
heart 82:5 203:6 376:5
417:17
heartbreaking 159:21
350:17
heat 100:3 115:5 126:6
310:17
heat-resistant 406:4
heating 131:9 137:10
heavily 56:17 73:7
78:10 140:2 253:9
318:16 324:7 381:11
455:7
heavy 49:19 264:8
270:11 363:13
heavy-duty 235:3,17,19
236:5,21 237:3,16
238:16
held 256:2
Hello 350:8
help 14:14 17:21 18:13
58:16 78:19 81:16
106:8 154:2 165:4
192:21 212:20 240:22
243:16 256:14 315:6
368:8 381:11 415:19
457:8
helped 109:2
helpful 271:5
helping 109:21 113:9
113:12 116:17 164:7
165:1 305:18
HF 3:3 24:13,18 45:16
45:18
Hi 7:3 91:8 108:5 114:1
163:3,8 207:2 327:11
327:16
Hicksville 24:18
high 22:18 55:6 74:9
86:19 122:21 216:6
244:17 247:3 250:21
266:10 287:3 302:22
310:17 324:14 356:10
359:11 384:1 393:1
399:4 408:19 409:12
422:15 428:13 435:4
461:15
high- 55:10 70:5 141:5
189:15 308:5 360:18
447:2
high-carbon 14:5 43:5
high-end 92:5 422:10
high-quality 133:19
183:11 191:2 227:2
239:1 240:5 253:1
high-rise 133:9
high-tech 305:21

436:11
high-technology 85:22
high-variety 461:14
high-volume 260:21
higher 18:13 25:14,20
 27:6 30:21 40:12 72:9
 87:1,17 93:9 98:16
 107:3,19 112:4 124:8
 169:9 204:1 253:12
 253:15 262:1 303:5
 303:13 308:12 318:19
 325:3 348:6 349:2,4
 396:18 397:8 398:6
 401:19 409:5 427:2
 461:10
higher-tech 124:8
highest 60:20 99:11
 218:13,20 341:15
 386:7 405:9
highlight 28:3 228:17
 313:11 431:21 436:4
highlighted 380:22
highlights 171:18
highly 55:19 127:15
 361:8 377:22 418:5
 418:11
highway 312:4 315:4
highways 312:20
hinder 398:2
hire 121:17 306:11
 430:6
hired 248:10 312:16
hiring 71:18 112:12
 128:11 234:8 325:21
 326:9 391:15
Hispanic 246:20
historical 318:2
historically 189:12
history 99:12 125:2
 188:4 304:22 321:10
 351:18 387:1
hit 36:15 58:22 117:15
 273:1 419:1,9 432:20
hitting 170:7
hog 60:3,6 62:15,20
 63:2,4,6,12,18 64:12
 91:11,12 92:10
hogs 63:7
hold 25:17 65:13 71:22
holding 7:7 26:4 350:1
 425:16
holds 66:17 360:9
Holman 1:16 11:20,21
 45:15 46:2,12 47:6,18
 97:12 98:18 156:19
 158:14 160:8
home 2:11 3:5 5:3 6:16
 25:2,12 26:16 35:2

39:15,16 70:12 81:5,6
 87:19 127:18 180:9
 181:4,6 200:6,6,18,20
 200:22 201:5,5,9,14
 202:11 211:14,14
 225:3,6 239:20
 254:12 271:9 321:12
 331:1 357:13 359:19
 359:20 360:15 361:4
 361:6,17 381:11
 417:17 425:21 426:2
 426:12 428:8 430:19
 441:18 446:12,18,20
 447:1,10,16,21 448:2
 449:19 450:4 459:10
 461:6
Home's 450:7
Homebuilders 88:11
Homeland 1:15 20:4
homeowner 332:21
homeowners 288:18
 331:1 359:10
homes 28:20 167:3
 203:5 358:4 359:13
 428:19
Homewerks 2:6 6:10
 420:6,10,16 422:2,9
 423:11 424:17 425:7
honest 208:19
Honeywell 402:8
Hong 363:4
honored 29:10
hood 463:1
hoods 432:18 462:4
hope 116:18 176:4
 186:6 193:14 195:11
 221:1 242:2 245:11
 247:9 331:4 394:2
 415:19
hopeful 352:6
hopefully 423:8
hopes 37:11
horse 256:9
horsepower 462:12
hospitals 165:1
host 154:4
hot 448:11 467:18
hours 61:7 116:15
 203:18 224:7
house 76:10 87:20
 88:12 106:7 148:12
 181:6,9 186:16
 201:20 316:4 326:4
 403:10
household 120:12
 428:10 460:16
households 243:7
 428:18

houses 101:22
housewares 2:6 6:11
 425:13,22 426:3,6
 430:19
housing 25:12 75:3,7
 76:4,6 88:8,9 135:12
 159:5 289:6 323:12
 323:14 330:4,10
 438:22 439:8 440:18
 442:3
Houston 138:12
Howard 2:14 4:18
 113:21,22 114:1,2
 119:9 149:8,16,22
 150:7,15,20 151:5
Howe 1:16 12:7,8 51:16
 52:2,6 100:17 101:1
 102:4,13,19,22 103:2
 160:9 162:8 163:6,6
 205:16 206:3,13
 207:1 327:14,14
 328:3 329:11 399:19
 457:1,7
HP 191:7
HR 4:4
HS 144:4
HTS 17:19 28:8,8,9
 29:17 31:4 32:3,12,20
 34:9,20 38:13 55:3
 59:3 60:8 65:21 66:5
 66:6,22 67:6,17 68:8
 73:13 75:21 78:15
 126:12 151:9,18
 160:11 168:17 182:4
 185:5 194:11,13
 200:12 273:22 284:5
 286:16 303:21 368:7
 382:14 420:21 438:3
 442:10 448:12 451:13
 456:18
HTSU 444:13
HTSUS 114:12 137:21
 395:21 396:3 431:10
Huawei 378:1
Huawei's 378:5
hub 32:8 376:10
huge 41:13 87:21
 210:15 212:16
Hughes 299:14
Hughes' 299:6
human 15:18 154:9
 191:20
humble 321:15 350:22
hundred 26:19,20
 140:22 246:22 295:7
 305:3 306:6 310:19
 317:19 321:19 326:9
 346:5 348:8,9

hundreds 291:8,14
 292:1 309:5 353:11
 380:14 452:19
hurdles 152:6
hurt 47:3,4 69:14
 228:10 231:14 314:5
 419:9 453:4
hurting 245:9
hurts 203:15 231:14
 245:12 424:15,16
husband 247:14
HVAC 131:13 133:8,17
 134:21 135:11 136:13
 137:6 138:5,8 142:15
Hyatt 160:1
hydride 244:21

I

ice 3:5 4:21 131:4,9,17
 132:4,6,11,14 133:5
 135:5 157:2,11 461:4
iconic 368:9
Idaho 80:17 81:11
idea 114:15 219:11
 413:20
ideas 95:10
identification 164:13
identified 39:3 73:2
 78:15 85:9 131:21
 135:2 177:10 193:16
 210:9 218:6 273:12
 355:20 368:21 369:14
 370:20 407:22
identify 142:7 151:10
 160:13 434:21
idle 290:4 338:14
idled 99:3,13
IED 164:13
IHA 431:2
II 316:6
ill-advised 58:18
illegal 94:11 188:21
Illinois 244:14
illnesses 241:14
illuminate 212:20
illustrate 241:5 252:13
 444:22
illustrates 318:10
illustrating 33:17
illustrative 184:15
 393:2
images 20:14,16
imagine 48:4
imaging 388:18 389:4
 389:11
immeasurable 266:11
immediate 25:9 71:12
 184:10 252:20 328:22

immediately 174:18 287:11 301:19 354:20 356:7 365:18 444:21 465:15	implore 55:2 200:13 imply 274:3 import 20:18 61:22 62:7 64:3,17 67:10 69:4 75:22 86:12 92:3,6 93:21 101:11,12 102:11,15,16 105:17 105:18 120:16 144:11 152:14 173:7 175:12 193:8 207:12,17 208:7 248:16 264:16 271:10 274:16 279:15 313:6 343:21 348:16 417:5 419:16 420:13 421:1 433:11 434:11 439:15 449:21 457:8 458:15 459:12 462:9 463:21 464:1 466:8 466:13	373:4 435:19 imports 14:20,22 15:7 18:1 24:21 31:3,14 57:7 59:3 65:17 68:5 72:21 75:16 79:14,18 79:22 82:10,19 83:4,5 83:8 84:9 93:11 98:4 102:5 109:20 110:5 111:4,20 130:1,20 131:17 137:14 145:16 148:12,13,19 170:22 171:21 172:17 188:13 188:21 189:6 228:11 229:7,22 236:8 238:13 244:19 249:4 249:11 266:22 267:4 267:17 268:11 275:7 284:11,17 285:5 286:3 287:3 290:16 292:9,22 295:21 296:13 297:4,6,8,20 299:12 301:17 304:13 307:9,17 316:10 317:17,22 318:4,8,10 318:12 323:8 333:12 333:20 341:5 347:19 348:4,13 393:15 438:21 448:8 450:19	86:5 87:16 129:14 132:2 254:16 255:21 256:11,17 265:21 268:8 270:15 290:17 293:12 297:12 298:4 304:13 308:11 322:1 356:4 383:9 385:10 398:1 419:1 433:19 435:7 438:11 441:9 442:5 impossible 106:17 146:16 155:18 158:2 307:18 impractical 128:21 182:22 184:6 435:2 impregnate 107:9 impress 448:18 impressions 230:15 impressive 371:8 improve 123:16 243:14 243:15 296:9 376:1 376:17,18 380:19 398:5 improvement 25:12 81:6 improvements 26:17 improves 201:1 improving 123:13 In- 186:15 in-house 60:22 110:16 292:13 448:3 inability 278:19 359:16 inaccessible 377:12 incapable 313:6 incent 278:2 incentive 18:11 371:20 372:11 446:3 incentives 43:15 incentivize 430:15 incentivizes 172:3 204:4 incentivizing 231:16 include 17:13 34:12 40:22 60:3 66:11 81:22 83:15 274:4,11 283:21 285:21 294:12 294:18 322:18 329:16 359:9 365:4 378:20 382:14 392:14 395:3 404:19 412:5 427:21 438:4 445:6 463:7 included 13:10 32:1 39:18 43:20 73:16 96:9 131:21 138:21 170:10 172:11 189:15 194:13 195:14,15 235:11 236:10 238:16 249:1 274:1 283:15
importation 130:16 358:11 imported 28:5 32:11 63:3 66:6 76:14,18 86:14,15 89:9 102:14 103:1 106:1 110:17 117:10 144:4 147:21 149:2 156:8 173:11 174:1 200:11 245:1 292:11 301:20 307:10 308:10,10 314:5 317:1 323:22 324:3 331:13 337:14 339:10 343:13 345:8 354:12 373:21 375:9 376:4 390:10 392:12 412:19 420:16 433:13 436:22 449:2,15 450:2 importer 231:4 263:4 299:20 437:13 importers 148:21 287:7 288:13 291:1 419:7 441:6 importing 95:21 100:16 114:6 134:16 144:20	importance 55:15 105:11 186:1 212:15 262:4 important 14:17 36:14 37:10 62:16 134:11 172:7 194:16 202:20 205:5 216:7,8 242:4 256:20 313:18 320:3 320:14 343:3 398:7 415:21 416:13 417:16 434:7 importantly 46:7,20 200:21 204:3 369:19 418:18 427:15 449:5 importation 130:16 358:11 imported 28:5 32:11 63:3 66:6 76:14,18 86:14,15 89:9 102:14 103:1 106:1 110:17 117:10 144:4 147:21 149:2 156:8 173:11 174:1 200:11 245:1 292:11 301:20 307:10 308:10,10 314:5 317:1 323:22 324:3 331:13 337:14 339:10 343:13 345:8 354:12 373:21 375:9 376:4 390:10 392:12 412:19 420:16 433:13 436:22 449:2,15 450:2 importer 231:4 263:4 299:20 437:13 importers 148:21 287:7 288:13 291:1 419:7 441:6 importing 95:21 100:16 114:6 134:16 144:20	impose 13:13 73:12 79:21 170:22 172:20 205:6 232:14 235:5 240:8 280:2,3 289:14 290:20 330:14 358:11 399:11 imposed 40:13 57:15 88:2 97:15 98:20 127:6 129:12 146:4 147:12 219:12 252:3 253:22 264:3 267:17 308:8 338:7 342:17 371:21 372:13 382:16 386:3 396:7 423:14 439:7,14 441:11 444:11 457:4 imposes 120:15 173:4 267:2 456:9 imposing 7:18 8:1 18:2 22:20 61:13 63:18,21 65:16 67:6 69:3 72:21 83:20 85:6,16 123:19 124:6 130:19 143:7 167:11 198:13 203:14 254:18 329:2 358:15 360:21 361:3 369:1,5 369:10,16 372:17 377:3 387:10 426:18 430:14 436:15 imposition 39:8,12 86:2	

- 293:9 298:11 299:16
318:7 351:1,9 364:1
393:4 427:9
includes 22:4 25:1 35:8
109:12 137:15 181:13
242:22 288:17 316:20
321:8 324:15 325:16
395:20 421:12
including 9:7 10:18
23:8 35:1 38:11 39:5
54:13 61:13,15 64:7
69:2 81:10 85:1,11
92:4 119:3 127:17
136:4 148:13 168:1
177:19 181:18 188:20
196:4 198:12 200:10
231:9 232:20 234:3
239:22 256:7 261:4
284:8 293:3 298:7
306:8 318:22 325:13
329:12 358:17 369:8
369:11 379:5 380:7
381:8 390:15 391:15
398:20 435:11 437:14
444:9 447:4 451:13
452:4
inclusion 84:2 194:11
235:1 284:7,12,18
286:16 295:10 448:9
income 40:16 72:5
88:10 120:8 323:15
365:16 424:5 428:18
429:3,21
incomes 120:12 359:11
incoming 109:20
inconceivable 346:7
inconsistent 254:17
incorporate 379:4
incorporated 18:21
73:21 111:4 119:11
180:10 199:21 239:16
289:7 293:22 309:1
316:2 356:22 368:14
374:21 381:16 394:13
414:15 425:21 437:9
449:1 451:20 452:2
increase 22:13,22 31:6
31:8 45:12 57:20 76:9
78:14 88:12 96:2,5
98:8 110:4 111:20
116:1,2 135:19
152:15 161:17 179:22
189:8 195:18 196:20
199:5 206:11,16,21
238:10 242:6 253:10
253:21 254:3 262:10
270:21 272:1,6 273:2
281:11 289:9 297:3
301:18,20 314:10
333:12,16 347:20
353:2 354:16 355:11
359:2 393:13,16
397:12 423:18 424:2
427:1,8 428:5,5 429:6
435:5 439:3,4 441:21
444:18 447:12 463:16
465:10
increased 14:22 15:16
23:8 83:6,9 127:10
136:4 139:1 146:6
169:7 206:12 237:17
265:10 312:11 318:11
318:12 319:22 333:17
350:10 359:7,22
369:2,16 374:9 397:4
397:21 435:11,17
450:9
increases 24:9 25:7
30:14 57:16 120:10
178:22 179:2 265:12
266:8 267:20 271:18
272:4,14 283:18
314:22 359:14 365:10
396:6 439:9 441:14
increasing 18:6 61:16
69:6 72:10 84:10
116:9 231:5 253:19
290:9 314:4 341:1
392:1
increasingly 36:19 82:3
incur 62:8 183:18 184:7
independent 19:9
60:13 288:13 290:18
299:2 300:5 305:15
406:9
India 63:13 91:12,13,15
93:2 95:21 106:22
155:1 216:14,21
218:10 252:1 277:4
321:13 328:17 440:22
Indian 63:14 217:1
256:4 299:17 300:16
301:17 302:1,5
347:17
Indiana 258:1 316:22
321:12 376:10
indicate 162:20
indicates 260:14
indication 16:12
indicative 286:8
indictment 168:10
indigenous 289:2
indirect 393:3
indirectly 383:15
individual 61:9 68:13
235:2 238:15 300:6
309:5 359:9
individualized 386:6
individuals 10:1 29:13
56:8,12 82:3 351:4
397:21
Indonesia 70:16 94:7
155:2 216:10 422:2,5
indoor 305:14 432:8
industrial 2:19 5:16
39:4,7 85:10 125:4
142:4 168:22 187:16
205:2 236:14 251:10
251:20 253:7 293:4
296:6 298:19 380:22
383:8 389:9 394:8
437:15
industrially 256:21
293:2
industries 2:7 3:2,10
4:20 5:8,15 14:13
25:20 27:2 40:1 53:18
55:20 69:10,18 108:6
108:14 112:16 124:18
124:22 130:2,15
138:7,10 189:18
230:4 236:12 239:10
239:15 252:22,22
256:10,19 257:16
259:1,13 260:18
261:4,5,8,19 268:10
271:11 289:7 293:22
294:5 309:19,22
319:19 336:16 377:5
383:6 386:19 388:21
395:18 439:1,8
440:18 442:4,7
455:22
industry's 16:22 287:19
industry-leading 60:21
inefficient 229:18
inelastic 272:10,21
inexpensive 204:9
infeasible 129:8
infect 225:6
inferior 110:20 147:22
285:9
inflationary 30:2
influence 63:20 72:22
198:5
influx 75:5 97:22 317:1
information 3:10 4:5
16:3 33:4,10 141:20
202:4 269:9,10 270:7
270:22 274:1 326:5
363:14 378:12 379:3
408:1 411:19 412:3,5
414:1
infrastructure 34:18
177:21 197:18 203:8
208:5 213:6 217:2
223:14 312:21 380:4
infringed 168:6
infringers 178:7
infringing 168:2 205:18
255:4
infused 107:6 146:17
ingenuity 203:17 305:2
inherent 58:4 111:1
inhibit 69:13
initial 39:2 71:16 85:8
240:7 292:17 363:21
397:16 409:13
initially 8:20
initiated 7:13 167:21
initiative 168:22 322:12
injection 123:3 421:3,3
injure 399:8
injuring 390:21 446:4
injury 82:10 109:13
148:18
inner 276:13 412:21,21
innerconnectivity
356:2
innovate 23:22 169:13
innovating 51:5
innovation 7:11 27:8
32:16 37:10 39:1
60:22 75:12 85:20
165:12 181:19 202:21
233:22 234:1,10
236:21 238:7 292:21
305:2 358:1 366:4
375:12 388:14 401:20
402:6 456:7
innovations 95:10
294:14 295:20
innovative 33:13 65:9
125:16,19 133:20
214:8 361:13
input 14:11 230:18
392:1 462:7
inputs 14:17 17:11
105:3 225:10,11
434:12 435:9 436:6
436:12
ins 160:4
insect 239:22 241:7
242:3,7,11,18 272:21
273:7
insecure 204:5
insert 196:10
inside 115:4 410:4
insight 215:2
inspectors 154:17
inspiration 375:22
inspired 164:21 180:6

- install** 22:19 23:16
installation 283:1
installed 65:12
installers 27:12 47:17
 81:8 132:20 331:3
installing 324:16,19
instance 151:19 193:10
 305:5 349:3
instances 296:19
 343:20
institute 2:9 5:7 148:4
 227:9,14 232:18
 300:10 310:11 314:2
institutes 380:18
instructions 9:17
instrumental 244:3
 300:18 316:13
insufficient 264:10
 266:19 296:20 438:19
insulates 370:8
insulating 392:22
insurance 20:1
insurer 380:9
insurers 380:17
insurmountable 447:9
integrated 155:12
 364:8
integration 179:20
integrity 54:7
intellectual 7:11 32:16
 39:1,19 58:9 67:8
 85:20 123:22 130:5
 130:13 135:5 166:20
 167:17,20 178:5
 181:12 197:13 202:22
 204:17,21 214:12
 215:3 222:5,13,18
 254:20 255:9 292:20
 296:5 360:5,14,17
 366:8 370:6,15
 371:10,14 382:8
 384:8,22 388:14
 389:9,21 395:13
 403:6,9 419:14
 438:10 445:10,11
 456:6,8
intelligence 165:22
intelligent 357:9,12
intended 38:20 132:10
 305:22 307:10 372:6
 393:22
intensive 85:21 101:7
intensively 158:10
intent 292:17 410:9
intention 235:14
intentionally 175:20
intentions 58:8,16
interaction 72:12
- Interagency** 7:7 194:9
interchangeability
 335:5
interchangeable
 259:19 314:17
intercom 181:10
interconnected 201:3
interest 25:20 63:10
 119:4 132:5 158:7
 292:7 308:5 369:8
 377:22 393:3
interested 113:12
 215:11 347:7
interesting 43:18
 277:19 458:11
interests 18:3 238:21
 238:21 256:18 310:5
 310:12 313:12,13
 358:17 375:11 385:12
 451:1
interior 68:12 269:9
interlocking 39:20
intermittently 248:2
international 1:10 2:6
 3:3 5:22 6:11 11:16
 38:8 163:4 167:22
 176:14 247:5 283:7
 285:7 286:2 300:8
 314:18 315:14 317:16
 319:12 320:20 327:12
 367:14 387:8 389:13
 389:21 392:2 396:12
 413:18 425:13,22
 426:3 430:8
internationally 166:17
 307:15
internet 37:4 177:15
 179:22 200:19 201:7
 210:19,21 212:1
internet-connected
 201:12
interpret 171:8
intervene 17:8
intimately 109:5 158:19
 160:3
introduce 9:18 11:19
 162:19 327:6
introduced 305:7
introducing 193:6
 217:5
introduction 182:21
introductions 118:10
intrusion 236:18
invented 191:19 305:5
 305:9 344:7 363:8
 466:15
inventor 363:5
inventories 99:12 198:7
- inventors** 178:11
inventory 49:4 175:7,8
 198:2 279:2 291:22
 326:4
inversions 171:22
inverters 363:12 364:6
 406:21
invest 37:7 112:10
 141:3,12 152:4
 160:14 161:15 257:15
 261:20 296:15 367:9
 381:11 430:6,11
 436:2 445:10
invested 15:17 78:10
 81:19 129:2 139:22
 140:2 160:21 165:15
 234:5 295:22 325:14
 325:20 376:15
investigate 422:3
investigated 85:17
 408:11 434:15 455:17
 455:19,20
investigation 7:9,13,16
 8:8,14 9:14 30:19
 170:17 273:12 294:9
 298:7 322:11 326:16
 369:15,22 370:4,20
 372:4 396:8 446:17
investing 62:12 73:6
 159:8 253:9 380:14
investment 24:3 75:12
 113:7 122:4 138:13
 155:20 180:20 191:17
 245:8 370:12 383:16
 422:17 435:1
investments 64:8
 121:12 191:13 296:3
 421:8,18 459:20
investor 423:6
investors 118:16
 178:11 180:20
invite 53:5 227:5 282:2
 282:4 349:21 414:8
invited 103:9
involuntary 373:6,17
involve 263:15 325:4,7
 435:3 438:16 456:8
involved 16:6 118:13
 146:12 215:12 232:4
 325:12 384:10 418:5
involvement 300:6
involves 35:19 392:11
ion 235:15 237:5,17
 238:14
IoT 202:12
iota 273:9
IP 21:6,11,22 22:4,11
 135:6,9 178:7 184:18
- 205:2 214:8,10 221:9
 223:7 285:13 287:5
 292:8,12 346:12
 371:5,9 384:9 394:8
 400:20 409:22 410:1
 410:5,9,10
Iraq 164:18
iRobot 2:2 5:1 163:17
 163:21,22 164:3,8,15
 165:14,18 166:1,14
 166:18 167:13,15,21
 168:20 169:1,4
 205:17 206:3,22
iRobot's 164:19 165:12
 167:9 168:2 169:15
 205:20
iron 14:13 311:6,6,6,7
irony 204:22 365:12
irreparable 126:21
irrevocable 59:13
IRS 20:3
ISP 212:1,2,12
Israel 134:7 158:11
Issaquah 376:8
issue 60:9 68:9 106:15
 137:21 276:20 307:21
 347:2 420:21 453:19
 453:20 468:9
issues 95:2 109:6
 110:17 113:18 115:12
 154:3 336:13 455:2
it'll 106:8
ITA 163:4
Italy 291:3 422:10
item 152:17,20 189:21
 194:11,13 212:15,19
 212:19
items 30:2 32:11,14
 45:8 64:13 72:17
 86:10 109:10 115:17
 116:10 117:12 126:2
 126:5 152:7,8,14
 153:5 177:14 193:16
 195:6,12 199:9 211:1
 212:9,17 213:11
 283:17 284:7 313:8
 421:13 427:9 433:12
ITI 33:12 50:8
IVC 294:21
-
- J**
-
- jack** 32:9
James 2:3 4:16 103:16
 103:21
Japan 42:22,22 102:8
 384:7 386:22 466:15
 466:16
Japanese 107:1 365:13

