

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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WEDNESDAY

AUGUST 22, 2018

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

PRESENT

WILLIAM BUSIS, Chair, U.S. Trade Representative
 *MEGAN GRIMBALL, Chair, U.S. Trade Representative
 ARTHUR TSAO, Chair, U.S. Trade Representative
 *CHRISTOPHER BLAHA, Department of Commerce
 *EVAN CONCEICAO, Department of Homeland Security
 *BON FLEMING, Department of State
 *SARAH GILLESPIE, U.S. Department of Agriculture
 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
 *BRYAN O'BYRNE, Small Business Administration
 MAUREEN PETTIS, Department of Labor
 *CRISPIN RIGBY, Department of State
 PETER SECOR, Department of State
 TANYA SMITH, Small Business Administration
 *TIMOTHY WINELAND, U.S. Trade Representative

STAFF PRESENT

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

WITNESSES PRESENT

HEIDI ALLEN-CARR, MacLean Power, LLC
DAVID AQUINO, SharkNinja Operating, LLC
LEIGH AVSEC, Anaheim Manufacturing Company
RISHI BHUTADA, Star Pipe Products, Ltd.
ROBERT BRADEN, Skyline Steel
MARVIN BRASHEM, M. Brashem, Inc.
WILLIAM BRENNAN, BISSELL Homecare, Inc.
JEFF BUSH, Enerco Group, Inc.
JAKE COLVIN, National Foreign Trade Council
PAUL CZACHOR, American Keg Company, LLC
ROBERT DeHAAN, National Fisheries Institute
JENNIFER DOLIN, LEDVANCE, LLC
RON DUCKSTEIN, Sediver USA, Inc.
JIM ESTILL, Danby Appliances
ADAM FINKEL, Annjoy Imports, LLC
JORDAN HAAS, Internet Association
JOHN HOGE, Sea Eagle Boats
WENDELL HOWERTON, Blue Ribbon Products, Inc.
ERIC JACOBSON, American Lighting Association
EARL JONES, GE Appliances
FRANK KATZ, Cheetah Chassis Corporation
BRAD KAUTZER, Banner Engineering
MICHAEL KERSEY, American Lawn Mower Co.
JUSTIN KOSCHER, Polyisocyanurate Insulation
Manufacturers Association
JASON KUHN, Nautilus, Hyosung America, Inc.
ROBERT KYLE, Spectrum Brands
JOHN J. LEEHY, III, ATM Industry Association
JIM LEISHMAN, Pacific Asian Enterprises, Inc.
AARON LEVIN, Beijing DHH Law Firm
JOHN LOGUE, Royale Pigments & Chemical, Inc.
WILLIAM MARVEL, JR., PRCO America, Inc.
JEFF MATTHEWS, Grant Victor
JOSEPH MCGUIRE, Association of Home Appliance
Manufacturers
BILLY MILLIGAN, Commercial Metals Company

WITNESSES PRESENT (cont.)

MATTHEW MOEDRITZER, Society of Chemical
Manufacturers and Affiliates

JAMES NEWPORT, Wanhua Group

ADAM PARR, Gerdau Long Steel North America

JONATHAN POTTS, Precious Metals Association of
North America

BRUCE PROCTON, Endura Products, Inc.

BRUCE RENARD, The National ATM Council, Inc.

MICHAEL ROACH, Alton Industry, Ltd.

AMANDA ROBBINS, Signature Brands, LLC

LISA SCHELLER, Silberline

ANDREW SHOYER, Zhejiang Fomdas Food Co., Ltd.

BIKRAM SINGH, NewAge Casting

BRANDON SPARROW, Camp Chief - Vista Outdoor

JOHN STEMEN, Inmotion

SPENCER STOCK, Lester Electrical

HARLAN STONE, American Consumers and Workers
Justice Coalition

KATHLENE SWANSON, Telecommunications Industry
Association

JIAN TAN, China Chamber of International
Commerce

VALENTINE TAUBNER, JR., Ball Chain Manufacturing
Co., Inc.

PETER TOMPA, Global Heritage Alliance, Inc.

ROBERT UNNERSTALL, JR., National Cart Co.

WALTER WELLER, China Manufacturers Alliance, LLC

MARK WERNER, Lamplight Farms, Inc.

RUSSELL WESTERN, Transdesic International, Inc.

STEVE WILLIAMS, Elberta Crate & Box Co.

BO YI, Southeast University Law School

LU YU, China Chamber of Commerce of I/E of
Foodstuffs, Native Produce and Animal
By-Products

HAICHENG ZHU, Zhejiang Chesson Law Firm

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

2 (9:29 a.m.)

3 MR. BISHOP: Will the room please come
4 to order?

5 CHAIR GRIMBALL: Good morning and
6 welcome. The Office of the U.S. Trade
7 Representative, in connection with the
8 Interagency 301 Committee, is holding this public
9 hearing in connection with the Section 301
10 investigation of China's acts, policies and
11 practices, related to technology transfer,
12 intellectual property and innovation.

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

18 One June 20th, 2018, USTR published a
19 federal register notice imposing an additional
20 duty of 25 percent on products from China, with
21 an annual trade value of approximately \$34
22 billion. Effective July 6th, 2018.

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

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

12 Accordingly, on July 17th, 2018, USTR
13 published a federal register notice seeking
14 public comment on a proposed supplemental action
15 to be taken in the investigation. The proposed
16 supplemental action is an additional duty on a
17 list of tariff subheadings covering products from
18 China, with an annual trade value of
19 approximately \$200 billion.

20 The proposed rate of duty for the
21 supplemental action initially was ten percent.
22 On August 7th, 2018, USTR published a federal

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

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

8 Written submissions, including post-
9 hearing comments, should be submitted by no later
10 than September 6th, 2018. The Section 301
11 Committee will carefully consider the testimony
12 and the written comments.

13 The 301 Committee will then make a
14 recommendation to the trade representative on
15