383:14 384:10,14
Jared 3:10 5:8 239:9
 271:8
Jason 2:20 3:1 5:4,9
 193:19 194:1 251:2
 275:5
Jeff 3:6 6:17 451:20
 452:1
Jerome 2:16 4:10 67:20
 68:2
Jersey 306:7
Jiangsu 3:12 4:6 38:3,8
 51:21
Jim 2:2 4:3 12:22 13:4
JLab 2:10 6:1 178:15
 350:4,12 352:12,12
 353:9 354:15 367:18
 400:4
job 27:10 28:19 121:16
 247:12,15 248:9
 351:2,10 430:1 431:5
jobs 13:18 14:9 26:19
 35:4,11,20 47:8 55:11
 56:9 59:12 61:5 62:12
 65:19 69:22 73:9
 74:14 75:10 78:3,22
 79:11 80:2 81:22
 83:21 121:19,20
 122:3,8 128:13
 131:16 132:21 188:9
 189:3,9 191:1 208:14
 228:9 250:13,15
 261:20 287:16 296:11
 297:3 308:3 318:5
 322:5,22 324:13
 325:17 353:3 365:18
 387:4,6,6 388:22
 396:21 397:2 415:12
 433:6,17 436:2 446:6
 447:13 449:9,10
 451:11 460:1,8
jockey 382:22
John 2:14,15,17,18,19
 4:18 5:9,16,19,20
 27:5 113:21 114:2
 245:20 298:18 308:22
 309:8 315:9,13
Johnson 12:4,5 42:2,8
 42:14,17,20 43:2,8,12
 44:1,6,8,13 89:5,16
 89:19 90:3,5,8,11,20
 91:2,6 143:22 144:7
 144:14,19 145:4,18
 146:3,11 147:8
joining 77:9
joint 263:20 407:13
Jonathan 2:9 4:8 53:13
 53:17

Jones 117:20 118:3,6
Jose 226:9
Joseph 2:14 5:8 233:5
 233:6,7,11 238:5,6,8
 238:10 239:3,5,8
 270:9,17 271:6
Journal 118:7,14
joy 243:10
Judge 168:5
judgments 230:16
Julia 1:16 12:7 163:6
 327:14 328:2
July 7:21,22 8:11 9:5
 10:21 31:12 174:17
 235:8 283:14,14
 368:22 390:21 411:18
jump 363:13 364:6
 406:21
June 7:17 168:4 319:12
jurisdictions 408:16
justification 242:17
justified 273:14 284:15

K

K9 251:6
KA 21:17 22:9 23:12
Kable 178:10
Kansas 13:17
Karastan 294:19
Karnes 2:15 6:3 362:13
 362:15,16,20 368:12
 404:1,20
Karson 2:15 5:19
 308:22 309:2,3,8
 315:8 348:15,22
Kathleen 2:8 4:4 18:20
Kathy 19:2
Kearns 2:16 4:10 67:20
 67:22 68:1,2 73:19
 95:16,16,19 96:4 97:6
keep 13:12 162:4 165:4
 204:5 224:21 284:3
 302:19 351:15 354:10
 403:10,20 416:8
keeping 17:17 227:21
 280:3
Kelheim 147:6
Kentucky 98:3 234:7
Kerman 246:18 249:15
 249:19 250:20
Kestadt 381:21
key 34:21 135:11 243:1
 320:12 396:1 433:22
 447:7
kids 353:18 354:8 401:3
 401:6
kilns 345:16
Kimber 178:10

kinds 66:2 89:8
Kinzie 2:16 6:3 368:13
 368:15,16,18 374:1,3
 374:6,19 407:7,15
kit 193:9
kitchen 333:6 417:16
 426:14 452:4 461:2,6
kits 191:11 448:7 449:1
 450:2
Klinge 27:12
knew 110:16 178:12
 216:1
knock-off 445:16
know-how 16:7 409:6,7
 461:18
knowing 41:9 161:16
 215:11
knowledge 49:8 58:14
 234:21 405:2
known 109:8 138:12
 263:6 289:4 363:14
knows 17:3 171:14
 213:18
Kodak 2:8 4:4 18:20
 19:3,9,12 21:8,12,17
 22:1,7,11,12 23:15
 24:6 44:15
KONE 395:4
Kong 363:4
Korea 246:16 252:1
 274:21 298:1 440:21
 466:19
Korean 316:5 365:13
 405:14 466:22

L

lab 23:5 148:12 149:4
 233:22
label 459:9
labeling 156:13
labels 275:17
labor 1:18 12:14 40:12
 51:19 56:4 57:3 70:11
 77:8,15 85:21 101:7
 111:7 122:21 163:12
 188:22 197:16 206:12
 246:21 249:19 324:14
 324:15,18 325:5,7
 327:19 409:5 416:4
 417:1 452:16 453:13
 453:17 454:5 455:12
 461:16,17
labor-intensive 124:4
 454:3,8
labor-saving 125:19
laboratories 164:7
 292:12
laboratory 110:16

labs 20:12,14
Lacey 94:9 418:14
lack 56:4 117:5 145:5
 197:17 231:20 342:1
 355:16 409:6
ladies 84:18 186:14
laid 99:5 128:10 175:13
laid-off 83:15
lake 264:5
lamine 28:8 38:11,14
 39:5 40:8,10 54:11
 294:12 295:14 325:8
 330:21 335:3 343:18
laminated 85:2 88:17
land 81:16
lands 81:10,16
landscape 187:10
Lanka 252:5
laptop 186:22
laptops 35:1 201:13
large 31:22 49:17 52:10
 68:12 76:8 111:7
 127:17 147:17 161:4
 220:5 254:4 257:17
 258:17 260:3 264:16
 270:3 277:5 278:17
 316:18 324:2 367:14
 391:10 409:4 420:19
 423:18 462:17
largely 33:22 107:2
 257:10
larger 50:20 133:16
 198:4,18 289:19
 355:3 412:16 429:2
largest 13:15 79:9
 80:11 138:5,8,16
 166:14 167:9 190:2
 231:4 233:15 246:20
 257:19 259:4 260:1
 288:13 289:16,21
 295:3 311:17 344:11
 351:18 405:8 414:19
 426:14 434:2 452:3
Lastly 129:11 244:8
 367:12
latent 334:20
latest 192:10 241:4
 286:2 353:16
Latin 197:2
Laughter 97:11
launch 306:11
launching 181:21
law 116:4,16 168:5
 381:20 419:7
lawn 251:9
Lawrence 347:3
laws 88:6
lawyer 347:4

- lay** 61:8 79:16 356:7
 444:7
layer 65:11
layered 127:4
laying 355:1
layoff 83:12
layoffs 247:8 249:17,20
 250:13 317:4
LBT/vinyl 27:6
LCD 171:17 172:12,13
 173:6 174:9,15
 207:17 208:6,22
 209:3
lead 25:8,14 28:18 34:5
 39:13 59:6 87:2,4,17
 167:8 169:14 248:12
 430:1 431:4 435:5
leader 29:21 200:8
 357:22 432:7,12
 436:11
leaders 129:21 187:17
 352:1 395:1
leadership 169:16
leading 28:12 68:11
 72:11 120:1 227:19
 239:18 249:12 294:10
 294:14 301:3 321:3
 363:10 375:18 380:2
 380:17 383:19
leads 15:8 118:3
leaf 32:8
leap 263:16
leapfrog 70:8
learn 56:9
learned 378:22 454:17
learning 37:5
lease 397:22
leather 70:22
leave 37:6 199:7 272:8
 342:10
leaves 80:20
leaving 168:17 172:20
 187:22 198:10
Lebowitz 381:21
led 430:5
Lee 2:5 6:13 431:14,18
Lees 294:20
left 10:11 238:22 248:1
 461:9,10
left-behind 187:7
legacy 234:10 316:20
legal 115:14 168:15
 188:20 357:3
legislation 106:6
 418:14
Leigh 2:4 6:9 414:14,18
length 141:9 142:14
lengths 98:16 135:6
- lesser** 323:8
let's 117:3,15 162:12
 249:21 341:18 428:21
 449:13 459:4
level 31:13 46:22 70:6
 92:7,14 93:10 100:13
 100:16 134:22 158:12
 158:13 184:7 202:14
 216:12 217:5 219:12
 220:10 237:22 247:1
 264:4 309:17 318:14
 320:4 348:11 375:7
 382:11 386:7 389:18
 429:14 439:7 442:1,6
 444:19 446:5
leveling 172:8
levels 17:1,7 31:7 40:11
 60:15 83:1 311:15
 428:16
leverage 273:10
leverages 236:15
levied 31:4,13
Lewis 239:14
liable 148:20
liberate 14:14
Liberty 2:9 4:8 53:14,18
 54:3,3,10,12 55:10,17
 56:15 57:8 58:5,9
 59:8 89:6 96:6
libraries 36:17
license 168:14 371:3
licensed 371:2
licensing 168:19
lies 31:10
life 135:17 223:22
 241:16 350:16
lifecycle 397:18
lift 246:5 248:4 249:6
lifts 246:4 248:22 249:5
 250:12
light 10:9 84:8 181:7
 263:22 286:9 392:21
lightbulb 115:4
Lighthizer 167:15
 273:11
lighting 181:10 392:20
 392:21 424:10
likelihood 393:17
likewise 11:4 441:22
lime 241:17
limit 206:1 263:21
 353:20 380:3
limitation 400:15
limitations 303:7
limited 10:8 38:4,9
 63:12 78:4 87:7 152:1
 168:7 229:1 251:3
 258:7 260:9 262:21
- 263:2 265:6,13
 266:18 267:14 269:18
 279:12 296:19 302:7
 314:16 340:3 392:15
 440:15 441:4
limiting 324:11
limits 406:11
Lincoln 316:5
line 197:20 212:19,19
 213:22 226:18,21
 245:4 253:3 254:9
 263:8 321:8 394:6
 401:13
lines 50:19 51:3 69:20
 90:12 91:2 124:14
 153:13 195:19,21
 196:4 252:15 273:22
 276:10,12,14,16,17
 291:15 292:1 333:2
 345:22 349:12 355:3
 393:1 408:9 432:15
 432:17 462:3 465:18
linked 17:1 130:17
 241:21 319:20
Lionshead 2:18 5:10
 255:12,16,20 256:2,6
 256:11 257:6 258:2
 260:16 262:14
liquefied 231:3
liquid 107:8 116:6
liquid- 146:22
listed 55:4 59:4 84:3
 136:13 153:12 182:20
 212:18 213:1 217:20
 228:12,15 405:7
 420:2 456:19
listening 41:16 287:18
 352:5
lists 322:16 354:4
 364:17,21
literally 316:7
lithium 235:15 237:5,17
 238:14 270:10
lithium-ion 235:1
litigation 148:17,17
little 30:8 43:1,2 54:3
 56:7 87:10 106:22
 117:5,12,16 118:18
 158:11 159:20 199:12
 212:20 250:15 266:4
 269:12 273:18 312:21
 314:11 332:21 338:15
 338:20 339:3 352:12
 379:14 458:10 461:5
live 82:7 114:2 135:17
 359:11 415:11
lived 248:1
livelihood 54:20 306:15
- 350:19,19 385:20
lives 201:12 202:4
 223:18 243:8,11
 244:4 247:5,8 248:17
livestock 256:9
living 114:6,18 164:4
LLC 2:5,6,14,16,19 3:2
 3:3,5,5 4:4,10,18,20
 4:21 5:17 6:10,13,16
 24:14 45:17 67:21
 68:3 113:22 124:18
 131:4 298:19 420:6
 420:10 431:15,19
 446:12,18
LNG 231:4,8,12,16,18
load 258:22 259:15
 260:2
loads 264:8
loans 17:10 25:9
lobby 103:13
local 19:20 81:14 83:16
 192:14 280:1 320:14
 443:14
located 21:12 24:18
 108:7 139:10 186:19
 257:20,22 259:5
 260:1 357:21 360:7
 420:11 437:20
location 153:4 258:7
 357:21 378:20 379:3
 379:20
locations 109:2 123:7
 125:9 134:20 199:1
 208:19 245:10 288:16
 400:1 404:8
locks 379:7
lodging 133:10
logic 34:4 242:18
logical 175:22
logistical 166:10
logistically 92:9
logistics 20:2 91:22
 96:6 193:8 326:19
 376:10
Logitech 2:16 6:3
 368:14,19 369:9,19
 370:1,6,10,17 371:2,7
 371:22 372:7 407:8
Logitech's 371:10,14
long 50:9 74:9 79:14
 91:19 99:1 125:1
 150:17 161:16 185:11
 231:15 271:3 328:8
 387:1 391:20 417:8
 435:3 465:8
long-lasting 257:7
long-term 36:22 135:16
 139:8 177:2 231:19

longer 63:5 83:17 162:5
185:13 247:18 342:1
435:5
longer-term 34:5 37:8
37:19,19
longstanding 418:16
look 45:5 51:3 79:15
95:11 96:11 114:14
144:11 152:7 161:14
188:3 193:15 199:17
207:8 210:16 215:1
218:2 220:9 221:2
287:19 308:19 311:5
332:12 334:11,12
340:22 362:9 394:4
400:7 445:12 454:13
looked 118:9 134:5
146:16 157:9 206:3
216:2,13 218:9,21,22
226:10,15 278:21
343:19 408:14 409:3
416:18 453:15
looking 48:13,18 106:3
106:19 117:8 156:5
158:15,16 167:6
226:5,14 461:20
looks 342:8
lopsided 111:20
lose 109:5 162:6,7
245:4 402:18
loser 27:3 212:6
losers 178:7
losing 128:3,13 239:1
loss 57:1,22 72:12
76:10 232:1 236:5
361:16 365:16 396:20
435:14
losses 27:10 28:19
57:15 83:16 430:1
431:5 435:13
lost 15:8 72:17 78:3
83:11,15 96:17,19
291:20 344:8,12
435:12
lot 47:14 48:10 49:6,16
49:18,20 94:9,10
101:11 113:7 116:19
155:14 157:7 208:20
211:8 213:15 216:2
217:2 218:15 223:17
276:22 277:1,18
280:3 302:13 334:20
335:5 336:22 338:13
340:12 342:11 344:1
344:2,9,12 346:6
401:11 406:17 410:3
457:8 467:20
lots 336:1

lottery 272:12
Louis 125:13
Louisiana 299:13
love 342:6 458:20
low 51:10 88:9 99:19
120:8,8 182:14 285:2
287:8 302:17 318:14
318:17,17 326:14
351:8 359:10 387:4
428:7,12 430:14
434:16 436:12
low- 123:19 461:13
low-cost 49:19 120:2
124:4 216:9 461:13
low-end 422:13
low-income 152:22
161:22
low-power 433:20
low-pressure 422:20
low-priced 171:21
low-quality 63:15
low-tech 49:18 203:20
204:9 428:7 461:13
low-technology 63:18
70:10
Lowe's 81:7 459:11
lower 40:12,15 51:19
77:15 87:2,4 93:14,15
93:16 110:9 121:7
166:10 243:15 272:17
286:4 300:11 323:9
323:14 330:20 332:7
376:19 377:16 391:18
424:5 428:17 429:3
445:8
Luis 226:6
lumber 77:2 78:5,7,8,12
80:8 86:16 87:5
lunch 10:7 162:12
luxury 305:6 340:14,17
355:7
LVT 343:16 344:9,19
345:4,6
LVTs 344:8

M

M 3:3 5:22 320:19
M-I 299:5
ma'am 147:19 192:18
209:8 400:16
machine 37:4 416:15
machined 115:3
machinery 112:11
313:16
machines 248:15
249:10 250:7 274:22
machining 421:4
Macy's 447:4

Madam 163:16 205:11
227:7 239:11 268:16
273:18 350:3 399:15
Magic 3:9 4:5 29:2,6
magnesia 311:1,3
magnesite 311:3 313:1
349:3
magnified 271:20
main 75:20 231:7 252:8
269:22 279:7 310:22
365:17
maintain 60:20 79:20
84:6 131:16 169:16
253:2 321:6 376:9
397:2 403:19 431:7
maintained 237:22
maintaining 21:21
243:1 369:5 447:19
maintenance 127:21
246:5
major 29:20 44:19,21
102:2 128:3 135:18
185:9,17 255:2 299:4
299:19,20 300:7
314:10 315:17 316:2
337:7 365:14 366:8
380:8 432:14 435:18
441:3 445:2 447:3
majority 48:5 100:18
106:20 114:4 120:22
155:3,4 156:11
164:16 165:19 167:10
214:11 237:7 257:2
383:15 427:17 449:10
453:10 462:19 468:7
makers 198:6 379:22
434:14 436:17
making 64:1 104:19
146:11 147:7 148:11
227:1 230:8 301:5
310:20 365:10 377:12
430:10 458:1 464:15
Malaysia 90:10,16 91:5
91:6 94:7 231:10
440:21
mall 412:10
malpractice 58:3
man 247:21 248:8
264:6
manage 75:9 227:14
managed 21:14
management 20:4 36:7
126:7 376:21
manager 29:5 38:7
managers 81:16 253:8
managing 446:20
manganese 244:21
manipulating 443:16

manipulation 188:19
manually 293:8
manufacture 15:19
27:15 62:6 64:18 92:2
92:5 101:8 155:14
157:7,17,21 159:11
160:7 178:3 183:21
191:1 206:8 217:15
225:22 240:9 244:12
246:4 263:14 265:17
270:11 295:17 312:2
361:19 362:1 363:18
366:2 390:2 396:13
396:15 399:1 408:15
419:13 421:14 422:12
432:15 433:14 436:18
455:13 456:14 467:14
manufacture-specific
373:20
manufactured 48:6,8
107:7 108:20 147:1
182:7 185:2 197:9
221:16,19 222:12,16
225:9 241:8 246:17
257:3 259:2,18,22
260:11 262:9 265:19
339:1 358:6 360:11
373:4 386:2 387:11
404:3,5 440:7,9
441:12 448:14 456:12
468:1
manufacturer 29:7
52:17 60:12 105:9
108:7 131:10 137:6
149:2 158:1 184:19
203:11 218:22 223:13
233:16 236:10 239:18
246:15 251:20 255:5
257:21 260:8 274:20
279:14 280:2 289:17
294:11 295:2 304:19
371:13 373:13,20
386:12 395:1 396:22
402:4 408:4 410:4
414:20 415:9 422:9
433:5 439:18 446:21
447:2 453:6 464:5
manufacturer's 448:17
manufacturers 3:7 6:5
27:19 35:4 49:13,13
49:14 62:10 63:22
66:15 78:4 86:20
104:21 106:12 111:9
111:19 113:14 127:17
138:5,8 147:16
148:11 166:8 168:2
178:10 186:18 187:20
189:14 197:4 211:18

- 213:13 232:21 235:18
238:1 246:9 249:12
257:13,20 258:15
259:6 260:1,6,17
264:15 265:8 268:10
275:18 279:11 283:20
284:14 285:19,20
286:19 292:6 296:9
296:15,17 297:15
316:13 336:5 341:10
345:5,20 365:13
384:6 388:3,9,19
389:12 390:15 400:12
403:11 419:5,9
421:21 440:20 445:19
447:10 449:12 450:4
451:9 452:3 455:21
457:17 465:16
manufactures 22:6
235:22 256:6 280:11
307:8 392:1 410:20
431:1 467:11
manufacturing-related
29:17
Marazzi 294:19
Marble 315:15
marbles 289:3
margin 55:7 71:14
302:17 341:15 354:16
355:6 427:7 428:3
margins 105:4 107:2
182:14 183:3 277:18
289:9 378:9
marine 29:17,19 31:15
256:8 261:5 363:11
364:2 366:5
Marisa 2:5 5:14 287:22
288:5
Mark 2:15,16 3:1 6:3,3
6:15 181:19 362:13
362:20 368:13,17
442:16,21
mark-ups 272:3,3
market's 31:11
market-driven 95:7
marketed 100:2
marketing 82:15 109:16
292:2 325:22 387:5
430:3
marketplace 109:22
149:5 284:11 294:16
307:6 324:12 431:6
markets 19:22 30:17
31:18 51:8 101:9
102:18 125:4 133:4
133:13 134:10 187:12
188:13 231:13 232:1
237:21 259:7 302:22
337:7 343:6,7 365:20
366:6 367:2,14
389:14 391:17 393:20
405:10 430:8
Martie 446:19
Martin 3:5 6:16 12:5
446:11
Maryland 306:7
mass 353:4 379:6
mass- 173:16
mass-produce 220:6
mass-producer 171:16
mass-producing 171:4
masses 354:2
massive 16:13 17:1
378:10 464:7
MasterBrand 2:4 6:9
414:14,19
match 51:11 56:2,17
57:3 231:5 253:10,16
332:15
material 27:20 31:3,6
76:22 98:11 99:12,13
100:13 104:16 105:13
105:22 146:17,18
166:13 206:12 229:4
301:13 312:5,6,7,18
316:16 333:13 338:16
339:11 342:11 392:1
materially 390:21
393:18
materials 2:10 3:12 4:7
6:14 38:4,9 51:21
57:4 59:22 60:3 61:12
61:19 62:5 63:22 75:4
77:6,11 101:11,17
102:10 106:18 170:10
310:16,17 312:8,10
313:14 314:17,19,22
324:19,21 334:19
343:21 348:16 393:1
437:9,13 441:13
458:13 461:19
matter 53:9 162:14
240:7 278:8 351:20
372:8 384:13 389:7
416:1 417:6 423:21
468:21
matters 61:21 237:7
Mattke 2:17 5:20 315:9
315:11,12,13 320:18
336:9,15 337:10,18
338:4,10 339:14
mattress 145:12
mattress-makers
145:22
mattresses 104:16,17
104:19,21,22 105:10
145:16 146:2
mature 62:17 63:8
140:7 161:8 255:2
matured 307:13
Maureen 1:18 12:13
163:11 327:18
mausoleums 337:1
max 3:5 6:16 174:13
446:12,18,20 447:1
447:10,16,21 448:2
449:19 450:4,7
maximum 14:5 58:20
Maxion 259:11
Maze 439:21
MBCI 418:12
McCANN 2:18 5:9
245:20,21 246:1
250:2,3,6,20 251:1
273:16,20 274:5,14
274:18
McGuire 1:17 163:8,8
214:6 215:9 217:16
270:8 271:1 327:16
327:16 333:9 335:10
403:22 460:13 461:22
mean 53:1 100:21
102:21 203:16 218:19
240:20 267:7 278:3
280:2 281:1 352:2
458:15
meaning 121:7 404:15
meaningful 23:12 187:6
247:10
means 10:10,11 16:10
57:6 62:3 84:4 128:7
215:16 240:4 307:5
323:8 340:13 346:7
348:18 416:14 424:4
428:8
meant 451:3
measure 161:3
measured 254:5
measurement 76:20
measures 161:5 295:17
298:5,9 394:6 444:8
MEC 2:18 5:9 245:20
247:11
mechanical 181:13
mechanism 373:3
MECO 3:1 6:15 442:17
442:21 443:5 444:8
446:6 465:9
media 13:16,20 14:3
16:16 43:18,19 363:7
medical 20:3 81:3
243:11 247:19 388:18
389:3,11
medium 235:3,17
238:16 358:2 359:19
medium-size 358:18
medium-sized 23:2,4
35:9 36:1,4 51:1
59:10 196:2
medium-term 169:6
meet 16:18 18:5 42:4
46:6 68:21 97:19
122:15 123:8 129:4,9
141:5 142:6 148:8
149:2,6 158:3 183:12
187:18 236:4 265:4
266:20,22 267:5
285:6 296:20 298:2
307:1,4 328:5,9
331:16 335:8,19
338:9 365:7 417:22
422:6 438:14 441:8
455:3 465:10
meeting 56:20
meets 418:6
Megan 1:11,14 163:14
melt 460:2
melting 460:3,5
member 82:14 86:18
87:3 177:12 197:9
221:13,20 222:2
282:20 283:4,10,12
390:1,22 392:7,14
393:19 395:7 426:5
446:20
members 29:11 50:8
53:5,7 59:18 68:1
100:19 102:11 103:9
103:20 105:20 137:3
194:19 221:9 227:5
227:11,16 233:8,17
239:12 243:9 282:2,4
282:11 286:12 288:3
304:7 349:21 350:1,8
350:20 388:7 395:3,9
411:20 420:9 446:15
membership 317:13
membranes 137:18
memorial 316:5,5,6,6
321:17 336:22 337:2
memorials 316:16
memory 211:2 215:1
men 82:7 247:6 316:19
Menomonee 125:8
mention 91:13 252:12
273:22
mentioned 44:16 48:21
59:2 73:14 87:19
90:14 91:10 96:7
97:15 102:10 136:14
147:4,20 153:19
154:21 155:13 156:2

189:20 207:3 223:4
 269:2 270:9 275:12
 329:12 333:20 336:17
 340:16 343:13 403:2
 410:2 421:15 430:21
 445:20 460:15 463:13
merchandise 119:21
 373:21
merchandising 325:22
merchant 199:1
merchants 194:6,21
mere 248:22 249:2
 417:14
merit 284:18
mesh 200:16 201:1,11
 203:4,8 407:11
met 1:9 226:7 265:5
 328:13 424:12
metal 30:15,22 70:22
 311:7 460:2,3,5
method 191:19
methodology 107:13
metropolitan 108:8
Mexican 160:20 299:17
 301:17 455:21
Mexico 70:16 96:15
 125:10 134:6,17
 139:15,20 140:5
 157:22 158:11 160:19
 170:13 171:21 172:4
 173:12,13 174:2
 175:12 207:13 208:10
 287:9 290:1,7,8 291:3
 328:18 347:16 400:2
 400:9 402:10 449:14
Mexico's 449:15
Mexico-assembled
 175:15
mic 273:17
mice 369:11 371:17
Michael 437:11
Michigan 236:1
Mickey 117:20 118:3,6
micro-denier 448:10,13
 449:21 451:4 466:7
 466:12
micro-manufacturing
 192:1
micro-rovers 164:22
microcephaly 242:1
microphone 180:13
microphones 378:21
Microsoft 187:12 191:7
mid-size 355:9
Midcontinent 440:8,13
 440:19
middle 82:6 102:6
 120:8 211:9,22,22

272:16,17 323:15
Midland 236:1
midst 198:16
migrated 461:10
Mike 2:10,21 4:11 6:14
 27:12 79:3,7 437:8
miles 406:1
Milican 145:1
military 19:21 165:7
 379:3 380:2
mill 80:7
Miller 2:18 5:10 255:12
 255:13,15,16 262:18
 277:8,16 278:15
million 13:22 36:9
 61:20 81:19 83:14
 110:5,6 122:4 127:2,7
 138:14 140:21,21
 141:1 161:6 165:16
 167:1 180:19 183:22
 189:3,4,9 191:18
 194:6 196:6,12,13,20
 197:1 199:1 203:17
 234:6 243:20 244:1
 246:12 248:22 249:7
 261:20 317:19 318:1
 321:21 331:12 332:3
 341:4 344:18 345:1
 346:5 348:12 375:19
 376:15 377:9 386:10
 406:1 426:16
millions 128:4 129:2
 161:4,5 173:16
 197:19 220:6 258:6
 292:2 325:14,21
 375:21 377:18 380:15
 380:19 381:12 409:15
 421:8,18 423:7,7
 425:3 434:20 443:7
 459:19
mills 71:6 78:5,8 80:18
 450:11
millwork 74:5 78:4,6
Milwaukee 125:12
mince 354:13
mind 207:8 330:4 403:7
minds 339:3
mineral 270:1,4
minerals 2:15,19 5:17
 5:19 14:15 298:19
 309:1 310:22 313:17
 313:21 314:14
miners 302:20
mines 269:16,20
 302:10,13
mini 213:14
miniaturized 213:16
minimal 302:9

minimally 243:20
minimum 28:2 58:20
 78:16 386:13
mining 14:11,13,15
 252:21 303:5
Minnesota 125:14
 233:13 316:21
minute 10:10 41:22
 143:21 205:15
minutes 10:8 13:2
 18:22 24:15 29:3 33:6
 38:5 53:15 59:17 65:3
 67:22 73:22 79:5
 84:17 103:18 108:4
 113:22 119:12 124:19
 131:5 137:2 163:18
 170:4 176:10 180:11
 186:13 193:21 199:22
 227:10 233:6 239:10
 245:22 246:2 251:3
 255:14 262:21 282:10
 288:2 294:1 298:20
 304:6 309:2 315:11
 320:21 350:6 357:1
 362:15 368:15 374:22
 381:17 388:5 394:14
 414:16 420:7 425:14
 431:16 442:18 446:13
 451:21
misappropriation
 360:14
miscellaneous 106:3
misguided 55:14 58:17
mislabeled 287:4 346:12
mislabeled 284:1,21
 292:8
misplaced 322:4
Missan 2:19 6:4 374:20
 374:22 375:1,2
 381:14 408:8,14
mission 375:21
missions 164:17
Mississippi 447:1
Missouri 13:17 241:8
mistake 171:9 174:5
 176:1,5 351:4
MIT 164:5
mitigate 17:21 230:7
 300:19
Mitsubishi 395:4
mix 249:18
Mo 3:5 4:21 131:4,8
mobile 203:7 223:14
mod 114:17
model 192:2 226:16
 386:10
models 386:2
modem 201:7

modems 177:22 211:10
 212:4,12
modern 192:1
modernization 378:11
modernize 398:3
modest 54:9 184:3
modification 388:10
modifications 344:22
modified 142:5
modifies 141:14
modules 211:2 236:1
Moen 3:6 6:17 451:20
 452:2,18,22 453:5,19
 454:18 455:17 456:4
 459:5
Mohawk 2:7 5:15 40:1
 289:6,12,16,21 290:3
 290:8,11,14,22
 293:22 294:4,10,20
 294:20,22 295:10,18
 295:22 296:9,14
 336:4
Mohawk's 290:5,15
mold 460:6
molded 76:17 217:12
molding 77:9 78:4
 109:13 123:4
moldings 76:5,15
molds 421:13
Moly- 12:22
Moly-Cop 2:2 4:3 13:5
 13:15 14:8,10 15:4,8
 15:9,17 16:3,6,14
 17:20 42:3
mom-and-pop 47:14
moment 94:1 268:19
 350:16
momentum 430:10
Monday 9:20
money 23:20 37:6
 272:18 366:1 456:3
monitor 455:9
Monitoring 327:22
monitors 201:14
monofilament 60:4
monopoly 289:11 302:6
monoxide 392:18
Montana 81:11
month 150:22
monthly 359:8,15
months 25:5 28:2 45:11
 47:2 122:1 183:22
 198:8,10 338:22
 386:13 427:22 466:3
 466:4
monumental 336:22
monuments 316:2,16
mood 243:14

morning 7:3 11:20 12:1
 12:4,7,9,12,15 13:4
 19:1 24:16 29:4 33:7
 38:6 44:14 45:15
 47:20 50:4 53:16 65:4
 68:2 84:18 93:19
 95:14 97:12 103:20
 108:5 114:1 119:13
 124:20 131:6 151:6
 156:19 247:6
Moroccan 300:15
 301:17 302:1,7
Morocco 347:16
mortar 282:22
Morton 80:5,16
mosaic 283:16 284:13
 284:18
mosaics 323:22 324:8
 339:17 340:1
mosquito 241:13
mosquitos 241:1,10,17
motherboard 208:16,17
motherboards 173:6
 207:5 208:18,20
 209:1 211:7 218:14
motor 462:12,12
motorcoach 233:15
motors 137:16,17
 140:16,21 161:8
 392:16 433:20,22
 434:4,11,16,20
 436:13 463:2
Mount 80:6 131:11
 132:15,18 157:5
mountain 293:8
move 35:22 76:14
 124:3,8 140:5 142:19
 175:4 184:12 215:13
 220:11 224:22 252:13
 252:16 349:10 361:9
 402:13 423:10 436:17
 454:22 456:2
moved 30:17 31:18
 96:2,15,17 108:21
 109:1 139:13 140:7
 143:5,11 276:15
 307:14
movement 49:16 379:2
moving 23:17 37:22
 47:1 179:12 208:2
 215:16,20 361:18
 402:2 455:17
MSI 321:1,3,10,15,18
 321:22 322:7 325:13
 326:11
MSI's 324:13
mulch 80:22
Mullis 1:17 12:9,10 91:8

92:19,21 93:6 149:7
 149:18 150:4,13,17
 151:3
multi- 413:6
multi-billion-dollar
 35:5
multi-family 133:9
multi-layer 85:1 88:3,16
multi-phased 338:10
multi-unit 289:5 330:4
 330:9
multi-year 425:2
multilateral 232:13
multinational 133:16
multinationals 157:20
multiple 54:14 212:17
 261:4 355:3 421:18
 421:19 423:8 459:19
music 385:21
muted 198:6
myriad 152:7

N

NAFTA 108:21 173:14
 188:6
nail 440:20 464:4
nails 437:14,14 438:4
 438:12 439:1,15,19
 439:21,22 440:3,6,9
 440:11,14,17 441:2,5
 441:6,7,11 463:14
 464:2,10,12,15,16,21
name 12:1,15,18 13:4
 19:1 29:4 33:8 38:6
 53:16 65:4 79:6 84:19
 103:21 108:5 114:2
 119:13 145:14 163:1
 163:3,20 170:5
 186:15 194:1 200:2
 227:12 233:11 255:15
 262:22 282:15 288:4
 294:2 309:8 315:13
 316:7 320:22 350:12
 357:3 362:19 368:17
 375:2 381:19 388:15
 394:16 414:17 431:17
 437:11 442:20 446:19
 452:1
name's 327:11
named 117:19
names 218:6
Naomi 3:10 4:5 33:4,8
Naples 80:17
narrow 238:18
narrowly 433:3
NASA 164:22
nascent 167:5
Nathan 3:9 4:22 136:22

137:4
nation 198:16 313:9
 441:3
nation's 380:17
national 2:17 3:4,7,8
 4:12 5:20 6:5,6 37:13
 84:15,20 88:10 148:4
 176:22 227:17 238:21
 247:1 315:3,9,19
 316:6 375:11 377:21
 379:17 380:10 388:3
 388:9 394:12,18
 428:22 441:17
nations 188:14 253:22
nationwide 121:18
 354:4
native 406:21
natural 64:19 76:13
 80:20 227:18,20
 228:8,19 231:3,6,20
 232:16,20 269:1
 289:1 293:14 299:10
 303:21 316:14,17
 317:17 318:5,17
 320:12 321:8 324:3,8
 325:4 337:14 338:7
Naturally 231:16
nature 410:21 428:7
 443:22
near 15:3 31:12 147:5
 153:4 427:17 459:17
nearing 307:3
nearly 14:22 56:16
 120:3 154:1 155:18
 191:8 194:19 243:6
 323:21 388:17 419:2
 443:18 445:6 446:2
 447:17
necessarily 265:9
 266:6 439:5 441:6
 455:14
necessary 36:21
 105:13 129:7 141:9
 171:1 195:7 199:13
 228:22 297:13 298:6
 308:16 361:22 398:7
 425:4 438:21 453:3
necessities 430:17
necessity 240:18,19,21
 242:3 272:9
need 23:14 49:21
 106:12 122:6,14
 123:11 144:11 152:2
 152:12 159:6 169:7
 174:22 198:11 201:11
 201:17,18 219:12
 228:5 245:2 287:8
 333:3 361:7 362:2

376:1 385:20 441:15
 455:16
needed 71:2 80:1 87:15
 95:1 120:2 187:20
 219:2 226:13 229:1
 230:14 260:8 348:10
 441:8 453:21
needs 71:2 124:10
 171:19 187:18 241:3
 258:10 270:13,18
 296:18 307:2 341:6
 341:16 385:3 417:3
 422:7
NEFR 144:10
negative 23:12 25:21
 26:6 28:18 32:15
 34:15 39:15 67:13
 72:11 86:6 119:17
 159:2 169:11 188:8
 189:22 303:17 310:5
 323:4 358:21 396:10
 429:18 432:1
negatively 61:14,19
 69:5 88:8 325:1 361:6
 361:12
neglects 291:7
negotiate 51:4 194:17
negotiated 183:4
negotiating 273:10
negotiations 182:19
 393:22 394:1
neighbor 102:8 170:7
neighborhood 224:4,6
neighborhoods 187:7
NEII 394:19,21,21 395:7
 395:9,11,17 396:9,13
 397:1,9 398:11,19
 399:8
NEII's 395:3
neither 60:6 63:2
 263:18 354:17 370:17
 384:14 396:17 427:6
NEMA 388:10,17 389:8
 390:1 392:6,14 393:3
NEMA's 388:16 391:8
 392:13
nervous 350:14
net 427:3
net-net 118:12
Netflix 200:19
network 201:22 202:17
 225:3
networking 34:16 200:6
 200:17,22 202:11
 204:4,6
networks 34:19 201:11
 203:4 205:4 379:8
Nevada 269:17 300:15

301:15 303:2,5
347:17 348:2,5
never 63:6 94:3 95:5
97:2 188:18 223:18
247:14 409:21,21,22
448:14 466:9
new 2:14 5:8 19:10 21:7
21:12 24:18 25:12,17
26:15,16 40:20 51:3,4
53:21 54:21 56:11
57:12,19 58:4 76:9
77:3 87:19 89:11 95:6
95:10,10 121:18,19
121:22 131:11 135:17
136:5 138:4 142:15
142:20,22 143:1
157:5,13,15 160:1
162:18 168:9 177:4
181:11 183:6 186:20
191:14 193:6 200:5
201:15 202:6,14,21
206:19 214:8 224:4,8
233:5,12,14,20,21
234:6,13 235:14,18
236:9 237:14,18
238:14 252:5,11
269:20 291:19,19
302:3,22 305:16
306:7,10 333:19
345:15,18 353:2
361:13 364:4 386:11
391:15,17,20 397:7
410:18 418:4,15
423:5 451:8
new-model 118:10
Newcaster 2:19 5:16
298:18,20,21 304:3
310:8 347:1,6,13,21
newer 204:3
news 202:11 224:16
nexus 374:9
NFI 233:14
nice 97:5
niche 102:17 114:21
125:16 133:8 289:6
330:3 340:4
nickel 454:12
nickel-metal 244:21
Nielson 152:22
night 385:16
Nile 241:18
NILS 1:15
nimbleness 90:17
nine 263:18 276:10,12
313:10 314:1 377:1
Ninety-five 353:7
noble 58:7
node 201:6

nodes 201:3 202:5
non- 110:14
non-Chinese 128:16
158:16 365:21
non-recourse 135:16
non-tariff 188:15
non-U.S 245:10
nonproprietary 203:12
Normally 193:7
norms 389:21
north 2:3 5:13 30:17
65:7 81:9 104:12
133:17 138:21 187:13
233:16 261:14 282:9
282:17,19 289:18
292:5 294:4 321:5
452:18 453:2,9
458:19 467:19
northeast 82:13 446:22
Northwest 80:14 447:1
not-for-profit 426:4
note 36:14 43:18
134:11 230:21 322:14
399:21 435:14
noted 10:17 24:7
106:18 111:20 339:16
400:5 436:9 458:5
notice 7:18 8:1,12,22
10:22 228:13 283:15
287:14 330:2 368:22
374:8
noticed 149:9 273:20
notices 9:6 329:6
noting 106:8
notwithstanding
410:11
November 66:10
nowadays 101:9 102:4
103:2
number 11:1 36:10 76:5
77:21 83:5 91:20
98:13 101:12 102:14
139:1,3 144:15
154:12 155:9,19
210:9 213:11 239:21
243:19 244:10 274:9
274:10 301:11 331:21
338:20 340:15 361:5
402:8 427:3 435:10
455:2
numbers 17:19 88:19
100:22 150:8 195:14
219:10
numerous 17:13 21:13
65:13 122:18 181:18
215:18 216:16 285:21
329:13 440:19 455:19
nut 32:6

NuTone 431:15
nylon 63:9

O

O'Connor 2:20 5:18
304:4,6,7,10 308:21
335:12,15,22 343:11
oak 86:19,20,21 101:18
Obispo 226:7
object 214:21
objecting 92:13,15
objective 83:1 85:14
382:3,11
objectives 39:9 85:7
130:22 232:10 298:6
300:1,3 369:22 372:5
375:13 380:22
obligations 365:7
observations 271:17
obsolete 157:8
obstacles 46:14,16
48:21 49:7
obtain 16:9 106:14,16
106:17 110:9 122:19
123:10 173:9 191:11
369:3
obtainable 184:9
obtaining 374:11
obviously 110:9 174:13
222:2 271:17 331:6
occupies 297:9
occupying 321:21
occur 377:7 385:9
445:1
occurred 188:18
October 175:9 233:21
ODM 187:21
ODMs 190:19 191:9
OEM 117:12 187:11,15
191:8 260:17
off- 187:8
off-road 258:19
offer 121:5 240:5 245:3
271:16 323:11 332:1
341:19,20 342:2
450:12
offering 121:3 240:4
offerings 288:22
326:13 377:13
offers 255:20
office 7:5 12:8,20 20:3
153:22 163:7 224:9
327:15 353:6
officer 68:3 200:3
304:11 357:4 437:12
officers 71:21
offices 25:2 54:15
official 97:8

offset 57:15 78:18
118:10
offshore 109:2 166:21
303:12,13,14 387:17
Ohio 363:18 364:11
oil 227:18,20 228:9
232:16,20 299:10
300:12 301:12 303:19
310:11 314:13
oilfield 232:20
old 190:11 204:5 250:3
366:10 436:15
older 247:2
oldest 293:6
Olean 294:19
Oman 440:21
once 19:4 49:3 135:20
138:3 142:13 156:8
213:20 222:15 252:8
one's 208:2
one-hundredths 249:2
one-person 118:1
one-source 45:22
one-third 377:6
onerous 417:10
ones 25:7 157:6 224:4
309:12 365:15
ongoing 28:5 82:10
194:16 397:17
online 277:5 297:1
onus 56:8
onyx 289:3
opaque 380:1
open 41:11 121:15,22
133:3 134:8 188:13
256:8 309:7 334:2,4
350:21 367:6 389:14
427:16
opened 54:10 111:18
121:14 233:22 466:20
openers 428:22 461:3
opening 4:2 300:19
420:17 422:21 424:6
424:19
operate 80:15 120:3
121:21 125:11 248:4
295:5 395:8 443:19
operated 21:17 22:9
119:21 311:20 358:7
360:12 363:1 443:6
operating 15:9 68:3
97:20 175:7 288:11
370:11 376:13 437:12
operation 175:11 372:9
378:8 398:5
operational 81:20
operations 19:3 21:9
23:17 24:4 78:1

233:20 295:4 324:15
 357:8 361:7,18 365:6
 366:9 370:2,5 376:5
 376:12 383:20 390:8
 391:2 393:10,14
 402:4,9,10,12 408:13
 430:6 435:16 447:20
 448:3,6 449:13
 452:13 454:10
operator 120:1
operators 109:13
opinion 261:15 277:12
 351:16
opinions 309:6
OPM 380:7
opponents 295:16
opportunities 82:2
 121:17 222:1 443:14
 445:18
opportunity 10:14 11:7
 13:6 18:16 19:4 29:9
 53:20 59:7 73:15
 107:20 113:18 119:16
 125:22 164:1 172:6
 176:12 233:9 246:20
 255:18 263:3 282:13
 287:17 288:7 294:6
 298:22 304:9 308:18
 309:4 321:2 350:9
 357:5 362:8,17
 368:19 371:20 375:5
 395:15 425:9 426:7
 431:19 442:12,20
 446:9,15
oppose 248:17 448:9
opposed 143:8 176:20
 194:10
opposes 322:1
opposite 30:10 67:9
 124:9 170:20
opposition 195:18
 309:14,16
opt 325:6
optical 19:8,14,18 20:7
 20:18 22:14,21 23:10
 23:18
optimism 247:9
optimize 48:12
option 24:5 128:17
 197:14 215:17 298:14
 400:4,8 451:7 452:16
 453:14 460:17
options 24:2 48:15,17
 123:13 198:11 206:14
 217:13 226:5,15
 260:7 324:1 409:2
 441:4 451:10
oral 10:8 228:14 274:6

Orange 321:6
order 36:7,13 41:12
 100:11,16 103:11,14
 128:8 168:7 183:21
 220:11 230:14 282:6
 365:6 378:9 391:18
 402:15 414:12 440:12
 450:14 454:12 455:9
orders 26:2 40:7 441:2
 448:4
ordinary 138:15
ore 14:13,14 301:19,20
 303:16 311:3,4
Oregon 75:11 81:11
organization 21:11
 80:10 188:6,11 194:3
 217:7 313:19 315:1
organizations 310:6,10
 351:2,5 426:5
organized 372:13
oriented 408:20
origin 303:21
original 186:17 187:19
originate 173:10,12
originated 62:22
origination 365:3
originator 204:15
OSHA 108:13 455:4
Otis 394:17 395:4
out-of-pocket 162:7
outcome 254:7 300:2
outcomes 376:19
 389:15
outdoors 264:6
outer 103:13
outlet 231:20
outline 48:20 126:12
outlined 126:9 167:14
outpacing 352:20
output 281:13
outright 303:8
outs 160:4
outside 23:18 35:13
 45:20 46:4,17 50:7
 69:20 70:15,21 90:6
 96:3 123:14 125:13
 134:12 138:11 139:22
 141:11 143:5,11
 151:22 152:4 160:18
 184:1 206:4 207:6,10
 210:7,11 217:13
 221:8 222:1 236:8
 259:6 264:19,22
 267:7,10 276:8,14,17
 297:22 339:18 340:4
 361:9,19 367:17
 371:18 386:12 396:16
 398:21 409:16 416:16

418:4 420:12 421:21
 423:3,6 425:4 440:16
 441:4 452:14
outsourced 110:8
outsources 384:4
overall 16:8 29:19,22
 30:8 31:6,11,14 76:9
 89:12 127:13 143:9
 144:11 179:6 185:13
 203:21 306:19 319:3
 377:8 454:10
overburdened 31:16
overcapacity 464:7
overcome 75:2
overhead 77:8 429:22
overlap 319:20
overlooked 80:6
overseas 27:3 35:22
 113:13 158:17 171:6
 175:4 191:6 220:22
 269:4 340:18 341:9
 342:21 419:19
oversee 366:16
oversees 111:18
 449:11
overstate 55:15
overtun 313:20
overview 313:22
 405:21
overwhelm 89:14
overwhelming 192:10
 257:2
owned 21:14,17,18
 22:7 60:14 157:20
 166:17,20 256:3
 301:4 311:20 349:8
 355:4 358:7 360:12
 363:1 371:12 383:16
 400:10 401:22 402:4
 402:10,12 403:2
 410:13 426:12 443:5
owner 114:4
owners 28:12 74:8
 397:15,20 398:6
owners' 398:2
ownership 243:12
 408:12
owning 370:10
owns 117:20 275:18
 360:4 384:7
oxide 311:6,7,7
Oxman 2:20 5:4 193:19
 193:20,22 194:1
 199:19 221:6,11

P

P-R-O-C-E-E-D-I-N-G-S
 7:1

p.m 162:13,15,16
 468:22
Pacific 80:14
pack 150:22 151:2
package 459:4,8
packaged 122:21 129:4
packaging 156:12
PackBot 164:8,10
packet 114:14
packs 150:22 457:16
pads 396:1
page 117:6 118:8
 309:11 313:10,22
 314:15 445:12,14,16
pages 309:10
paid 361:8
pain 34:5 37:18,19
 58:20,20 139:7,18
 243:15
paint 60:2 63:16 64:3
 92:5,6 248:11 332:15
paintbrush 60:19
paintbrushes 62:1,1,7
 64:1
painters 60:15
pair 76:17,19 77:7
 262:19
panel 4:3,8,15 5:1,6,12
 6:1,8 10:12 12:22
 41:20 53:5,6,7,13
 84:14 89:4 103:8,10
 103:16 113:16 136:22
 138:4 143:19 162:9
 163:17 190:11 193:14
 199:20 205:12 207:21
 208:6,7 209:3 218:8
 220:13 221:1 227:4,5
 227:8 262:19 268:17
 270:7 282:1,3,4,8
 293:21 298:13,18
 299:1 300:11 304:4
 308:13,22 315:9
 320:19 327:2 349:19
 349:20,22 350:1,4
 371:19 372:10 394:11
 399:16 414:7,8,9,14
 425:10 451:19 456:22
 468:14,15,19
panelist 300:11
panelists 218:12 222:4
 222:7 408:10
panels 9:22 10:4,6
 66:13 94:2,3,12 95:6
 140:17,22 208:22
 315:14
paper 19:16 20:13
parent 373:14 384:14
 403:14

parental 202:2
parents 178:12 321:13
Park 80:17 138:13
parrot 367:18
part 32:1,4,5 35:13
 51:22 124:3 207:15
 207:16 210:20 218:16
 250:10 274:6 275:8
 275:13,20 277:19
 298:13 299:5 360:19
 413:11,14 445:8
 455:10
participate 112:19
 307:19 376:19 377:1
participated 449:19
participation 392:8
particular 28:7 84:11
 90:12 104:15 105:19
 107:12,21 186:7
 189:20 212:15 215:2
 215:15 223:6 225:22
 369:2,6 373:12 378:5
 382:7 390:6 400:20
 409:7 433:19
particularly 23:15
 39:17 88:9 105:3
 148:6 159:4 221:3
 241:19 286:9 295:13
 367:5 435:15 451:15
parties 152:21 232:3
 378:14
partner 22:3,4 27:14
 132:16 251:14 376:16
 381:20
partners 22:10 182:19
 222:19 232:7 252:1,4
 353:5 354:19 355:17
 365:8 386:21 390:5
 409:19 427:7
partnership 89:21
partnerships 257:8
parts 19:14 20:8,18
 21:1,15 22:14,18,21
 22:22 23:11,18 32:13
 32:18 48:1,5,22
 114:18 115:7 123:1
 134:16 145:16 171:1
 172:13 173:9,10
 174:20 183:17 189:6
 189:17 190:22 193:4
 195:7 197:11,22
 198:13,17 199:6,9,13
 218:3,4,9 219:7
 221:17 229:12 233:16
 234:6 248:11 274:16
 397:17 399:1 407:2
 413:5 452:21 453:22
 459:6 467:9,11,15,20

467:22
party 347:7
pass 64:6 71:15 104:17
 128:1 136:3 148:15
 169:7 211:21 212:6
 214:2 220:7 252:17
 265:10 266:7 267:19
 269:11 359:4,5
 396:18 397:20 423:16
 441:15
pass-down 211:17
 212:8
pass-downs 212:2
passed 57:18 72:8
 106:6 214:2 262:2
 397:9 424:1 428:6
passenger 263:5
 265:14 279:18 280:3
 280:13,15,16 281:3
 281:18
passionate 346:20
patch 224:3
paten5ts 366:21
patent 39:22 44:3 65:14
 66:21 191:22 305:17
patented 65:18 67:5
 305:10 306:3
patents 21:13 65:13
 66:17 67:12 95:4
 165:15 168:3,5,16
 181:17 205:18 255:4
 360:10 363:19 401:22
path 175:13 394:3
 431:4
patience 268:20
patient 118:16
patients 165:2 305:3
Patriot 2:13 4:9 65:1,5
 65:6 66:17 93:21
Patriot's 65:17
pattern 26:4 63:8
patterns 291:10 292:15
Paul 2:13 4:9 65:1,5
Pause 42:1 414:11
pay 39:21 40:2 62:3
 135:22 154:16 191:8
 196:10 208:11 211:20
 212:3,8 220:11
 260:19 390:16 391:12
 391:13 441:6 458:2
paying 30:21 55:11
 174:12 237:8 243:22
 351:13 387:4 390:10
 397:2
payment 112:20 196:6
payments 194:5,7,20
 195:2
payroll 36:6

PC 187:2
PCB 190:5,9,16 218:15
PCBs 140:17 189:20
 190:7 193:15
PCR 263:6,11 265:14
 265:18,22 266:11
 268:7 279:6
peak 109:4
Pedersen 2:21 4:11
 79:3,5,6,7 84:13
 98:19 99:3,18,21
peelers 461:4
penalize 419:5
penalizes 92:17
penalizes 303:18
penalty 373:16
pending 191:22
Pennsylvania 306:7
 437:18
people 35:4 40:16
 51:20 54:8,13 68:16
 79:10 81:21 104:13
 118:5 125:6 128:11
 128:13 132:18 154:1
 154:18,21 164:7
 180:18 191:15 200:10
 217:10 225:5 226:4
 241:11 246:6 247:2
 258:3 306:7 315:6
 351:1 352:3,22
 353:15 363:3 430:12
 432:9 443:15,18,19
 454:4 459:13,14
 460:3
people's 243:8 244:4
percentage 52:20 96:1
 146:8 149:14 279:1
 280:18,20 335:12
 337:16 429:2 462:22
percentages 272:5
perfect 417:19
perfectly 272:20
perform 124:5 164:17
 165:19 418:5
performance 27:9
 41:10 110:18 141:16
 283:7 285:10,18
performed 164:12
performs 448:2
Pergo 294:20
period 28:1 76:4 193:5
 317:10 318:11 402:18
 402:21 460:22
periods 75:8
perjury 373:16
permanent 57:22
 137:16
permitting 455:8

person 114:5 148:19
personal 108:17 109:7
 114:20 115:7 202:4
 352:17
personally 276:15
 422:8
personnel 20:3 136:9
perspective 100:10
 138:17 190:18 300:5
 326:7 333:15
pet 240:1 242:21,22
 243:4,5,7,12 244:3,6
 271:9
Peter 1:18 2:6 6:10
 327:7 420:5,9
petition 66:12 440:9
petitioned 313:19
petitioners 230:14,17
petitions 229:21 232:19
 440:20
Petroleum 2:9 5:7
 227:9,13 300:10
 310:11 314:2,4
pets 243:2,7,10,13
PetSmart 239:20
Pettis 1:18 12:12,13
 50:4 51:15 98:19
 99:15 147:11 163:11
 163:11 221:6,12
 222:21 275:5,22
 276:4,7,11,21 277:6
 327:18,18 348:14
 349:17 411:15 412:7
 465:6 466:5
pharmaceuticals
 242:14
phase 392:16
Philbin 2:22 4:19
 119:10,11,13,14
 124:16 151:7,17
Philippine 365:2
Philippines 94:6 363:19
 404:4,17,21
philosophy 69:9 139:6
Phoenix 104:13
phones 35:1 196:10
phosphoric 349:10
photochemical 20:19
 22:14 23:6,11
photochemicals 19:15
 19:16 20:13 21:3 22:6
 23:18
photographers 20:16
 23:9
Phthalates 305:12
pick 27:1 145:14 212:2
 335:2
picking 333:7

- picture** 61:9 150:1,9
213:21 319:3 445:13
445:14
- pictures** 73:16 96:9,11
- piece** 118:8 209:3
- pieces** 39:21 213:15
217:12 258:6 454:6
468:6,9
- pig** 354:6
- Pinder** 168:5
- pine** 66:3 77:2
- pinpoint** 212:14
- Pioneer** 3:6 6:4 381:16
381:22 382:1,2,10,13
382:18 383:1,13,14
383:17,18 384:4,7,15
385:2,13,22 386:22
387:18 411:4
- Pioneer's** 383:5
- pitted** 286:21
- pizza** 461:3
- place** 72:18 98:7 105:7
113:5 126:20 128:1
135:22 173:9 214:1
244:2 287:10,10
309:17 340:21 366:12
391:11,12 393:7,9
416:3 458:21
- placed** 54:22 56:8
57:10 71:22 89:11
374:10 464:14
- placement** 29:16 55:13
- places** 45:6 147:4
213:15 216:10 226:10
269:19 365:20 406:12
406:17,21
- placing** 120:5 261:2
323:16 392:11
- plan** 365:5 367:9 381:4
- planet** 206:7
- plank** 304:14
- planned** 262:13
- planning** 26:16 121:22
362:21 387:5
- plans** 17:13 71:20,21
121:15 376:18 447:18
- plant** 13:18 104:11
108:20 138:15,16
246:17 257:22 290:7
344:22 345:4 364:11
365:2 404:21
- plantation** 94:14
- plants** 56:10 104:15
125:11 155:13 258:13
289:22 290:5 307:2
334:6 405:15 415:11
- plastic** 32:8 40:22 41:1
108:10 123:3 217:12
421:3
- plasticizers** 305:11
- plastics** 355:22
- platforms** 2:18 5:9
245:21 274:16
- platinum** 305:14
- play** 169:18 243:7
250:10
- playing** 83:19 92:14
172:8 237:22 309:17
318:15 319:4 320:4
375:7 382:11 389:18
419:18
- please** 53:7 59:11
103:10,11,13 180:14
192:17 209:21 238:8
239:3 250:17,19
268:1,13,19 282:3,6
374:1,5 414:9,12
444:13
- pleased** 11:16 326:21
437:5
- pleasure** 33:8
- plenty** 335:7 346:10
- plied** 251:18
- plugs** 392:19
- plumbing** 420:16,18,22
421:12 424:22 452:3
- pluming** 424:20
- plus** 77:4,14 212:5,8
270:3 415:16
- ply** 275:14
- plywood** 65:11 66:1,6,8
66:10,12,13,15,21
85:1 88:3,16 93:21
101:5 415:15 416:5,5
416:6,7,9,14 419:2
- pockets** 272:19 293:11
353:12
- point** 29:15 74:12 91:17
93:10 108:14,16
119:22 122:22 134:21
138:2 175:10 196:11
198:3 204:1 213:20
225:19 241:5 242:13
252:16 272:7 332:8
340:22 343:2,4 367:8
408:1,4 415:7 420:17
422:21 424:6,19
- point-of-sale** 194:12
196:7
- point-of-service** 195:6
197:10
- pointed** 339:16 458:13
- points** 111:22 183:13
228:18 233:2 295:7
301:8 345:7 407:3
447:7
- poised** 169:17
- Poland** 252:1 291:4
- policies** 7:9 8:7 17:12
34:2 38:21 39:4,7
63:21 73:2 74:3 77:20
85:10,18 112:1
126:11 129:19 132:11
205:3 228:2 234:14
256:15 292:18 296:6
298:10 313:20 315:5
322:9 358:20 361:1
369:4 370:19 372:2
374:12 382:4 383:3
383:11 385:8 388:13
389:9 394:8 430:16
438:9
- policy** 69:19 135:10
172:2 177:1 204:19
205:1 227:15 230:2
232:10,18 236:14
238:20 282:12 283:3
284:16 293:5 375:13
379:22 383:8 428:15
434:14 436:17
- polish** 453:22 460:1
- polished** 468:4
- polishing** 421:4 455:1,5
- pollution** 460:6
- polyester** 60:4,5,6
62:16,22 63:2,9,11,12
63:19 64:18 91:11,14
92:11 93:1,3
- poor** 285:10
- popular** 72:17 323:19
- population** 120:9
- populations** 179:22
- porcelain** 284:21 285:2
285:6,7,11 288:14
293:14 321:9 323:8
328:6 340:19 341:12
- portfolio** 239:21 371:9
- portion** 275:3 278:18
391:10 404:2,5 427:8
- portrait** 20:15
- POS** 196:8,12,16,20
197:9,22 199:11
221:15 222:7
- pose** 58:5 185:12
- posed** 78:14 184:16
- poses** 75:17
- posing** 181:1
- position** 128:12 172:22
289:14 362:17 431:8
- positioned** 29:12 240:3
- positions** 361:9 378:3
- positive** 28:16
- possibilities** 216:3
- possibility** 128:18
174:19
- possible** 11:4,14 50:8
142:19 191:5 192:5
227:2 230:9 252:15
281:10 285:1 291:15
329:15 402:19 433:8
456:1 464:6
- possibly** 48:7 121:20
- post-** 11:8 346:21
- post-hearing** 9:7 10:17
141:7 308:16
- posted** 10:2 11:12
- potential** 23:14 26:3
27:10 72:12 179:4
185:8 211:16 214:9
216:22 231:22 355:8
367:10 379:9 408:15
455:19
- potentially** 13:11 36:4
72:20 169:12 182:8
430:1
- Pottery** 447:5
- pouring** 460:6
- powder** 303:16
- power** 363:12 364:6
393:1 406:20 434:16
436:12
- PPF** 19:16 20:11 22:1
- practicable** 358:19
360:22 369:3,13
374:11 383:10
- practical** 24:5 164:6
167:3 169:17 183:20
184:2,11 217:14
242:10 448:19
- practice** 177:1 370:15
- practices** 7:10 8:7 13:8
17:15 34:1 38:22
55:12 73:2 74:3 85:18
123:21 129:19 130:6
130:18 170:18 177:3
188:20 204:17 205:2
228:6 232:7 234:15
234:20,22 238:11
248:19 250:11 256:16
287:14 292:19 298:10
358:21 361:2 369:5
369:21 370:19 372:3
372:8 374:13 382:4
383:3,12 385:8 387:3
388:13 389:10 395:12
430:16 431:4 432:3
433:1 434:9 436:8,10
438:9 444:1 445:9
451:2 456:5
- Pradesh** 302:6
- PRC** 265:18
- pre-** 125:15

precertification 377:2
precise 372:22 418:1
precisely 436:13
precision 408:20
 409:11
precluding 392:7
predatory 129:17
 132:10 286:8
predecessor 80:4
predecessors 135:21
predicament 106:7
predicated 54:6
predominantly 109:9
predominately 257:4
 259:22
preferential 17:10
preferred 22:17
preferring 277:11
pregnant 241:20 273:6
prejudicial 236:16
preliminary 427:21
premier 394:21
premium 30:17 80:14
 260:11,14 284:22
 307:7 450:10
preoccupied 37:14
prepare 461:6
prepared 279:4 407:20
 437:4
presence 125:9 284:10
 297:20 367:6 414:21
 453:5
present 1:12,20 2:1
 28:21 60:9 309:15
 362:17 367:22 390:9
 444:19 446:18 447:9
presentation 228:14
presented 30:12 300:9
presently 82:20 443:15
 444:16
preserve 83:20 446:5
president 24:17 27:5,13
 59:19 65:5 84:20
 103:22 114:4 131:8
 137:5 159:22 176:13
 233:12 239:14 251:5
 255:16 263:1 294:3
 304:10 315:16 321:1
 362:20 394:17,18,21
 437:12 442:21 452:2
president/owner 53:17
presiding 1:11
pressed 422:16
pressure 72:10 238:10
 243:15 295:21 436:16
 438:8
pressured 382:7
 384:19

presume 464:10
pretty 160:3 342:3
 400:22 463:20 467:2
prevailed 191:10
prevalent 443:10
prevent 94:18 198:18
 225:4 242:11 372:2
 454:22
preventing 37:9 379:14
prevention 81:17
 376:21
previous 211:7 252:2
 389:6 427:1
previously 22:7 57:10
 78:15 111:21 142:17
 254:1 262:2 455:17
price 30:14,22 31:7
 40:5,11 43:4 57:16,20
 77:4,12 88:12 93:18
 110:1,19,19 116:10
 119:22 120:10 122:22
 123:6 158:8 178:21
 179:2,3 183:13 204:1
 240:6 253:16 272:1
 272:14 278:2 286:4,7
 302:18 303:1 314:10
 314:21 345:7 348:6
 354:18 402:15,16
 403:12,13 407:3
 415:7 416:2 417:6
 420:17 422:21 423:18
 423:20 424:1,3,6,19
 429:15 445:3
price-competitive
 459:17
price-point 111:10
price-sensitive 127:15
 153:1
price-wise 93:15
priced 88:13 260:10
 286:3 403:16
prices 27:6 30:21 36:3
 70:1 72:9 76:16,21
 77:16,18 78:13 87:17
 98:16 99:19 111:4
 116:2 124:6 127:10
 135:19 169:9 182:20
 182:22 183:2 184:13
 199:5 236:20 237:2
 262:2 285:11 287:8
 301:21 302:2 323:14
 324:9 325:5 356:10
 384:3 400:6 423:21
 427:2 429:11,14
 435:11 447:11
pricing 40:4 77:20 83:1
 98:9,15 100:12
 110:15 182:13 286:9

302:5 343:19 368:2
 406:8
primarily 21:14 82:13
 87:19 90:9,15 110:6
 120:8 187:1 203:1
 297:9 309:22 333:17
 453:11
primary 51:2 109:17
 202:16 257:20 323:18
 385:4 432:15 462:3
 467:3
primed 76:17
priming 77:9
principal 74:8 195:20
principle 56:21
principles 372:18
printed 34:20,21 137:18
 177:16 178:20 305:10
 396:2
printing 61:1 344:20
printout 195:16
prior 139:4 157:11
 401:17
prison 247:14 248:8
privacy 379:13,17
private 81:10 146:9
 203:5 251:16 263:7
 275:16 301:2 337:1
 397:10 459:9
privately 60:14 256:2
 426:12 443:5
privately-owned 131:9
privilege 351:8
pro 347:4
probable 112:7
probably 51:9 116:8,15
 212:1 300:22 302:22
 320:9 335:15 344:10
 345:1 348:7 402:14
problem 145:17 146:1
 146:16 147:2 188:2
 208:12,21 241:13
 253:22 319:11
problematic 56:13
problems 34:1,3 58:11
 91:12 216:16,22
 217:9 223:4 273:11
procedural 9:16
procedures 10:20
proceed 9:15
proceeding 38:20
 130:22 167:22 255:19
 384:19
proceedings 307:20
process 43:13 44:2
 51:22 80:21 109:12
 109:14 113:6 146:12
 158:19 171:11 174:7

179:10,14 186:8
 187:5 197:21 220:12
 229:20 230:8,11,17
 289:8 308:14 333:7
 400:7 407:9 415:22
 416:13,16 421:6,17
 425:3 448:3,12 454:8
processed 100:7
 194:19
processes 16:4 63:11
 229:16 255:5 391:20
 409:8 418:5 427:12
 435:4 449:11 454:3
 454:15 455:2,7
processing 20:12,16
 23:5 303:6
processional 364:2
procure 183:17
procuring 216:20
produce 13:16 14:17
 35:17 63:11 70:11
 80:22 81:3 86:10 89:8
 95:11 143:1 187:20
 190:10 191:5 192:5
 219:19 251:5,11
 252:20 259:12 264:20
 265:2,3 266:21
 275:16 279:11,14
 280:19 428:10 432:15
 440:13 443:1,3
 444:15 445:15,21
 460:20
produced 49:9 50:6
 51:18 62:17 63:5,7
 66:7 71:1 86:18 87:3
 87:6 139:19 157:1
 165:14 170:14,22
 229:3 231:2 235:21
 266:16 269:14 284:2
 291:16 292:16 305:13
 306:9 332:4 360:11
 386:7 439:16,17
 440:4,5 448:11
 450:11 462:8,9,10,19
 464:18
producer 13:15 79:9
 80:12 173:17 244:11
 270:1 277:9 289:22
 302:1 344:11 460:22
 464:10
producers 14:7 15:13
 15:20 16:2,7 18:4,10
 42:4 43:15 77:19 78:6
 84:22 85:1 98:14
 110:7,22 245:10
 265:16 267:7,10,15
 277:10,15 285:14
 286:15,21 297:11

303:3 316:21 319:5
 319:19 387:12 416:19
 419:11 448:21 449:4
 449:8 451:6 455:19
 457:5,8 465:9
produces 38:10 60:14
 87:11 218:13 219:17
 264:13 389:2 447:2
producing 80:21
 108:15 140:16 173:21
 186:18 223:8 234:11
 238:18 255:3 275:15
 277:10 283:12 287:2
 287:4,16 291:8
 316:14 332:7,19
 346:8 418:6 421:5
 443:7 444:6 465:17
product's 141:16
 312:14
productive 14:2 326:6
productivity 253:2
professional 20:12,14
 23:5,9 261:15 357:15
 357:18 359:19 363:6
 363:11 364:5,7
 405:19 406:10 407:4
professionals 139:2
Proffitt 3:1 6:15 442:16
 442:18,19,21 446:10
 465:7,12
profit 55:7 77:14,17
 277:17 289:9 293:11
profit- 72:3
profit-sharing 72:2
profitability 136:7
profits 72:1 128:5
 166:22
profound 300:7
program 32:17 124:2
 164:10 240:13 257:1
 279:20 281:18 293:5
 360:20 377:2 399:6
 447:16 449:20 450:3
programs 71:17 81:15
prohibitive 128:21
 210:12
project 26:15 31:3
 135:18 160:1 340:21
 424:8,13,14 427:19
projects 25:8,13,13,16
 25:18 26:4 41:8 133:9
 135:14 231:18 312:20
 330:18 336:17,19
 404:15 424:8
promote 84:1 86:2
 129:20 289:8 325:22
 399:6
promotion 135:4

236:12
prompted 56:14
promptly 171:10 174:6
pronouncing 223:1
proof 313:17
propagated 372:14
properly 100:3,7 237:6
properties 41:2 85:20
property 7:11 32:16
 39:1,19 58:9 67:8
 123:22 130:5,13
 135:5 166:20 167:17
 167:20 178:5 181:12
 197:13 202:22 204:17
 204:21 214:12 215:4
 222:6,13,18 254:20
 255:9 292:21 296:5
 360:5,15,17 366:8
 370:6,15 371:10,15
 382:8 384:8,22
 388:14 389:9,21
 395:13 403:6,9
 419:15 438:10 445:10
 445:11 456:6,9
proportion 196:18
 258:10
proportionately 31:16
proposal 316:9 380:3
 392:10 407:11 447:14
proposals 389:7
proposes 325:18
proposing 171:8
proprietary 202:18
 292:14 370:7,16
 371:11,15
prospect 266:4
prospects 248:9 250:15
prosper 136:15
protect 59:11 80:1
 135:6 204:20 225:2
 240:22 306:1 308:4
 350:18 353:22 358:4
 359:12 370:15 395:13
 403:5
protected 21:14 214:20
 305:17 371:11,16
 379:1
protecting 21:22 44:3
 371:8 403:9
protection 12:3 22:4
 65:15 67:8 108:17
 109:7 135:10 141:21
 163:2 327:10 366:20
 389:22
protections 410:10
protective 81:3
protects 370:6
prototyping 226:9

proud 14:1 54:17 81:22
 125:5 305:19 321:10
 354:9 415:8 452:6
proudly 14:6 61:2 200:9
 247:18 308:1
proved 456:2
proven 71:3 160:6
 192:5
provide 9:16 11:8 17:8
 29:10 36:21 42:9 44:9
 75:10 77:17 81:22
 92:22 108:16 124:13
 133:19 135:13 151:8
 151:17 153:5,6
 161:12 166:6 167:19
 179:17 181:8 202:2
 202:14 214:20,21
 216:14 219:2,6
 230:18 232:2 248:19
 251:15 253:1 260:7
 269:8 271:14 297:16
 298:22 300:4 326:7
 338:1 352:8 357:18
 359:20 388:8 405:4
 406:9 422:15 458:22
 459:12
provided 13:22 16:11
 17:20 23:1 164:15,22
 170:10 207:10 222:19
 323:21 366:19
provider 19:20 212:1
 259:9,11 300:17
providers 36:16,21
 257:11 259:4 278:3
 326:20 357:15
provides 13:18 201:22
 203:7 215:7 243:12
 285:3 324:2 447:21
providing 17:6 29:13
 74:13 81:13 125:18
 167:3 201:21 207:9
 353:10 425:8
provision 132:22
provisional 10:2
provisions 22:5 437:3
public 1:5 7:8 8:13 9:4
 22:16 81:10,15 208:3
 235:20 237:12 241:12
 389:6 397:10 408:2
 420:20
publically 357:7
publicized 394:6
published 7:17,22 8:12
 8:21 77:4 83:3 235:7
 428:22
pull 273:17 338:16
pulling 264:6
pulp 107:8 146:18,20

punish 62:10
punished 356:10
punishes 140:1 355:8
punitive 130:19 185:1
 205:6
purchase 23:6 26:2
 49:12 112:11 122:9
 152:20 204:5,8 255:6
 291:2,5 330:20
 331:17 397:22 448:7
 448:22
purchased 25:5 62:5
 106:1 138:9 179:11
 240:14,19 243:1
purchases 27:4 68:22
 81:15 240:21 301:1
 450:10
purchasing 179:3
 331:20
pure 146:13
purported 254:19
purportedly 130:18
purpose 9:3 326:16
 447:15
purposes 82:16 235:16
pursuant 358:9 382:16
 388:11
pursue 277:15
pursued 228:2
Push 180:13
pushed 403:4
put 26:12 55:22 72:9
 94:8 104:21 116:1
 117:14 121:19 122:5
 138:17 155:19 190:18
 234:19 287:9 333:6
 336:20 338:20 346:21
 355:2 405:22 436:16
 453:14
puts 140:3 287:13
 367:12
putting 352:15 378:11
 453:3
PVC 305:11 344:20

Q

Qatar 231:9
qualification 398:17
 435:4
qualify 68:20 141:10
 142:15,22 143:3
 179:16 391:20 398:20
qualifying 390:18
qualities 312:5
quality 15:16 22:18
 46:20,22 49:2 50:17
 54:6 60:21 91:13,17
 91:21 93:9 109:14

152:3 216:5,15
 218:13,20 219:1
 220:14,19 226:17
 229:15 253:10,15,16
 253:17 285:1 287:3
 302:7 305:14 312:1
 330:20 348:19 364:14
 384:2 390:13 398:8
 406:7,19 418:2
 419:13 432:8 435:4
 447:3 450:10 458:22
quantities 87:7 123:8
 264:21 265:3 422:14
 439:17
quantity 260:9 265:17
 386:8 441:7
quarriers 315:18
quarries 2:17 5:21
 315:10,20,22 316:1
 316:20 338:13
quarry 318:20 336:15
 336:20,20
quarrying 320:13
 338:11
quarter 82:19 203:17
 377:7 378:6
quartz 293:15 319:13
 321:10 325:4
question 15:11 34:4
 37:17 44:14 45:16
 46:13 47:21 50:5,16
 76:13 89:5 91:8 92:18
 92:22 93:20 95:15
 96:1 97:13 98:20
 100:17 112:15 113:8
 139:17 140:10 141:13
 143:14,22 147:20
 149:7,17 150:9 151:6
 151:13 160:9 207:2,7
 209:7 210:4 211:7
 214:6 215:10 217:18
 221:11,22 222:22
 268:22 270:8 271:8
 274:13 275:5,21
 277:7,16 328:3,21
 331:4 333:9 335:11
 336:10 337:19 338:11
 339:2 342:18,18
 347:12,13 348:14
 367:16 399:19 400:13
 401:14 405:6 407:7
 407:16 408:7 410:14
 411:15 412:1,8,13,20
 413:7 457:1 458:8
 459:1 460:9 462:2
 463:4 465:6,13
 467:14
question's 51:16

205:16
questioning 41:22
 408:9
questions 10:14,16,18
 11:3 18:18 24:10 42:2
 47:21 89:1 131:2
 136:18 143:16,20
 147:9 151:3 156:20
 199:18 205:9,14
 214:7 215:11 233:2
 287:20 293:19 298:16
 304:1 308:20 326:21
 327:4 356:17 362:10
 374:18 399:18 401:11
 423:22 425:10 437:5
 442:14
quick 52:7 63:7 93:7
 273:15
Quick- 294:20
quickly 31:19 176:6
 202:8 224:13 320:11
 338:8,12,17
quite 40:14 49:6 96:4
 101:17,20 147:17
 171:7 175:5 182:14
 278:7 316:18 331:14
 341:14 404:18 416:22
 422:15
quotas 313:21
quotation 422:16
quoted 445:1,3

R

R&D 109:14 113:7
 376:15 380:16
radar 363:14 404:22
 405:5
radial 31:21 256:1,13
 263:6
radiata 66:3 77:2,4
radio 226:22 363:5
radios 363:11 364:1,3
rail 303:7
Rainier 80:7
raise 183:2 184:13
 278:1 323:13 329:6
 423:20,21
raised 247:22 379:22
 424:2
raising 112:13 379:17
ramifications 30:18
ramp 271:4 338:8,11
 344:21
rampant 284:1
ramped 444:5
ran 74:12 157:11
 159:19
random 31:22 98:16

Randy 239:14
range 11:17 75:3 126:5
 201:4 243:20 353:18
 385:15 432:18 462:4
ranges 174:16
ranging 316:15
rapid 16:22 97:21
 206:18 301:3
rapidly 15:3,16 71:19
 98:8 189:5
rare 82:3
rash 230:19
rate 8:19 9:1 25:15,20
 51:10,12 102:20,21
 167:12 219:11 220:14
 220:17 318:13 329:4
 329:5 348:10 427:5
 449:3,22
rates 103:1 332:7
 450:18
rating 259:15
ratings 258:22 260:3
rationale 291:6
raw 27:20 62:5 75:4
 76:22 77:11 98:11
 99:11 101:17 102:10
 105:13,22 146:17
 310:16 313:14 314:17
 314:22 343:20 348:16
 461:19
rayon 104:8 105:12,12
 105:13,15,18 107:3,7
 107:10,13,18 144:3,3
 144:8,12 145:6,10,21
 146:12,13,14,17,19
 146:21
Rayovac 240:1 244:9
razor 378:8
re- 370:13
reach 36:8 148:17
 235:14 258:9 307:19
reached 422:8
reaching 179:20 450:18
react 224:13 365:5
read 116:18 239:16
readers 34:13
readily 257:11 310:3
 324:4 385:22 398:12
 412:4 439:19
ready 162:12 163:15
 205:15 224:10
ready-to-assemble
 457:14
real 36:2 37:17 117:3
 158:15 210:15 212:15
 220:19 276:20 395:18
 419:19 429:9 448:19
realistically 56:2

realities 158:3 387:7
reality 30:9 434:4
realize 176:2
rearrange 398:12
reason 16:1 58:15
 65:20 67:16 96:9
 198:12 251:11 252:8
 252:12 254:18 275:12
 279:20 284:12 351:6
 351:7 370:17 418:8
 440:12 452:14 454:2
reasonable 203:22
 339:11
reasoning 179:17
 352:10
reasons 24:6 28:11
 59:1,21 68:4 70:19
 83:22 88:14 99:19
 122:18 126:12 137:9
 146:8 152:1 153:18
 155:6 197:15 216:4
 244:5 245:13 262:14
 268:12 284:20 302:13
 342:19 343:8 360:21
 362:3 419:22 420:15
 431:22 436:20 442:8
 456:17
rebound 348:2
rebuild 48:13
rebuttal 308:16
recall 11:7
receive 9:4 43:15
 449:22
received 181:17 293:10
recertification 23:21
recess 162:13 468:17
recession 61:3
recognize 371:20
recognized 239:22
 294:17 305:15 443:11
recognizes 176:5
recommend 442:9
recommendation 9:12
 444:10
recommended 168:6
 354:4
recommends 407:8
reconfirmed 429:9
reconnaissance 164:14
reconsider 124:11
 433:18
record 53:10 162:15
 195:14 239:17 248:8
 292:10 371:8 468:22
recording 385:16
recordings 11:11
recover 197:5
recovered 77:5

recovery 165:5
recreational 23:9
recruiting 72:6
rectifying 382:3
red 10:11 80:13 81:9
 86:19,20,21 101:18
redesigning 366:1
redirect 174:18
redone 417:15
reduce 61:5 130:1
 179:3 183:2 238:12
 245:8 249:14 262:12
 427:2 429:19 431:5
 444:20
reduced 29:21 75:4
 236:20 253:20 312:15
 314:8 402:2 443:20
reducing 61:7 77:22
 106:11 128:7 188:14
 376:2
reduction 324:10,21
 361:11 429:17,21
 448:12
reestablish 229:18
reevaluate 141:15
refer 66:4 382:1 457:14
reference 277:20 309:9
referenced 115:10
referencing 384:5
referred 196:7
referring 309:12
refine 372:19
refining 227:20
reflection 74:7
reflects 16:8
refractories 310:16
 313:15,15
refractory 310:16
 313:14 314:13
refrain 451:13
refrained 290:9
refusal 254:20
refused 61:5 422:15
regard 22:1
regarding 9:4 20:11
 53:21 389:8
regardless 254:7
regime 215:15 449:16
region 50:16 52:4,5
 196:17,21 450:4
regions 197:6 266:19
 316:21 320:13
register 7:18 8:1,12,22
 10:22 11:13 235:8
 283:15 368:21 374:8
registered 67:11
registers 194:12 356:11
regressing 26:11

regularly 285:5,18
regulated 148:1 418:11
 455:7
regulation 147:22
regulations 104:17
 105:9 111:6 112:18
 190:14 253:13 418:20
 453:18 454:22
regulatory 103:22
 115:12
reinforce 301:8
reiterate 409:20
rejected 289:15 322:17
rejiggering 35:18
related 7:10 32:1,14
 38:22 85:19 109:9
 123:21 223:7 235:2
 238:14 256:16,22
 271:2 282:22 293:4
 299:15 310:7 312:11
 388:13 400:20 420:18
 456:5 457:12
relates 292:20 352:9
 355:14
relation 58:17
relations 98:13
relationship 22:2
 409:17
relationships 54:18
 72:18 130:11 183:4
 291:7 409:18 417:8
 418:16
relative 342:19 393:11
relatively 15:6,15
 122:21 214:15 373:9
relaunch 291:15 292:1
release 53:4 103:8
 162:9 227:4 282:1
 349:19,20 414:7
 468:19
relevance 395:21
relevant 38:16 142:10
 396:3
reliability 56:22 348:19
 398:9
reliable 268:4 303:13
 388:19 406:3
reliance 56:15
reliant 223:13 231:18
relied 133:3 230:5
 447:17
relief 444:3
relies 56:17 228:11
 324:6 434:1
relocalizing 187:4
relocate 169:4 184:1
 449:13
relocated 366:2

relocating 184:5
relocation 23:21
rely 20:6 36:5 125:6
 130:2 135:13 201:12
 229:7 253:1 267:16
 268:11 358:3 415:9
 428:18
relying 307:17 452:19
remain 70:18 109:2
 296:6 317:8 368:8
 402:15 447:18
remainder 246:16
remained 60:13 204:19
 295:19 318:13
remaining 171:16
 297:10 450:6
remains 31:12 176:20
 200:7
remark 350:22
remarket 333:2
remarks 33:16 388:8
 407:20
remedy 176:22 372:6
 372:19,22 385:3
 435:22
remember 417:14
remind 105:20 269:4
remodel 127:21
remodeling 39:16
 87:20
remote 403:15
remotely 165:2 340:5
removal 164:13 210:6
 263:10 437:1 438:3
 442:9 450:16
remove 18:10 38:13
 55:3 59:2,21 64:12
 65:20 67:17 85:5
 88:15 126:2 137:9
 195:12 246:2 293:13
 356:15 415:2 420:2
 420:15 426:10 431:9
 433:10 452:8 456:18
removed 32:21 68:4
 104:9 153:13 185:6
 195:5 199:11 200:14
 209:3 242:15 356:14
 362:5 373:7 375:15
 375:17 456:15
render 182:22
renegotiate 171:19
renegotiating 50:18
renowned 21:20
renters 359:10
repair 72:20 127:21
 162:4 199:14
repaired 413:4
repairing 199:13

repairs 199:10
repeated 301:9
repeating 269:4
Repel 239:22
repellant 242:7 272:22
 273:8
repellants 240:1 241:7
 242:3,11,19
replace 249:10 267:11
 339:4,10 348:13
replaced 27:19
replacement 20:8 22:22
 162:3 413:5
replacing 157:8 181:7
replicate 90:18 155:20
 214:18 409:15
replicated 97:2 291:11
report 73:3 129:18
 135:3 273:12 290:6
 381:1
reports 126:10 208:3
 313:10
reposition 253:20
 254:5
represent 29:10 166:11
 186:7 250:8 310:11
 333:3 351:2,5 387:7
 429:2 436:15 441:21
representative 1:1,13
 1:14,14,16,21,22 7:6
 7:12,14 9:1,12 186:6
 255:19 309:5 373:14
 382:5 437:22
Representative's 12:8
 12:19 163:7 327:15
representatives 9:17
 10:15 235:7 327:5
 386:15
represented 306:17,18
representing 167:10
 185:18 227:17 362:22
 381:22 387:1 394:22
 426:4 430:22
represents 33:12 84:21
 194:4 196:14 258:3,5
 261:16 292:6 310:13
 315:21 388:17
repurposed 334:9
 345:3
request 11:2 28:14
 32:19 38:13,17 55:4
 59:4 78:14 85:4 88:15
 88:20 103:6 136:11
 185:5 195:15 235:10
 300:9 303:20 308:7
 322:18 356:13 372:19
 373:3 374:14 375:14
 415:14 426:9 436:20

438:2 440:13 442:9
444:12 451:12
requested 210:5 221:7
440:10
requesting 132:11
requests 24:7 126:1
221:2 238:14 262:14
274:2 362:4 368:22
374:8 433:9
require 28:2 31:7
121:12 123:1 183:16
291:13 416:4 418:13
427:19 435:1 455:3
required 58:12 63:4
141:19 142:1 143:6
172:14 183:9,12
188:12 258:22 259:16
264:7 291:18 301:11
301:16 371:3 373:21
407:13 421:13,17
427:22 435:9 440:1
440:17 458:18
requirement 408:3
requirements 27:16
56:18 104:18 105:1
123:9 125:20 129:10
131:19 141:6 155:11
236:4 260:21 277:21
278:20 341:13 398:18
418:7 434:19 455:4
requires 35:16 258:20
259:14 455:5
requiring 362:2 427:11
455:8
rescue 165:5
research 21:11 36:18
37:7,7 138:22 152:21
165:16,20 253:9
283:5 291:19 380:18
391:16 463:7
resell 420:19
reserves 270:4 300:14
302:21 303:5 312:1
348:5
resident 432:7,13
residential 125:4
304:20 357:17 397:20
414:19 441:19,22
446:21 450:22
resilient 304:15,17,18
305:10 306:3,13,18
308:9
resistance 14:6 285:4
resistant 144:3 145:21
146:14 406:5
resolve 21:6 200:17
resource 45:11 283:3,4
324:4

resources 51:5 89:15
184:4 236:16 257:15
285:14 291:18 366:14
390:17 429:22
resourcing 287:10
418:9
respect 172:17 221:4
223:5 225:8 228:19
229:11 400:14,19
438:9
respected 294:18
respectfully 24:7 38:12
64:11 78:14 124:11
126:1 136:11 193:15
263:22 273:4,13
293:13 303:20 356:13
362:4 399:10 442:8
respectively 88:15
respond 202:7 205:8
298:7
responded 8:5
responders 165:4
responding 11:3
response 11:6 71:16
129:13 184:13 209:22
463:8
responses 10:18 11:8
responsible 299:9
rest 199:2 201:8 218:12
270:18 317:12
restraint 40:5
restrict 234:16 290:17
restricted 75:4 290:16
restriction 303:9
restructure 381:6
resubmitted 88:21
result 14:8 15:12 23:7
30:12 56:22 57:21
64:5 109:3 111:17
121:9 128:14 168:13
169:6,9 171:3,9 172:2
174:6 175:6 176:1
193:11 222:5 237:16
243:22 249:11,17
250:14 264:2 266:12
297:19 324:21 359:3
359:15 361:16 374:11
401:20 402:5 429:18
433:7 435:9 439:12
449:5 450:7,18
resulting 23:13 31:1
285:9 324:9 360:2
361:7 377:16 427:3
results 46:2 206:8
303:17 389:14
resumed 53:10 162:16
resurgence 320:12
retail 26:21 47:12 52:17

116:2 121:18 150:10
150:11 194:22 195:1
260:18 261:22 262:2
272:2 288:16 353:5
364:13 424:2 426:21
427:2,7 428:3 429:10
429:13,15 447:22
retailer 445:2,21 446:1
retailers 27:11 54:19
68:12 81:6 117:15
127:18 198:19,22
239:19 267:16 288:20
306:12 326:19 354:17
377:4,18 420:19
423:19 427:4 447:4
453:7
retain 78:21
retaliation 65:22 67:17
129:13 303:10 367:10
415:3
retaliatory 67:6 126:3
231:1 298:8 367:13
393:17
retired 299:14
retirement 82:1
retool 362:2
retrofit 135:18
return 296:3
returned 369:9
revenue 20:10 22:16
57:22 81:13 149:11
245:5,7 353:8 364:19
427:3 433:17 434:2
revenues 83:11 377:16
432:19
reversed 430:10
reversing 137:19
140:19
review 31:2,6,20 121:12
141:17 232:19 314:15
345:12
reviewed 269:20,21
reviewing 31:19 110:2
revolutionize 305:18
rewarding 351:12
rewards 139:21
rework 49:21 51:2
236:16
reworking 37:15 50:18
Richard 2:12 6:2
356:21
Rick 357:3
riding 412:17
rightly 289:15
rights 188:22 371:9
382:9 384:8
ripple 177:6 266:12
rise 318:8 429:11,15

risen 76:1
rising 231:6
risk 22:11 74:11 121:20
128:2 217:6 239:1
356:12 378:12 387:13
409:22 435:14
risks 380:10
River 80:6
road 226:6 257:17
258:17 259:10 260:4
312:6 314:13 337:4
robot 164:8,11 167:3,5
168:12 169:3 206:17
robotic 165:9 166:16
robotics 164:21 166:15
167:7 191:21
robots 164:7,16 165:1,3
165:6 168:22 169:17
robust 22:4
Rochester 19:10 21:12
rock 127:22 135:22
rods 43:19,20
role 169:18 203:11
243:7
rolled 447:8 448:5,22
449:21 450:21 451:8
roller 32:8,9 92:5,6,7,11
92:12
roll 138:17
roofing 437:14 439:19
439:22 440:6,11,14
464:1,12,16,20
Rook 3:1 5:9 251:2,3,4
255:11 275:6,12
276:3,5,8,12,22
room 1:10 103:11,13
140:18 164:4 201:19
282:6 414:12
Roomba 165:9 167:1
169:10 206:10
rooted 308:5
rose 76:6 80:10 247:16
248:4,11
Ross 30:6
rough 114:15 316:15
roughly 97:20 385:13
386:12
round 107:20 177:7
192:11 249:18
rounded 312:11
rounds 396:6
router 203:13 204:5
routers 200:16 201:2,4
202:9,11 211:3,10
212:4,13 224:18
royalties 39:22 40:3
rubber 32:8 276:22
rugged 187:1

rugs 40:17 294:12
295:15
rule 419:5
rules 10:20 112:18
154:9 172:1 188:12
389:20
run 36:6 128:2 198:2
216:22 228:2 272:12
running 42:12,14 99:8
127:8 346:2 421:10
runs 182:6 387:13
Rupesh 3:3 5:22 320:19
321:1
rural 80:16 82:6 121:16
121:17 122:5 179:22
250:14 415:11 443:9
rush 253:16
Russia 231:10 290:2
Russian 405:11
RV 256:8 260:17 261:4
261:9,11 262:1,5,7

S

S 3:3 5:22 320:19
sad 175:5
SAE 259:2,18
safe 165:5 354:10
388:19
safeguards 379:13
410:5
safely 428:20
safer 113:5 204:3
safety 2:11 4:17 27:9
108:3,12,18 109:8
113:2 142:6 147:12
147:21 148:1 242:5
312:19 315:4 348:21
349:13 363:11 364:2
398:5,9,17
Sage 2:8 5:2 170:7
176:8,12 210:4
sake 176:3 228:18
Salamanca 290:7
salaried 437:21
sale 115:14 169:2 181:3
196:11 313:20
sales 15:5,8 27:10
72:16 109:16 116:8,9
128:4 145:21 167:10
178:15 182:19 183:4
245:5 246:14 249:13
262:1 291:20 306:14
325:17 387:6 402:19
411:7 414:21 429:21
430:2 437:22 447:12
salespeople 26:21
salt 249:4 250:8
sample 64:15 312:21

Samsung 352:21
San 226:6,9 376:7
sand 376:7 421:2
satellites 201:4
Sates 315:18
satisfied 329:9
satisfy 147:5
save 59:12 208:13
302:20
saw 154:13,15 403:17
sawdust 81:2
sawmill 79:16
sawmills 80:15
saying 149:2
says 314:2,4,7
SBA 163:13 186:6
327:20
scale 71:6 159:6,10
182:17 186:19 219:17
236:17 258:8,14
386:13 405:18 454:1
scales 234:18
scanner 19:14 20:18
21:1,15 22:14,21
23:11,18
scanners 19:8,18 20:7
22:18,20 23:16
scarce 390:17
scenario 112:8 267:22
417:11
Schallich 3:2 5:5
199:21,22 200:1,2
205:10 223:1,2,9,17
225:13 226:2
schedule 10:2 11:2
20:21 235:11
scheduled 9:19 10:1,5
391:4 394:2
Schedules 219:20
scheduling 109:15
Scheer 3:2 4:20 124:17
124:18,20,22 131:3
153:11,17 156:10
scheme 250:9
Schindler 395:5
Schlumberger 299:6
school 74:10 247:3
354:4
schools 36:17 81:14
science 164:21
scientists 164:20
scissor 246:4 248:21
249:5,5
scissors 250:12
scoops 461:4
scope 188:2 238:18
373:7 391:9 392:13
427:18 440:11

scratch 229:18
screen 172:13
screens 173:6 174:9,15
207:4 396:1
screw 32:6
scrutiny 94:9
search 368:3
searched 133:22
searching 51:11
season 187:14
seated 53:6,8 103:10
227:6 282:3,5 349:22
414:10
seating 71:5
second 9:21 21:18
22:12 36:13 82:19
86:5 91:3 95:22
110:10 112:22 121:9
128:16 151:13 195:22
197:17 198:12 215:9
221:22 275:20 285:13
300:18 311:19 324:13
344:11 357:5 360:4
397:4 402:11 406:14
438:19 454:2
secondary 197:17
Secor 1:18 274:13
327:7,7 335:11,17
336:8 408:7 463:11
463:13,21 464:3
secrecy 58:13
secret 44:3,6
Secretary 30:6,11
167:15 388:6
section 1:5 7:7,8 9:9,11
10:13,19 29:18 30:2,3
30:18 31:1,5,20 38:20
39:12 53:21 54:9,22
58:4 62:2 73:3 92:13
114:10 118:8 124:21
126:4 129:12,14,18
130:22 165:11 167:22
170:1 194:10 200:14
227:11 228:7 230:10
232:5,14 233:8
234:14 239:12 240:11
242:16 244:6 245:14
255:19,21 262:17
263:13,17 283:22
288:4 292:17 293:17
294:8 295:17 296:7
298:4,7,9 304:8
305:22 307:12 319:22
322:3 328:1 358:10
369:14,22 370:4,20
372:4,6,12,22 373:8
382:16 384:18 388:11
396:7 426:9 432:3

438:6 442:11 446:17
451:2 452:11 456:10
sectionals 447:3
Sections 131:22 136:13
sector 22:16 29:20,22
30:5 31:15 32:22
33:15 237:15 426:21
sector- 31:8
sectors 33:20 87:22
346:11 399:5 407:12
secure 200:21 201:18
204:6 205:4 231:19
secured 51:8,8 378:2
security 1:15 20:5
37:13 199:8 201:14
202:3,6,14 203:9
238:21 315:4,4
357:13,15,18 358:3
359:3,12,19,20
360:16 361:4,6,17
375:11 377:21 379:13
379:18 380:10
seeing 100:8
seek 263:10 387:14
413:5 436:17
seeking 8:12 274:20
399:5 448:9
Seeley 145:13
seemingly 111:13
seen 26:5,14 127:10
167:16,18 205:21
261:22 271:22 317:13
360:15 411:21 412:11
449:17 457:12
segment 15:2 254:6
257:14 260:15 294:4
segments 23:3 120:9
seize 371:19
select 367:3
selected 285:17 376:22
407:12
selecting 335:4
selection 179:10
288:22
self- 301:14
sell 25:4 26:7 47:10
92:3 117:4 119:21
120:20,21 121:1
122:13,14 127:19
151:19 155:3 203:21
204:10 255:1 263:7
276:9 293:7 306:13
353:4 354:17 355:5,6
357:16 366:17 367:3
377:18 405:19 407:3
445:21 453:6 460:17
seller 77:18
selling 54:10 77:12

- 108:15 109:17 120:2
158:7 159:4 185:1
306:9 319:13 353:19
405:9 445:17
sells 186:22 187:12
256:6 284:22 357:14
383:19 403:14
Selma 117:20
semi-truck 258:18
semiconductors 211:6
Senate 106:4,6
Senator 106:5,13
send 200:19
sends 292:10
Senior 137:4 452:1
sense 171:13 175:21
199:12
Sensible 185:20
sensing 357:13 359:3
361:4
sensitive 130:4 378:12
378:18 379:2,8,11,19
sensors 379:6
sent 106:6 422:1
separately 223:19
September 9:8 10:19
165:4 271:15 274:11
412:6 463:9
serious 33:22 59:6
119:17 241:22 333:3
351:19 379:17
seriously 132:4 418:13
serve 41:12 115:18
120:8 130:21 153:4
238:20 256:19 261:8
268:4,9 282:16 289:5
323:9 326:15,16
388:15 426:1
served 303:6
servers 177:16 211:2
379:12,16,21 410:6
serves 69:14 283:3
330:3
service 20:7,8 23:15
36:16,20 56:21 81:14
133:13 134:10 163:9
198:3 212:1 295:7
327:17 340:5 357:15
412:12 447:21
serviceability 412:14
serviced 260:16
servicers 132:20
services 22:19 23:1
232:21 357:18 359:12
359:17,21 361:6
397:17 398:8
servicing 397:12
session 310:9
- set** 10:21 118:21 155:22
301:21 302:2,5
341:13 421:16 435:20
458:8
setting 31:8 201:15
309:7
settlement 168:19
setup 229:16
seven 54:8 229:5 326:9
367:7
seven-hour 61:7
Seventy-five 376:10
severe 55:9 82:10
120:17 169:11 303:11
severely 115:17 131:14
136:6 172:21 297:19
sew 448:6 450:5,9
sewing 108:11,19 109:1
sewn 111:14 448:7
449:1,6,13 450:2
shade 332:20
Shah 3:3 5:22 320:19
320:21,22 321:1
326:22 339:15,21
340:11
Shanghai 153:22
Shaoulpour 3:3 4:4
24:13,15,16,17 29:1
45:16,21 46:5,19 47:9
shape 300:7 310:18
shapes 292:15
share 15:7,11 21:5
77:19 93:13 100:12
109:19 139:11,17
144:7 170:8 205:22
242:13 245:17 263:20
289:18 324:2 343:15
343:17 344:9,12
377:15 378:4,5
403:10 412:4,11
432:12 435:12,15
shareholder 363:10
shareholders 163:22
shares 179:12 389:8
sharing 72:4
sharp 312:12
sheer 50:21 243:10
sheet 343:16,18 344:10
344:11 345:4
Sheila 2:11 4:17 108:3
108:6
shelf 459:10,11
shelter 166:22
Shelton 79:16 80:16
83:12
Shengfu 3:4 4:12 84:14
84:17,18,19 89:2
100:21 101:2 102:2,9
102:21
- Shepherdsville** 234:7
shields 370:7
shift 18:12 27:21 56:15
79:17 83:12 98:6 99:5
198:8 449:10 458:10
shifted 411:20
shifting 24:4 90:21
128:16 197:13 206:4
404:11
shifts 99:8
ship 98:17 183:17
271:11 328:17 448:21
458:2
shipments 196:19
280:21 286:5 377:6
389:3
shipped 35:14 196:8,13
283:10 318:21 377:9
449:16 464:19
shipping 60:17 77:9,14
83:3 190:22 193:4,11
197:5 216:20 224:8
253:19 254:2,4
426:16
shock 179:4
shop 77:4 78:7,12
118:1
shopper 412:10
shoppers 179:8
shops 114:8,22 149:12
shoring 187:9 253:3
short 28:1 129:9 139:7
158:9 160:5 162:11
169:5 177:2 192:4
195:12 303:11 365:5
434:10 435:2 465:22
short-term 34:4 37:18
139:18
shortage 56:3 287:2
shortcomings 176:22
shortcuts 100:5
shortfall 118:11
show 63:10 104:22
297:6 313:6 348:1
374:8,9 429:1 467:13
shown 95:9 150:9
243:14
showrooms 326:2
shows 83:3 107:12
152:22 313:11 429:10
445:14,16
shrink 126:6
shroud 58:13
shrunk 190:5
shut 98:6 159:21
175:20
side 20:8 46:10 86:7,8,8
- 101:3 103:3,4
side-by-side 54:14
164:17
sides 102:18
Siegel 3:5 4:21 131:4,5
131:6,8 136:21
156:20 157:4 158:18
160:8
Sierra 98:5
signal 201:9
signed 135:20
significance 107:5
significant 22:16 23:19
24:3 25:7 30:16 31:17
37:17 43:4 72:5 141:8
169:18 172:7 177:11
195:3 198:1 199:7
206:16 208:21,21
219:21 220:3 256:22
258:9 260:14 264:21
267:4 293:2 301:1
303:4 338:18 354:22
358:21 390:18 397:15
432:1 448:8 455:8
456:3 463:6
significantly 18:9 22:21
61:16 69:6 107:3
126:16 196:18 206:22
261:11 262:10 302:15
306:11 314:9 324:20
333:12
silicon 313:2
Silver 3:5 6:16 446:11
446:13,14,19 451:18
466:6,14 467:4
Silverman 381:21
similar 93:11 94:19
184:7 207:7 222:3
242:17 291:15 311:6
317:13 318:20 320:7
333:10 344:19 399:1
410:13 429:15 438:4
438:13 439:2 441:12
similarly 29:12 145:2
197:1 223:10 326:12
simple 27:21 76:15
145:6 152:10 170:8
214:16 251:12 307:22
342:3 416:1,8 451:7
457:18
simpler 200:20
simply 35:18 37:19
40:16 51:7 55:22
58:21 66:5 77:18
86:13 122:15 191:3
197:5,14 220:7 252:9
252:17 278:8 291:2
293:10 354:16 368:7

373:10 385:8 438:16
448:21 451:10 453:13
461:17
simulations 141:18
Simultaneous 457:10
sincere 425:18
single 61:8 99:8 190:2
201:2 224:5 257:22
270:10 273:6 318:18
351:22 392:15,17
467:21
single-dollar 119:22
sir 90:4,7 147:9
siren 401:5
sits 80:8
sitting 99:10 334:21
338:14
situated 145:3 326:12
situation 16:20 30:10
106:16 143:9 170:9
266:14 422:11
situations 331:22
six 9:20 45:11 125:9
178:22 207:21 220:17
276:16,16 301:8
338:22 342:10 346:5
348:9 364:20 386:13
six-digit 66:4
sizable 283:9
size 116:9 138:17 157:7
161:2,21 249:3
259:14 260:2 284:9
358:2 359:19 417:20
418:1
sizeable 99:7 109:11
sized 29:12 336:5
sizes 258:21 397:10
skid 312:11
skill 56:4 60:15 90:17
405:2 407:2
skilled 27:16 57:8
138:19 416:4 417:1
418:5 453:17 454:8
461:18
skills 248:3 406:13
421:7 454:16
SKUs 461:14
slabbing 338:19
slates 289:3
slow 228:8
slowdown 28:19
261:22
slower 121:9
slowing 26:15
slurry-type 146:22
small 1:19 12:16 23:2
26:8 31:22 35:9 48:11
50:1 71:12 80:5 114:4

115:18 116:14,22
125:1 126:16 127:4
130:20 131:9 132:14
135:8 158:1,22 160:5
176:17,19 178:2,9
180:20 184:3,17
186:4,8 196:2 198:3
198:10,20 199:3,8
204:15 210:12 213:1
218:22 220:16 232:2
250:13 251:18 254:10
265:3 275:14 276:6
302:13 310:12 320:9
354:7 355:8 358:2,17
359:19 402:7 408:21
409:11 427:8 428:9
439:17
small- 23:4 36:1,3
50:22 59:9
small-run 157:4
small-sized 157:17
smaller 78:8,22 107:4
259:14 275:17 288:19
smart 34:11 177:19
181:4,8,9 201:16
225:5 375:8 379:7
381:9
smarter 204:3
smartphones 201:13
355:6 379:10
Smith 1:19 12:15,16
44:14 45:1,4,14 95:14
95:22 97:4,7 151:6
153:10 163:13,13
210:3 212:21 213:4
214:4 271:7 327:20
327:20 347:13 407:6
408:6 462:1,6,15,21
Smithweiss 3:6 6:4
381:15,17,18,19
388:1 410:15,22
411:6,11
smoke 392:18
Sner 27:5
social 363:7
sockets 392:19
soda 448:11
sofas 447:3
software 22:18 166:7
181:14 182:5 202:1
202:18,22 203:6
205:5 214:13,19
215:3 222:10,12,17
223:7,10,21 377:2
410:6
software's 224:10
software-focused
203:2 204:20

softwood 66:2 82:13
softwood- 66:11
sold 116:4 139:14
149:5 167:1 169:10
224:6 239:19 289:2
366:21 375:20 378:13
415:7 427:3 429:13
sole 171:16 203:11
solely 259:9 379:12
386:16 463:21
solid 3:1 5:9 251:2,5,10
251:20 325:8
solution 34:2 158:15
194:17 332:9
solutions 125:19
152:12 323:12 330:21
solved 172:15
somewhat 206:15
317:21 347:20
Sony 352:21
soon 11:14 423:9
sophisticated 70:3
367:20
sophistication 355:21
sorry 149:17 161:21
273:19 329:11 404:13
411:12 439:3
sort 46:2 210:18 213:5
271:2,3 408:12
412:20
sorts 333:21 406:18
sought 168:11 222:2
sounding 356:12
sounds 459:5 464:9
soup 30:9
source 14:6 36:12
44:18 45:2,6,8,19
46:3,17 47:1 48:1,21
69:19 70:14,20 72:16
73:17,18 89:17 90:5
91:11 94:21 96:12
113:12 117:13 127:11
128:17 140:15 141:2
152:14 153:15 154:22
155:1,1,2,5 156:7
157:2 160:14 171:5
189:13 203:22 209:13
210:7,11 214:20
217:19 218:3,5,5,10
219:5 222:1,18
223:12 236:7 257:9
265:9 266:5,6 268:5
274:21 287:8 303:13
311:20 312:10 342:6
344:3,5 371:16 390:6
393:10 400:1 401:18
404:6 406:12 415:20
416:2 417:5,7 439:5

441:7 452:20 458:5
458:21 467:3
sourced 45:9,10 57:4
66:19 70:9 77:2 81:9
151:11 153:17 155:3
155:5,17 207:5,12
219:3 221:7,13
222:12 225:11,14
229:13 340:9,17
341:21 386:5 390:3
451:5 453:12
sources 23:20 45:19
51:11 61:12 70:2,15
71:7,9 94:12,14
122:19 158:17 159:15
159:16 207:17 265:7
269:20 296:21 313:4
348:15 386:1 406:15
407:1 412:22 413:5
422:3 427:13,15
434:5,17 441:5
452:14 456:1
sourcing 24:2 46:15
48:10 50:9 94:18
95:17,19 128:19
130:7 134:13 156:1
157:9 206:6 225:15
307:14 313:7 355:14
398:13 406:15,16
416:18 424:18 453:15
455:18 458:4
South 75:5 102:7
171:20 172:9 175:2,6
175:11,20 176:4
252:1 298:1 311:19
southeast 66:20 264:19
265:1 266:17 267:5,6
267:10 278:18,22
279:4,10 280:1
southern 75:11 117:20
168:9
space 187:22 368:10
405:15
spaced 343:16
Spain 291:3
span 192:4
spans 191:15
speak 117:2,2 150:3
164:1 244:8 269:21
270:20 310:15 336:3
344:16 351:21 465:15
465:20
speakers 177:20
211:13 352:18
speaking 28:13 149:22
253:7 314:3 457:10
spec 152:18
special 263:10 279:5,8

310:17 349:9
specialist 218:1
specialized 133:12
 134:10
specializing 80:13
specialty 2:18 5:10
 178:14 251:6 252:15
 255:13,16,22 256:12
 260:22 261:14 263:5
 264:7,12,14,16,20
 265:2,7,13 268:6
 275:7 277:11 279:14
 279:16 280:11 281:15
 281:19 349:5 439:22
species 66:2,19 80:14
 82:16 94:6,11 101:19
specific 10:16 17:19
 31:9,19 32:12 52:11
 90:11 107:21 131:18
 132:9 137:21 194:11
 195:5,6,7 213:1 241:6
 273:22 319:2 328:20
 352:9 374:10 452:9
 454:16 458:11
specifically 27:15 60:4
 105:12 114:11 131:22
 149:22 196:2 231:2
 232:13 238:19 273:22
 278:21 284:6 369:1
 370:1 373:2 382:20
 390:12 393:21 405:7
 415:14 455:4 462:11
 464:16 468:2
specification 277:21
 300:12 413:11 422:7
specifications 46:8
 129:4 347:15 386:6
specifics 465:21
specified 254:13
spectrum 55:21 326:3
speed 253:15 264:6
spend 152:19 365:22
spending 71:19 194:22
 195:1
spent 116:15,19,21
 133:13 158:18 253:6
 366:1,3
spinoff 19:11
spiral 249:14
spirit 180:5
splash 333:6 336:13
splashes 332:15 340:4
split 137:16
spoke 106:7
sponsored 237:3,14
sports 20:15
spouts 468:3
spray 272:13

spread 52:2 241:20
spring 32:8 315:17
 317:10
square 60:16 122:3
 191:16 286:4,5
 321:21 331:12 332:3
 341:4 345:1 346:9
Sri 252:5
St 125:13 233:13
 255:22 257:19,21
 258:5,14,20 259:1,4
 259:13,17,17,21
 260:1,2,9,11 262:15
 262:15,15
stability 351:12
stable 41:3 67:3
stacker 80:8
staff 1:20 282:12 430:3
 430:7 450:9
stage 206:18
staggering 244:2
stagnant 318:14
stamp 32:7
stamps 247:19
standard 30:1 32:18
 111:2 148:9 149:3
 181:7 220:18,20
 259:3,19 264:9 401:3
 401:6 440:3
standard-setting 113:4
standardization 113:2
standardized 348:17
standards 60:21 110:18
 142:6 148:4,5 149:6
 154:20 191:2 224:2
 277:3 283:7 285:7
 349:1 368:1 390:13
 418:1,15,21
standpoint 99:22 219:1
 220:14
stands 114:12 308:1
staples 438:4,13 439:2
 441:12
Staring 327:6
start 10:9 76:6,11
 162:12,19,21 205:14
 241:7 327:4 336:10
 340:20 341:1 347:2
 386:10 424:8 465:14
started 74:8 80:8 95:20
 177:6 247:15 281:15
 341:2 353:13 420:11
 424:15 426:14 443:8
starter 150:2
starters 364:6 406:21
starting 34:9 54:8
 213:21 226:3 338:16
 343:1

starts 76:4 363:13
 460:5
startup 51:1 178:4
 180:17,21 182:16
 184:3 185:7,14
 220:16 225:20
startups 176:18 178:9
 181:2 185:11,19,21
 186:2 218:17
state 1:16,18 11:22
 19:20 42:3 51:17
 81:14 107:8 140:15
 146:22 147:1 148:1
 157:19 205:17 236:15
 236:18 237:14 247:1
 297:2 301:4 302:6,6
 312:17 327:7 345:13
 371:6 389:1 418:14
state-supported 159:2
stated 67:16 99:4
 130:22 142:17 179:9
 254:18 360:5 369:21
 389:6 410:16
statement 4:2 41:17
 106:5 275:10 276:1
 396:5
statements 26:17
 340:12
Stateside 49:11
Statesville 104:12
statistic 269:2
statistics 190:5 269:7
 297:6,17 313:5 348:1
stats 313:6
stay 29:15 202:13
stayed 312:12
steadily 56:6 105:5
steal 168:11 287:5
 346:11
stealing 167:20
steel 13:9,12,16 14:4,5
 14:7,8,10,12,16,20,22
 15:5,13,13,14,19 16:2
 16:7,21 17:2,5,9,14
 17:14,17,22 18:12,12
 29:6 30:7,12,16 31:21
 32:10 43:3,6,15,17,17
 49:19 256:1,13
 257:19,21 258:5,12
 258:14,16,20 259:1
 259:17 262:15 277:9
 286:21,21,22 309:19
 310:13,14,20 313:15
 313:16 315:5 393:16
 435:16 443:3 464:7
 464:11,21 465:1,2
step 172:7 294:21
 320:3

Stephen 2:9 5:7 227:8
 227:12
steps 242:10 252:13
stifle 375:11 430:11
Stifled 27:8
stifling 169:12
stone 2:5 5:14 40:22
 288:1,6,15 291:14
 293:14 294:13 315:14
 315:22 316:14,17,20
 317:2,17 318:5,8,10
 318:17,20 319:3
 320:1,7,12 321:9
 324:3,8 325:4 330:7
 330:15 331:3,3
 336:20,21 337:1,14
 338:7
stones 289:1 293:8
 316:10 339:6
stop 13:8 170:17
 248:19 297:13 314:21
 364:13 444:6 446:4
stopped 26:5 297:4
stopping 202:3
store 426:22 427:5
stored 379:21
stores 47:12,14 119:21
 120:2,4 121:5,13,14
 121:16 122:14 187:13
 379:11
stories 248:13 386:16
 386:20
story 133:2 138:3 164:3
 352:13
straightening 217:8
straightforward 214:15
strained 72:19
strainers 461:4
strange 39:17
strategic 62:19 140:3
 206:6 236:11 310:1
 313:4,9 314:19
 362:21 383:6 394:8
strategically 434:7
strategy 69:11 70:7
 309:15 406:16
Strava 379:1
streaming 34:12
Street 1:10 118:7,14
strength 75:13 285:4
stress 243:14
stressing 450:20
strict 379:12
stricter 253:12
strong 54:17 74:7 82:6
 211:9 351:6
strongly 32:19 122:8
 172:3 232:5 264:1

289:12 316:8 319:21
321:22 431:9 439:10
structure 25:6 113:10
183:12 403:19
structures 316:3
struggle 249:18
struggling 426:21
studies 269:10 376:20
studios 385:16
study 178:19 313:11
stuff 115:19 223:17
401:15
stuffing 145:5
style 27:2 96:22 97:1
style-based 96:8
styles 27:18
stylish 305:16
sub-component 32:7
sub-panel 207:17
subassembly 166:6
subcategory 105:11
Subcommittee 239:13
288:4 289:13
subcomponents 235:2
238:15
subcontractors 166:5
subheading 21:3 32:3
104:7,9 105:18
200:13,14 235:11
352:10 375:17 382:14
382:19 384:6 387:19
420:21 444:13,16
446:7
subheadings 8:16
20:20 21:2 24:8 29:18
32:20 38:13,17 60:9
66:3 68:8 73:14 88:16
137:21 358:14 362:4
362:6 374:14 395:21
396:4 433:20 437:1
451:13
subject 13:11 14:21
17:18 38:15 55:5 60:1
62:2,15 68:6 92:12
126:3,17 139:16,20
156:16 169:22 173:3
173:20 174:1,3,20
182:8 211:3 215:17
242:15 257:18 263:12
265:19 283:17,22
284:19 286:17 293:16
295:12 301:5 314:3
362:6 373:6 378:10
379:12 380:21 415:17
433:12 435:20 437:3
438:5 442:11 452:10
subjected 88:4 373:17
subjecting 172:12

submission 11:9 20:22
149:10 153:12 217:20
271:15 274:12 308:17
309:9 399:21
submissions 9:6 10:21
171:15 346:22
submit 103:6 141:19
142:13 146:9 273:5
273:13 329:16 433:2
submits 256:11
submitted 9:8 104:7
218:8 290:3 292:7
426:11 429:13 431:10
subproduct 107:22
subscription 359:8,15
360:1
subsequent 30:19
subsequently 19:7 72:1
449:2
subsidiary 233:14
383:14
subsides 17:6 188:20
237:2 319:15,17
subsidized 17:10
subsidizing 237:11
substantial 21:7 39:22
146:7 191:14 267:1
285:14 360:3 365:16
435:1
substantially 190:6
289:19 314:8
substantive 336:10
347:2
substitute 121:6 301:13
344:14 347:18
substitutes 66:18 117:6
117:11 134:3
substitution 347:16
suburb 420:12
success 133:2 139:8
158:12 164:3 252:7
306:10 352:13,15
383:22 394:3 430:5
successful 230:15
261:18 444:4
successfully 159:10,22
276:17 444:1
sudden 182:20 424:14
suddenly 181:1
suede 448:10,13
449:21 451:5 466:7
466:12
suffer 115:15 121:8
123:18 291:17
suffered 370:18 443:20
suffering 162:1
sufficient 18:4 42:4,11
86:9 87:13 123:5

265:4,17 268:4
270:12 278:13 298:2
301:15 307:1 328:9
373:11 424:21 428:3
434:6
sufficiently 91:17
suggest 230:8 244:5
245:13 292:8
suggested 112:3
351:22 374:12
suggests 231:11
290:22
suitable 101:8,21
454:21
suited 416:10 417:2
sulfate 228:20,20 269:1
269:15 299:10 303:21
sum 130:16 286:13
326:14
summary 274:2,2
superior 312:7
supervisor 248:12
supplement 209:11,20
244:19 279:1 296:22
308:15
supplemental 8:13,15
8:20 9:2,5,13 104:10
431:11 446:16 448:10
supplemented 301:16
supplementing 333:20
supplied 159:22 269:3
269:5,5 360:16
supplier 45:9 54:13,16
68:11 89:22 134:9
135:7,11 141:10,11
142:7,10 151:16
160:11 236:6,7
237:18 270:10 311:21
323:18 413:19 423:5
426:15
suppliers 42:18 50:15
51:3,9 63:9 70:20
123:11 125:16 129:1
130:12 134:1,6
140:11 142:22 143:4
145:19 153:20 154:12
154:19 157:3 166:6
192:15 229:17 231:8
231:17 265:8 266:5
267:16 271:9 274:14
274:19 284:15 338:8
386:5 390:19 391:21
398:20,21 399:9
413:9 417:7,9,22
418:4,17 439:5 448:7
453:1 458:6
supplies 63:12 68:17
75:4 270:3 313:3

314:16,18 385:13
411:4 434:22 452:4
supplying 114:22 125:2
129:21 140:11 145:13
145:20 231:9 296:18
441:3
support 13:7 15:12,22
16:13 17:2,7,8 18:6,9
42:10 48:16 61:11
65:14 69:11 82:22
89:14 109:12 112:21
122:8 164:9 197:18
235:1 247:20 248:5
251:16 284:14 286:15
304:12 306:3 308:6
308:11 310:6 320:12
325:17 329:2 340:14
369:20 375:6 389:12
390:7 395:11 431:2
433:17 434:2 438:21
440:17 452:12
supported 280:21
supporting 61:4
supportive 126:8 300:1
supports 14:8 26:19,20
100:11,14 118:2
284:6 295:10 304:16
316:9 319:22 382:2
382:10 432:21 444:8
456:4
supposed 188:11
suppress 161:21
suppression 188:22
400:22
surf 200:19
surface 319:13 325:8
surfaces 65:13 312:6
321:5
surfacing 322:7 323:3
323:19 325:11
surged 439:2
surrounded 58:13
351:1
surrounding 350:10
Survey 314:7 317:17
survive 305:20 446:9
suspect 242:16
sustain 71:13 199:4
441:14 443:12
sustainability 27:9 95:1
305:14
sustainable 94:13
sustained 100:13
sustaining 444:4
SW 1:10
SWACO 299:5
swap 330:16
Swartz 3:6 6:17 451:20

451:21,22 452:1
 456:20 460:1 467:6
 467:12 468:11
swaths 323:4
Swedish 40:1
swift 30:15
swipe 196:9
switch 40:16,17 50:8
 251:13
switches 181:7
synthetic 60:3 64:12
system 39:20 201:2
 203:21 363:8 366:19
 376:2
systematic 111:13
systems 36:6 78:12
 125:17 164:10 201:14
 236:1 326:5 359:12
 359:17 363:14 379:7
 382:21 388:20 455:6
 455:9

T

T 2:3 4:16 103:16 104:1
 144:1
table 96:12 211:15
 213:9
tables 70:11 443:3,7
tablet 187:1
tabletops 54:11
tack 337:8
tail 48:16
tailored 433:3
Taiwan 44:17 154:22
 218:10 400:2,9
 402:11 440:21 461:9
 461:10,10 466:19
Taiwanese 21:19 49:13
 405:13 466:22
taken 8:14 9:13 100:5
 252:13 343:7,15
takes 35:19 51:13 113:6
 142:14,20 214:16
 249:9 328:14 340:20
 422:19
talent 191:21 361:12
talk 13:6 18:17 144:9
 242:20 249:21 329:8
 341:18 422:14
talked 117:4,5 201:17
talking 32:14 47:8
 114:16 115:6,9,11
 215:20 336:11 461:2
 466:7 468:2
talks 394:2
tank 115:4
Tanya 1:19 12:16
 163:13 327:20

tap 196:9
target 32:2 69:9 130:6
 230:5 231:2 353:6
 384:16
targeted 69:18 70:4
 171:12 255:8 391:6
 393:2,8,10 436:14
 438:17,18
targeting 69:12 70:6
 238:19
tariff's 235:12
tariffs' 72:11
task 51:2,7
tasks 164:12
tax 17:9 27:4 55:8 185:1
 242:6 245:11 290:20
 325:19 354:11 393:7
 393:14 441:21
taxed 351:22
taxes 112:21 166:22
 180:2 318:22 319:9
 323:6 324:8 326:17
 351:13
TCNA 285:5 286:12
 292:7,12
team 109:17 154:18
 181:16 203:1,2
 225:16 233:17 248:5
 350:20
teams 417:11
tech 33:15 35:5 50:21
 177:19 204:8 308:6
 428:13
TechHome 181:19
technical 15:20 139:2
 283:4 418:1,7 454:6
 468:5
technically 14:2 129:8
 134:3 157:6
technicians 450:5
techniques 27:18 123:4
technological 33:19
 37:2 69:13
technologically 33:13
technologies 2:11,13
 5:4 34:10 37:4 62:17
 129:22 130:1 140:8
 141:3 160:11,15
 161:8 167:4 186:12
 234:4 263:16 293:3
 294:15 361:14 371:3
 389:4 401:19 436:19
technology-related
 130:14
telecommunications
 34:16 179:21
telematics 234:4
telephone 241:4

telephones 240:15
television 30:7 171:18
televisions 171:17
 175:2 240:15
tell 100:18 117:16
 128:13 149:4 220:13
 247:13 248:7 263:17
 351:19 368:4 467:13
tells 247:18
temperatures 310:19
ten 69:17 120:19
 149:10,11 165:17
 167:11 170:14 173:5
 174:4 175:17 182:21
 196:15 206:21 236:11
 246:14 264:3 266:1
 268:8 312:13 334:12
 334:16 383:6 399:4
tend 40:15 272:14
 323:9
tended 277:10
tends 220:18 272:15
Tennessee 442:22
 443:9 444:15
tens 161:5 173:16
 258:5 306:21 325:14
 325:20
term 15:3 129:9 139:7
 185:13 231:15 303:11
 355:17 417:8 434:10
 435:2
terminal 133:8
terminals 194:12 196:6
 196:7,8,9,12,16 197:9
 197:22 198:17 199:11
terminate 23:14 361:8
terms 34:6 35:3,11
 36:13 50:21 106:21
 107:15 135:5 155:16
 158:5 190:5 247:4,13
 248:7 271:3 334:17
 405:9 408:22
terrain 251:9
territories 409:3,4,16
test 148:22 203:11
testaments 386:17
tested 104:22 148:13
 292:11 390:12
testified 172:5 221:15
 222:8 279:5 329:2
 331:6 333:11 348:15
 404:2 407:7 462:2
testify 10:1,5 19:4
 24:10 39:11 59:4
 67:18 73:16 131:7
 145:1 176:12 195:15
 218:12 255:18 282:13
 287:18 294:7 304:9

308:18 350:9 357:5
 368:20 375:5 425:9
 431:20 442:20 446:16
testifying 194:15
 301:10 315:19 347:3
 386:15 425:20
testimony 9:4,10,15
 10:8,10,12 19:13
 29:10,14 41:20 44:16
 45:18 51:17 60:8
 61:10 68:8 84:4 89:4
 89:6 90:14 95:15
 96:10 97:14,16 98:1
 99:5 102:11 116:20
 117:7 136:19 137:20
 143:18 144:2 149:9
 151:18 156:17,21
 160:10 171:15 193:17
 195:16 205:11,14
 218:7 223:4 239:17
 255:21 262:6 268:16
 273:21 274:6 275:6
 277:8 278:18 299:1
 308:15 310:7 318:7
 327:1 337:11 352:9
 362:9 399:16,18
 410:16 412:15 426:11
 437:4 456:22 457:3
 458:9 460:15 463:14
testing 107:12 110:16
 111:2 141:17 148:15
 149:3 224:9 226:22
 312:7 421:5
Texas 68:16 82:18
 114:3 138:12,12
 299:13 315:15 316:21
 352:22
Texas-based 137:6
textile 71:6 448:16
textiles 71:8
textures 291:10 292:15
Thai 280:19,22
Thailand 134:6 158:11
 252:5 279:21 280:11
 281:2,5
thanks 18:16 53:5
 103:9 136:20 144:19
 146:3 162:10 227:5
 273:19 280:8 282:2
 349:21 414:8 468:12
 468:20
that'd 414:2
theft 22:11 58:9 130:13
 130:13 167:16 214:8
 214:10 215:8 221:9
 223:7 254:19 384:17
 400:20 419:15
theory 192:22 466:14

- thereof** 392:22
thermostats 201:14
theses 346:17
thin 66:14 94:12 378:9
things 37:4 114:6 115:3
 121:2 155:2,4,15
 210:19 224:2,14,15
 224:20,22 244:20
 333:21 337:2 346:21
 352:17 354:21 457:12
 461:16 468:3
thinner 66:14 416:9
thinness 416:9,12
third 23:10 42:17
 137:12 138:16 152:21
 197:19 215:21 231:4
 246:9 265:15 271:8
 274:15 275:9 281:18
 286:1 296:21 300:22
 307:11 340:10 348:15
 361:3 397:11 406:14
 411:10 434:22
third- 206:13 378:13
third-country 123:11
 123:13 140:11 141:2
 198:9
third-parties 305:15
third-party 160:14
 371:13 400:11 457:22
 460:19
thoroughly 68:15
 434:15
thought 331:6 339:17
 347:10 467:13
thousand 76:20 77:7
 120:19 140:22 288:9
 316:19 318:5 348:8,9
thousands 28:13,18
 121:3 125:5 306:21
 421:12 459:2
threat 58:4 75:17
 164:13 184:15 185:13
threaten 180:5 228:9
 442:7
threatened 284:10
 286:14 393:17
threatening 15:2
 241:16 297:14 350:19
threatens 205:1
threats 202:8
three 16:16 36:9 45:8
 69:21 91:22 96:19
 125:11 126:12 150:13
 150:15 151:1 153:1
 155:13 168:1,10
 198:8 200:8 226:4
 241:6 246:12 249:8
 249:12 279:5 284:19
 295:6 300:7 321:21
 325:15 326:8 334:6
 336:5 348:7 353:19
 354:20 401:21 405:8
 406:1 422:4 432:10
three-pack 150:11
threshold 220:10
thrive 178:15 448:6
thrived 305:2 442:4
Thursday 118:7 145:2
thyssenkrupp 395:5
tick 241:13
ticks 241:1,10,17
tier 54:16
ties 126:6
tight 267:8
tightening 302:15
tile 2:3,5 5:13,14 282:8
 282:16,18,19,21
 283:7,9,10,11,12,16
 283:20,21 284:2,4,6
 284:12,13,17,18,21
 285:6,8,11,13,16
 286:3,6,13,16,20
 287:1,3,10,15 288:1,6
 288:14,14,15 289:13
 289:18,19,21,22
 290:5,7,12,12,18
 291:2,5,9,14 292:5,6
 292:11,14 293:14,14
 293:15 294:12 295:15
 304:14 305:6 321:4
 322:2 323:9 328:4,14
 328:20 331:3,12
 336:20 340:14,17,19
 341:7,10,11,12
 345:16,16,18 346:1,4
tiles 283:16 293:7
 295:13 323:13 324:17
 328:6
tilt 3:9 4:5 29:2,6
 419:18
tilted 318:16
Tim 2:18 5:10 163:8
 255:12,16
timber 2:13 4:9 65:2,5
 66:17 93:21 103:2
timeline 271:3 401:15
timelines 184:2
timely 346:18
times 16:16 75:14
 116:9 139:3 148:14
 148:21 152:16,18
 153:1 211:20 229:5
 246:14 299:8 415:12
 435:5
timing 330:11
Timothy 3:2 5:5 199:20
tire 2:18 3:1,11 5:9,10
 5:11 48:8 49:3,5
 251:3,5 255:13,17
 257:13,16 260:5
 262:20 263:1,14
 264:15 267:15 275:14
 280:3,5,21 281:18
tired 251:19
tires 31:20,21 48:6,22
 49:14 251:6,10,12,16
 251:20 254:13 255:1
 255:5 256:1,7,14
 257:9 259:21 260:2,4
 260:9,11,19,22 261:8
 262:16 263:5,6,6,7,8
 263:11,11,11 264:3,7
 264:9,12,14,16,18,20
 265:2,8,9,13,14,18,18
 265:22 266:1,11,15
 266:16,21 267:3,12
 268:6,6,7,9 275:7
 276:13 277:1,5
 278:20 279:5,6,6,8,15
 279:16,18,19 280:11
 280:12,14,15,16
 281:4,15,17,19,19
Title 283:3
tobacco 443:11
today's 300:8
told 98:15 210:10 445:4
tolerance 220:10
Tom 3:8 6:6 394:11,16
tomorrow 98:2 468:18
tonnage 438:22 440:17
tons 106:20 144:10
 211:18 229:4 269:14
 348:8,9
tool-making 109:13
tooling 129:2 155:21
 361:22 421:2,17
 466:1
tools 70:3 126:6
top 20:2 54:16,18 60:7
 68:7 120:5 127:4
 137:20 144:15 202:1
 207:21 209:10,17
 246:12 272:5 321:4
 322:2 353:19 378:3
 445:14 463:5 466:4
topic 262:4
tops 324:17 330:21
 332:14 336:21 341:19
total 52:15 76:2 146:6
 174:8 175:15,16,18
 182:10 280:21 281:1
 297:7 317:18 334:17
 364:16 376:13 450:18
totaling 127:7 317:22
touch 140:17,22 181:8
 341:11 396:1
touched 225:18
touring 253:6
tow 264:8
towing 264:5
town 80:5,7 178:9
 246:19
toy 401:3
toys 243:3
track 371:8
trackers 34:11 211:14
 375:9 381:9
tracking 318:8
traction 192:9
traded 286:14 357:7
tradesmen 61:15 64:7
trading 232:12 386:21
 431:3
traditional 41:2 87:12
 200:22 201:2 353:17
Traditionally 94:4
trafficking 154:9
trailer 29:7,17 30:13
 31:14,20,21 32:4,9,9
 48:5,6,7,22 49:3,14
 251:9 255:22 256:7,8
 256:9,9,13 259:21
 260:17,22 261:5,9,12
 261:14 263:5,10
 264:7,12,14,16,20
 265:2,8,13 268:6
 277:11 279:5,8,15,16
 280:11 281:15,19
trailer- 31:22
trailer-related 49:19
trailers 3:9 4:5 29:2,6
 262:1
train 454:18
trained 27:16 248:4
training 129:3 243:3
 325:21 391:15
Tranche 114:11 119:8
tranches 391:7
Transactions 2:20 5:4
 193:20 194:2
Transamerica 3:11
 5:11 262:20 263:1,4
 278:21
Transamerica's 279:1
transceivers 211:2
transcript 11:12 195:14
transducers 356:1
transfer 7:10 32:15
 38:22 85:19 124:1
 256:16 292:20 371:4
 372:3 382:8 384:19
 388:14 410:1,2 456:6

transferrable 362:1
transferred 370:22
 378:13
transfers 221:10 370:9
 373:7,18 381:2
 438:10
transformed 295:1
transformers 137:17
 140:17,21 392:17
transforming 376:1
transit 233:15 235:19
 235:20 236:5 237:12
 238:13 270:11,14
 379:7
transition 277:22
 332:17
translate 301:19
translated 76:2
transmit 241:11
transmitted 241:16
transparency 230:13
transparent 58:14
 230:9,17 232:18
 372:20
transportation 20:1
 312:17 395:2 397:6
 397:13 398:4,9 399:2
transported 222:16
transporting 324:16
Trapp 3:7 4:10 73:20,22
 74:1 79:2 97:13,19
 99:18 100:10
treated 100:3 243:8
treats 243:2
Tree 2:22 4:19 119:11
 119:14,20 120:7,22
 122:10 151:7,16,19
 152:11,16 153:7
tremendous 294:7
 295:20
trends 429:9
trickle 25:19
trickles 47:11
tried 45:22 91:10
 152:13 158:10 226:8
 277:20
trillion 194:20
trip 226:6
tropical 66:19 94:5,6,11
trouble 93:14
troubling 241:20
truck 251:8 254:11
 257:17 259:10,20
 260:4 263:7,11
 266:15,16,21 267:3
 267:12 268:6 277:12
 279:6 280:5,12
 281:17,19 363:13

364:12,13,14 401:4
 405:21
trucker 406:10
truckers 363:6,12 364:2
 364:7
trucking 252:21 366:5
 405:20 407:4
trucks 326:1
true 58:21 417:4 455:16
truly 243:17
Trump 58:1 113:17
Trump's 159:22
trust 418:17
trusted 19:19
try 51:11 92:1 103:19
 107:9 128:1 150:7
 190:21 206:9 225:2
 230:6 337:3,5 339:9
trying 46:17 62:11
 63:14 86:1 107:16
 116:19 158:6 159:18
 160:4 208:13 276:18
 315:6 402:19 403:5
Tsao 1:11,14 7:3 12:18
 12:19 41:21 52:7,10
 52:20 53:3 93:7 97:8
 99:17 143:20 147:19
 162:11
TSCA 418:15
TST 275:7
Tube 3:1 5:9 251:2,5
tubes 276:13
TUESDAY 1:7
Turkey 252:6 291:3
 349:4 440:22
turn 87:4 357:16 359:5
 415:13
turned 422:18
TV 170:19 172:9,16
 173:19 213:14,17
TVs 34:12 35:1 170:11
 170:12,14,22 171:2,4
 172:12,14,20 173:4,7
 173:11,15,17,21
 174:1,2,3 175:5,12,14
 175:16,17
twelve 195:4,13
Twenty 429:17
Twenty-five 390:20
twice 138:3 330:12
two 7:15 19:13 26:17
 41:11 42:7,8 46:7
 47:21 50:20 66:17
 67:3 69:19 72:15 74:8
 75:20,22 91:21 96:12
 99:7 110:6 112:14
 123:15 134:19 141:4
 142:9 150:22 164:5

167:15 168:5 181:22
 186:22 195:19 202:16
 206:19 207:3,4 214:7
 222:8 246:8,22
 261:17 265:1 275:14
 279:11 290:11 299:4
 299:16,18 302:11
 309:11 310:15,22
 318:9 319:19 322:16
 334:6 341:3,22 378:2
 389:6 391:7 400:10
 401:21 402:14 403:1
 422:8 423:1,14
 427:19 444:22 452:18
 462:6
two- 114:4
two-in-one 186:22
two-person 116:14
 118:19
two-thirds 385:14
 411:4,8
two-ton 30:12
Tym 327:16
TYMOTHY 1:17
type 66:21 124:4 135:1
 147:1 169:3 181:11
 183:15 224:15 263:15
 305:21 340:4 341:5
 392:17,18,20 403:16
 406:6 412:2 413:10
 413:11,21 422:20
 434:7 436:13 454:5
 457:18
types 34:7 51:18 123:3
 240:8 243:3 264:18
 317:18 320:7 332:2
 341:8 345:22 392:12
 404:15 405:18 406:2
 411:2 412:18 421:14
 438:16 461:19
typically 66:14 387:17
 440:1
TYRELL 1:22

U

U.S.'s 299:18 351:7
U.S.- 122:11
U.S.-assembled 175:16
U.S.-based 108:7 129:5
 131:16 134:12 154:4
 215:6 353:8 361:8
 429:8 447:19
U.S.-made 116:11
 203:6
U.S.-sourced 166:11
UEI 357:7,8 358:8
 360:11
UL 154:16,20 155:21

UL-listed 154:15
ultimate 25:1 212:6
 214:1
ultimately 57:17 88:7
 194:13 195:8,11
 217:4 245:6 265:11
 267:19 268:11 351:13
 355:11 356:9 439:13
 441:16
Um-hum 339:14
unable 184:12 385:19
 398:11
unacceptable 217:5
 454:14
unaddressed 239:1
unavailable 62:5
uncertainty 121:10
 192:10 392:2
uncompromised 166:1
undeniable 319:5
undercut 380:16
 396:12
undercutting 82:20
underdogs 178:8
underlayment 65:11
 66:13 94:3
underlying 254:22
underlying 43:5
undermine 56:21
 169:15 180:3 375:10
 380:13 447:15
undermines 377:21
undermining 397:1
underneath 65:12
underscore 235:13
underselling 284:2
 286:1
understand 46:8 101:3
 129:11 144:2 149:16
 170:16 188:2 210:16
 225:9 228:5 229:12
 229:19 230:14 232:10
 404:18 407:15 415:19
 438:7 459:2
understanding 11:5
 182:13 242:14 269:13
 351:17 400:5 410:22
 411:6
understands 69:8
 139:6 204:16 307:5
understood 48:19
 229:14
undertake 283:8 391:19
undertaken 232:8
 322:9
undertaking 361:21
underutilized 297:19
undoubtedly 323:3

undue 261:7
uneconomical 199:14
unemployment 25:14
 246:22 351:7
unencouraging 206:8
unequivocally 297:2
uneven 83:19
unexpected 127:3
unfair 8:6 13:8 17:15,21
 34:1 79:17 123:21
 130:18 170:18 234:20
 234:22 238:11 248:19
 250:11 296:5 382:4
 431:3 443:17 445:9
unfairly 203:20 286:14
 319:4
unfortunate 207:15
 215:14
unfortunately 8:5 75:15
 78:2 98:9 105:14
 187:21 218:11 228:1
 289:7 317:1 342:7
 463:5
unground 300:21
Unilin 294:20
unintended 171:9
 174:6 176:1 230:7
 419:10 456:13 457:5
union 266:21 298:1
 306:8 342:16 389:1
unionized 157:12
unique 27:17 129:4
 216:4 260:2 277:20
 291:9 300:4 332:10
 368:2 398:14 406:12
 408:18 409:10 447:21
uniquely 80:18 183:10
unit 260:20 429:10
 463:1
units 160:2 196:20,20
 221:16 377:9 426:16
 427:3
Universal 2:12 6:2
 356:22 357:4
Universe 403:14
unknown 378:13
unmatched 60:20 356:3
unnoticed 320:10
unparalleled 236:17
unprofessional 356:13
unreasonable 322:10
 383:4 433:1 434:8
 436:8
unrelated 322:13 399:4
unrestrained 296:6
unsuccessful 158:5
unsure 367:8
unused 297:21

unviable 157:17
up-front 359:7,14
update 224:7
updated 202:5
Updyke 3:7 6:5 388:2,5
 388:6,15 394:10
 411:16,22
upgrade 13:22 198:17
upgraded 199:1,6
upgrades 25:3 198:20
 398:8
upgrading 204:2 296:2
upholster 71:4
upholstered 70:10
 446:20
upholstery 447:8
 448:21 451:8 466:8
 466:13
upper 93:13
uprooting 128:20
uptick 457:13
upward 302:3
upwards 325:6
urge 13:12 37:20 79:19
 84:6,9 104:8 107:19
 124:11 179:15 195:4
 205:6 232:13 235:4
 263:22 380:11 433:18
 439:10
urged 289:12
urgently 80:1
urges 73:11 143:13
 382:13 387:18 446:6
USA 2:2,13 4:3 5:4 13:1
 13:5,15 14:8,10 15:4
 15:8,9,17 16:14 42:3
 120:6 150:21 186:11
 186:16,17,21 187:4
 187:11,22 190:19
 217:19 279:9,13,17
 280:1,2
USA's 16:3,6 17:20
 190:2
usable 311:18
usage 150:18
USDA 327:17
use 35:12 36:18 49:4
 76:19 81:8 86:13
 127:12,19 140:14
 142:15 158:11 166:8
 168:15 176:21,21
 196:9 197:12 200:21
 247:13 248:7 269:6
 272:21 309:9 310:22
 312:3 313:21 330:17
 337:3 349:11,12
 358:3 363:16 380:3
 392:17 415:5 416:11

418:10 433:11 440:1
 461:6 462:11
user 252:18 261:12
 301:22 378:10
users 26:8 359:9,21
uses 39:20 60:1 137:10
 140:20 235:16 305:11
 311:8 324:3 433:14
 435:15
USGS 313:5 348:1
USTR 7:17,22 8:11,21
 38:13 39:3 55:2 59:2
 59:21 68:4 73:2,11
 85:4,9,17 88:15 126:2
 126:9 129:18 131:21
 137:9,12 143:14
 163:15 179:15 229:20
 230:6 234:13 240:8
 244:6 245:14 283:14
 290:3 322:8,14
 323:15 325:18 327:22
 351:18 368:22 372:19
 372:21 382:14 383:3
 383:7 385:3 389:7,8
 393:5 396:7 407:8
 420:15 426:10 431:9
 433:9,18 436:9 452:8
USTR's 10:2 11:13
 179:9 283:14,19
 295:10 307:11 326:11
 326:16 395:11
USTRs 235:10
usually 349:4 428:12
Utah 178:11
utilization 296:10
 333:17
utilize 20:12 200:16
 290:10 337:5 457:21
utilizes 228:16
utilizing 70:10 465:14

V

VA 20:2
vacuum 165:9 166:16
 169:21
vacuums 169:10
valid 67:11 168:6
Valley 80:6
valorem 129:15 131:13
 444:10
valuable 78:21
value 7:20 8:3,17 75:22
 86:22 116:1 121:7
 124:8 166:1 209:12
 240:4,6 244:18
 319:14 324:20 330:22
 353:9 354:15 366:4
 406:9 428:7 463:1,2

value- 461:10
value-driven 54:5
valued 67:14
values 54:6,20
valuing 237:5
valve 421:20 422:4,9,11
 424:9 459:4 460:5
valves 137:19,19
 140:19 141:1 161:8
 420:22 421:5,12
 422:13,21 424:7,20
 425:1 460:11
Van 447:4
vanities 415:16
vape 114:8,16,17,22
 117:20 149:12 150:1
vaporizer 114:21
vaporizers 115:8
variance 111:7
varied 421:16
varies 413:11
variety 65:12 119:21
 120:2 316:14 336:16
 357:12 463:15
various 17:6 38:10 66:2
 66:18 70:19 84:22
 126:10 129:19 386:5
 415:15
vary 271:13 319:2
vast 120:22 155:2,4
 156:11 165:19 177:18
 214:11 248:20 288:22
 453:10 462:19 468:7
VAT 318:22
vector 242:11
vectors 241:11
vegetables 429:2
vehicle 234:1 237:15,21
 251:9
vehicles 236:9 406:1
vendor 22:17
vendors 122:12 123:12
 124:5
veneers 416:9
ventilating 131:10
ventilation 137:11
 432:8,13
venture 180:20
venture- 185:20
Venture-funded 185:7
ventures 263:20 407:14
Vermont 316:22
Vernon 131:11 132:15
 132:19 157:5
version 396:4
versions 439:22
versus 156:7 220:21
 334:12 335:4,4

404:17
vessel 193:9
vested 158:7
Veterans 321:17
vetting 135:7
VHF 363:11 364:2
viability 78:20 185:15
viable 70:22 128:17
 134:3,8 157:7 158:20
 159:18 160:6 434:22
 451:5 452:13 453:14
 456:2
viably 159:4
vibration 406:4
vice 24:17 53:17 65:5
 84:20 103:22 137:4
 176:13 251:5 362:20
 437:12 452:2
vicissitudes 217:2
video 11:10 181:10
 371:17
Vietnam 49:15 70:16
 90:9,15 91:3 96:16,18
 155:1 216:10 321:17
 328:18 440:22 449:1
 458:1
view 74:16 99:18
 446:18
views 28:21
vigorous 135:9
Vining 3:8 6:6 394:12
 394:14,15,16 399:14
 412:9 413:6,17,22
 414:4,6
vinyl 28:9 38:11,14 39:6
 40:19 41:1,2 85:2
 88:17 294:13 295:13
 295:13 297:5,6,12,18
 304:14,19 305:6
 306:9 307:9,12 308:8
 321:9 323:9 335:4,12
 336:6 340:14,17
 343:12,13,16,18
 344:10,11,13 345:4
violations 255:9 285:13
 292:8,12 373:1
virtually 17:4 24:2 57:6
 323:22 440:6 441:3
virus 241:18,18,19
 273:7
vis-a-vis 140:4 143:10
viscous 104:8
vision 54:4 192:1
visionaries 178:17
visited 418:19 422:4
visual 30:12
vital 243:7
voice 33:15 113:18

181:8 300:5
voices 352:7
voltage 393:1
volume 56:2 100:22
 112:8 116:3 141:6
 161:9,10 254:2,3
 264:16 267:1,4,11
 323:20 340:16 353:21
 400:15 405:9 408:19
 409:12 429:10,15,17
 453:11 461:14
volumes 94:22 260:8
 428:11 434:6,18
 455:15
voluntarily 370:21
voluntary 373:6
VP 299:4
vulnerabilities 224:1
vulnerability 224:15
vulnerable 120:10
 153:3 187:8 224:19
 323:16

W

W 27:13
wage 79:11
wages 71:18 83:15
 112:13 188:22 253:12
waiting 53:8 282:5
Walker 3:9 4:22 136:22
 137:1,3,4 143:17
 159:7 160:10,17
wall 118:7,14 283:15
 284:12,17 321:4
 322:2 324:17 332:16
walls 181:6 201:19
Walmart 127:19 353:6
walnut 86:19 101:18
wanted 153:13 214:18
 272:7 275:22 312:22
 329:11 409:20
wanting 460:3
wants 161:15
war 118:13 164:17
 316:5,6
warehouse 54:9 60:17
warehouses 54:15
 71:21
warrant 278:13
wars 232:3
washer 32:6
Washington 1:10 79:8
 79:16 80:5,17 81:11
 194:4 316:3 376:8
wasn't 339:18 347:11
waste 80:20
watch 200:18
watches 34:11 148:8

177:20 375:9 381:9
water 190:15 285:2
 455:10,11 467:18
wave 424:1
way 63:4 72:22 80:9
 98:10 115:3,13 171:7
 190:8 210:20,21,21
 213:20 271:4,19
 273:14 311:5 322:15
 355:7 372:2 448:17
Wayne 2:14 5:8 233:5
 233:11 321:12
ways 167:6 345:6
wearable 34:10 375:16
 375:19 377:6 378:18
wearables 377:3,11,21
 377:22 379:4 380:11
 381:3
web 201:10 369:12
website 10:3 11:13
wedding 20:15
week 29:14 118:7 224:7
 301:11 347:9 351:17
 386:15 394:3 422:1
weeks 181:22 254:5
 422:8
Weitao 3:11 5:11
wel 346:15
Welch 3:9 4:5 29:2,3,4
 29:5 33:3 47:21 48:3
 49:2,11 50:1
welcome 7:4 24:10
 131:2 233:2 345:10
 346:21 401:8
welded 32:6,7 248:11
welder 248:12
welfare 74:18 112:19
 247:19
well-paying 74:13
wench 32:9
went 53:10 141:8
 162:15 164:16 190:13
 216:17 225:21 334:13
 334:14 411:19 419:3
 461:12 468:22
weren't 226:12
Wessel 3:10 5:8 239:9
 239:10,11 245:19
 271:8,13 273:16,20
 274:8
west 54:9 241:17
 269:16 363:18 447:4
western 80:13 81:9
 290:1
wheel 2:18 5:10 32:10
 32:10 255:13,17
 257:13,16,19,21
 258:12,16,20,21

259:6 277:9,9
wheels 31:21,22 255:22
 256:1,7,13,13 257:9
 258:5,15,18,18 259:2
 259:3,5,9,10,12,14,17
 259:18,19 260:2,22
 261:8 262:15,15
 277:11
White 316:4
wholeheartedly 286:15
 340:11
wholesale 299:20
wholesalers 2:14 4:18
 113:21 149:8 453:7
wholly 21:16 358:7
 370:10 371:12 373:5
 373:13,15 403:2
 407:10,20 408:2
 410:13
wi-fi 200:6 201:2,5,9,11
 201:22 205:4 224:2
 226:19
wide 316:14 427:11
widely 111:12 363:9
William 1:11,13 2:3
 103:16 104:1 144:1
willing 74:11 95:11
 141:11 160:14 260:18
 422:12
willingness 425:17
Wilson 3:10 4:5 33:4,6
 33:7,9 38:2 50:5,13
win 2:10 6:1 272:12
 350:4,12
win/win 287:15
wind 160:15
wind-down 175:10
winners 206:19
winning 352:16
wire 126:7 247:16
wireless 34:18,19 201:3
 211:13 357:11,12
wirelessly 201:8
wiring 247:17
Wisconsin 125:8
 244:13 432:6,11
wise 52:21
wish 242:13 411:11
wishes 230:6
withdrawn 136:14
withstand 310:19
witness 10:7 11:6 12:22
 18:20 24:13 29:1 33:4
 38:3 53:13 59:15 65:1
 67:20 73:20 79:3
 84:14 103:15 108:3
 113:21 119:10 124:17
 131:4 136:22 163:17

170:3 176:8 180:9
 186:11 193:19 199:20
 227:7 233:5 239:9
 245:20 251:2 255:12
 262:19 282:7 287:22
 293:21 298:18 300:11
 304:4 308:22 315:9
 320:19 350:4 356:21
 362:13 368:13 374:20
 381:15 388:2 394:11
 414:13 420:5 425:12
 437:8 442:16 446:11
 451:19
witnesses 2:1 9:22 10:4
 10:13,16 11:1,2,4,6
 50:14 342:11 347:9
Wm 4:16
woman 241:21 247:14
women 82:7 247:6
 273:6 316:19
won 181:18
wonder 464:8
wondering 156:6 400:3
 403:3 464:5
wood 3:7 4:10 41:1
 54:10 65:9 70:22
 73:20 74:4 77:5 78:21
 80:12 81:2,15 84:22
 85:1,16 86:3,7,14,17
 88:4,16 94:8 99:22
 100:6 107:8 146:18
 146:20 294:13 295:14
 335:4 343:17
wooden 57:11 70:9
 87:1,18 98:21 415:4
 417:4 418:10
Wooster 2:12 4:9 59:15
 59:20 60:1,9,11,13
 61:4,12,14 62:3,10,16
 63:3,5,14,17 64:1,5
 64:10 91:9,10 93:8
Wooster's 60:19 61:16
 61:22 63:15
word 145:6
words 62:9 77:11
 116:20 241:12 323:15
 352:6 354:13
work 2:18 5:9 25:13
 32:22 48:16 54:7,20
 61:7 74:10 107:11
 113:6 143:3 166:4,6
 177:22 187:19 192:22
 193:1 198:19 200:19
 207:18 210:21 217:9
 245:21 246:6,21
 247:7,10 248:3 270:9
 294:8 308:13 326:6,8
 326:13 367:22 376:11

376:17 380:16 389:12
 427:21 430:5 450:8
 454:7
worked 80:3,9 154:18
 190:21 416:15
workers 56:7 79:15
 82:2 83:15,17,18
 108:18 120:5 123:17
 136:16 138:19 139:3
 171:20 172:8,18
 176:3 194:18 199:10
 226:21 228:1 249:17
 250:14,18 283:13
 295:8 306:22 308:3
 375:10 377:19 391:16
 395:10,19 396:21
 399:9 419:12 420:1
 444:7 452:19 456:18
 458:4 459:22
workforce 56:4 57:8
 61:5 128:7 175:3
 262:12 432:11 449:7
 454:18,21 461:18
working 48:11 54:14
 74:8,21 123:12
 128:22 139:2 153:20
 154:14 155:6 158:22
 202:13 206:1 226:21
 283:5 406:15 417:11
workplace 113:5
works 118:20 127:14
 218:1 252:11 271:19
 381:11
world 14:3 87:9 94:20
 129:22 138:9 145:17
 161:14 167:8 169:14
 173:17,19 188:5,10
 191:8 197:6 207:22
 227:19 228:4 255:3
 260:6 286:10 289:1
 289:22 293:7 295:4
 301:21 313:19 315:1
 316:6 327:17 339:7
 356:3 367:4 383:22
 386:22 429:9 448:19
world's 14:2 33:12
 125:15 231:7 244:10
 289:16 295:3 375:18
 452:3 453:10
worldwide 2:6 6:10
 19:19 196:8,15
 258:13 270:2 277:2
 278:19 368:18 378:3
 420:6,10
worries 208:12
worse 61:21 237:7
 290:18 317:22
worth 117:21 273:6

278:10 337:13
wouldn't 48:18 330:16
 331:19,19 422:17
wrap 402:19
wrist 375:16
written 9:6,10 10:18,20
 11:12 20:22 38:19
 60:8,10 61:10 68:7,10
 84:4 88:21 103:7
 124:14 137:20,22
 142:12 149:9 151:18
 171:15 182:6 195:17
 209:22 285:20 297:17
 309:9 329:13 393:5
 396:4 399:21 412:6
 426:11 463:8
wrong 280:10
Wu 3:4 4:12 84:14,19
 100:17

X

XALT 235:21 236:2,6
 270:17
Xcelsior 235:18
Xiao 3:12 4:6 38:3,7
 51:16 52:8
Xiaomi 378:2

Y

yard 466:17,17
year 117:21 121:14,15
 121:18 127:2 141:1
 142:18 167:21 168:4
 194:19 196:19 229:6
 234:10 244:16 287:12
 290:4 328:15,21
 331:13 340:20 341:3
 344:18 345:15,19
 346:2 376:22 378:1
 379:1 389:4 397:18
 419:3 427:1 437:19
year-old 244:10
year-round 443:13
yearly 426:16
Yellow 10:10
yesterday 33:21
yield 37:18
yielded 294:15
yields 303:16
York 19:10 21:13 24:18
 131:11 157:5,13,15
 160:1 168:10 186:20
 191:14
young 56:8 192:9 217:6
 225:20 243:16 247:21
yuan 78:18

Z

Z89 148:6,6 149:3
Zealand 77:3
Zenith 190:9,12
zero 80:20 103:3
 111:16,17 113:13
 165:3 170:12,13
 174:12 207:14 208:11
 234:11 444:16,17,19
Zhang 3:11 5:11 262:20
 262:21,22 268:1,3,15
 278:17 279:3 280:8
 280:13,16 281:1,5,7,9
 281:12,14,17,22
Zhiyuan 3:12 4:6 38:3,5
 38:6,7 41:18 51:17
 52:1,5,9,13 53:1
Zika 241:18,18,19 273:6
zinc 151:20,21 421:3
 453:11
zone 300:19 449:20
 450:3
zone's 447:16
zones 200:17

0

07 403:17
08 347:15
09 75:7

1

1,000 52:1 88:11 432:9
 446:22
1,000,000 122:3
1,014 77:6
1,200 45:7
1,242 76:20
1,293 83:6
1,400 426:5 430:22
1,500 376:16
1,700 376:11
1.1 317:22 337:14
1.2 189:9
1.4 283:10
1.5 86:15 101:13
1.52 286:5
1.64 77:13
1.7 297:7
10 4:8 8:20 18:8 22:13
 45:13 53:6 65:16 69:3
 71:11 73:12 78:16,18
 112:2 120:15 131:12
 132:2 136:12 142:2
 143:8 191:17 354:11
 359:2 362:7 385:17
 391:8 392:11 393:7
 395:16 423:13 435:8
 439:7 440:19 441:20
 442:6 444:11 445:5

446:2
10,000 421:13
10.60 131:22
10:17 53:10
10:20 53:11
100 54:18 73:9 104:3
 109:4 122:4 160:20
 161:5 181:17 197:8
 221:12,20 258:3
 305:12 312:15 376:18
 404:21 447:2
100,000 219:22
103 4:16
1035 116:21
105 200:9 443:15
106 389:2
108 4:17
10th 174:18
11 4:15 31:9 53:7 55:3
 103:10 165:4 168:1
 243:22
11,000 414:22 415:1,10
 419:12 420:1 458:3
110 261:20
110- 244:9
114 4:18
115 191:15
119 4:19
11th 19:7
12 5:1 28:2 45:11 47:2
 65:7 122:1 150:12
 179:3 198:9 317:8
 356:7 420:11 427:22
 466:3
12.5 110:5
12:08 162:15
12:45 162:13,16
120 174:16
124 4:20
13 4:3 5:6 13:22 227:5
 314:15 414:21 445:3
130 427:10 461:15
131 4:21
135 248:14
137 4:22
14 5:12 31:9 248:1
 282:3
14.5 174:9 175:17
147 378:5
15 6:1 63:1 72:4 133:13
 158:18,19 220:18
 250:3 259:22 282:4
 349:22 395:20 455:16
15,000 120:3 246:19
 359:18 443:19
15.89 76:6
150 62:21 243:20 318:1
 345:1

150,000 88:12
155 104:13
15th 172:5
16 6:8 8:3 318:4 321:19
 350:1 414:8
163 5:1
166 60:12
16th 7:22 194:10
17 235:8 283:14 368:22
17,500 118:2
170 5:2 54:13
175 29:11
175,000 119:18 120:4
176 5:3
17th 8:11 9:5 10:21
18 122:1 150:12 198:9
 305:8 321:19 415:5
180 5:3 341:19
186 5:4
1886 304:22
18th 7:13
19 4:4 445:21
190 363:3
1905 426:14
193 5:5
1948 288:12
1956 108:9
1958 437:17
1960s 363:2
1972 108:10,13
1973 80:9
1974 388:12
1975 137:7 321:11
1978 74:12
1981-82 75:3
1987 357:8
1990 164:4
1990s 130:8 190:14
1992 54:4 299:3
1993 257:7
1996 68:14 95:21
1997/98 301:2
1998 110:3

2

2 117:6 127:6 138:4
 141:8 156:16 219:20
 386:10 466:17
2,000 60:14 219:19
 220:1
2,200 176:16
2,500 452:6
2.4 31:12 189:3
2.5 139:2 317:18 337:13
 348:11 391:11,13
 414:20 442:2
2.6 246:8 249:6
2.7 182:9

20 72:19 83:9 110:3
 129:1 153:20 154:1
 167:1 312:15 317:7
 355:19 357:10 402:1
 437:21 467:21
20,000 106:20 120:14
 144:10
200 5:5 8:18 132:21
 157:12 177:4 243:20
 249:1 250:9 377:9
 395:8 419:2 426:22
200-person 159:19
200-plus 75:18
2000s 75:6 294:22
2001 108:19 165:4
 189:2
2003 75:21 76:3,6
 132:15
2006 105:8 300:9
 403:17
2007 252:4 347:15
2008 26:12 75:7 94:9
 261:18 440:8
2011 449:20 450:7
2012 138:7
2013 19:11
2014 83:6 200:4 383:18
2015 15:1 187:3 189:2
 190:19 348:2 357:8
 380:7 401:18
2016 22:7 52:13 66:10
 168:8 187:11 196:5
 299:3 317:17 337:12
 348:2
2017 7:13 30:22 76:1,7
 83:7 86:15 168:8
 229:3,9 233:21
 269:14 283:10 290:5
 297:7 306:16 323:20
 378:6 414:20 426:22
2018 1:7 7:17,21,22 8:4
 8:21 9:8 10:20 31:13
 82:19 83:8 235:8
 319:12 348:2 368:22
 374:8 377:7 378:7
 437:19
2019 71:21
2020 138:20
2022 377:9
2025 32:17 39:5 69:11
 69:18 70:7 85:11,13
 124:2 135:2 168:21
 204:19 236:14,15
 238:20 240:13,18
 257:1 293:4 322:12
 360:20 381:4 383:8
 399:6
20th 7:17

21 1:7 180:19
21,000 295:8
22 306:19
227 5:7
23 111:14 121:21
 265:19 279:19
23.5-fold 110:4
232 30:2,18 31:1 230:10
233 5:8
236.65 76:7
239 5:8
23rd 8:4 391:5
24 4:4 28:2 47:2 52:14
 53:2 224:6 317:6
 321:20 445:6
24/7 405:22
240 450:12
240.1 189:7
246 5:9
250 9:22 68:16 132:21
 259:15 426:16
251 5:9
2511 303:21
255 5:10
26,000 117:21
262 5:11
265 118:4
27 126:2,12 129:15
 130:16 153:12 166:12
27.7 182:11
27th 9:20
28 164:19 196:19 234:5
282 5:13
284,666,000 76:1
288 5:14
29 4:5
29,355,000 76:1
29.5 174:9 175:18
292.5 110:5
294 5:15
298 5:17

3

3 33:17 34:8 77:4
 114:11 117:18 119:8
 121:1 126:2 127:1,7
 156:10 195:5 196:5
 198:13 209:1 219:20
 219:20 369:10
3,100 233:18
3.2 179:8
3.4 189:3
3.5 296:12
3.9 174:13 175:15
 207:14 208:11
30 116:15 119:20
 159:21 180:17 261:20
 281:7,8 297:10

337:22 363:19 420:14
422:22 429:17 467:21
30-year-old 194:3
300 29:13
304 5:18
307 126:4 129:12
309 5:19
31.7 196:20
315 5:21
32 111:14 166:12
310:19
320 5:22
33 4:6
330,000 229:4 269:14
337 167:22 168:13
34 7:20
35 297:10 360:9 401:22
461:9
35-minute 10:6
350 6:1 125:21 246:11
388:18
350,000 22:19
357 6:2
36 389:4,5
360,000 388:22
362 6:3
368 6:3
3707.90.32 21:4
375 6:4
38 4:7 82:21
380 177:10 210:8
381 6:4
388 6:5
3918.10.1000 28:10
394 6:6

4

4 68:17 461:14
4:58 468:22
40 75:1 79:15 97:21
247:1 288:15 307:16
344:17 352:22 409:9
450:19 466:16 467:21
40,000 120:13
400 79:10 81:21 122:3
241:9
4000 121:15
4011.90.20 31:4
4011.90.80 31:5
414 6:9
42 229:10
420 6:10
425 6:12
429 142:2
43 83:14
431 6:13
437 6:14
440 426:17 429:8

4409.10 75:21
4411.13.2000 28:9
4412 415:16
4412.32.3225 28:8
4412.39 66:5,22 67:7,17
4412.39.10 65:21
4412.39.30 65:21
4412.39.40 65:21
4412.39.50 65:22
4418.20 75:21
442 6:15
45 80:4 132:18
451 6:17
46 9:21
468 6:19
48,000 193:10
49 295:6,8
496 6:16

5

5 31:8 429:14
5,000 461:14
5,750 283:13
50 13:20 16:15 36:12
45:13 52:19 94:4
120:5 128:13 198:21
219:4 234:11 260:10
289:17 302:10,12
340:15 366:10 391:6
395:8 450:8 466:16
50,000 191:16 395:9
500 1:10 138:14 165:14
178:16 194:5 318:11
441:19
54 4:8 448:13 451:14
54.2 196:5,12
5407 451:15
5408 451:15
55 448:13 451:14
550 234:8
5504.10.00 104:8
5515 451:16
56 189:7
57 206:11 286:7
59 4:9 448:13 451:14
5903 451:16
5906 451:16
5G 37:5

6

6 30:21 31:8 427:22
466:3
6,000 164:15 233:17
60 82:22 120:11 122:9
128:13 260:10 364:18
425:7 431:9 448:13
451:14
60-person 420:11

600 61:2 115:2 227:16
376:20
6000 121:18
6005 451:16
603 121:14
60th 437:19
63 443:6
65 4:9 33:12 200:10
297:9
65-year-old 29:6
650 331:12 332:3 341:4
6506.10.30 110:3
6506.10.60 110:2
66 15:1
675 163:22 165:18
68 4:10
6907 284:5 286:17
6907.21.10 284:7
6907.40.90 284:8
6th 7:21 9:8 10:19
271:15 274:11 390:21
411:18 412:6 463:9

7

7 4:2 194:20
7,000 388:22 426:22
7.30 77:7
70 15:10 155:10 194:21
195:1 243:6 297:9
316:19 317:12 331:18
340:17 343:12 432:18
437:22 450:9
700 23:13 353:2
7000 138:19
73-year-old 65:6
7317.00.55 438:3
442:10
7317.00.75 438:3
442:10
7321.19.00 444:13
446:7
74 4:10 138:18
740 165:15
75 122:10
75,000 272:18
78 86:21
79 4:11
7th 8:21 9:6

8

8 30:21
8.94 76:19
80 155:10 176:17
248:22 249:6 356:5
366:17 375:19
82 77:12 98:12
82.01 132:1
84 4:13 50:6 190:6

218:19
8415.10.30 131:22
8417.80.10 382:19
8471.60.90 374:15
8471.80.10 382:14
384:6 387:19
8473.30.11 21:2
8473.30.51 21:2
84733011 34:21
85 50:6 150:10 234:10
353:21 400:14 401:4
401:5
850 244:14
8501.40.20 433:21
437:2
8501.40.40 433:21
437:2
8507.60.0010 235:11
8508.11 168:17
8517.62.00 352:10
354:13 356:14 374:15
375:14
8517.62.0050 358:14
362:5
8517.6200 200:13 205:7
213:6
8521.10.0015 362:5
8531.10.0015 358:14
8537.10.9160 182:4
185:5
8543.88.9960 119:4
8543.90.8860 114:13
115:8
854379940 114:20
86 286:3
870 76:3
8716.90.50 31:5 32:3
880,000 60:16

9

9 4:3
9/11 157:14
9:29 7:2
9:30 1:10 468:18
90 16:18 50:6 174:16
246:13 323:21 340:1
376:13 453:8
900 443:18
909 83:7
90s 75:5
918 376:15
92 83:6
94 55:3 59:4
9403 415:17
95 92:2 127:16 197:8
221:12,20 264:13
9507 451:16
97 117:9

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This is to certify that the foregoing transcript

In the matter of: Section 301 Tariffs Public Hearing

Before: USTR

Date: 08-21-18

Place: Washington, DC

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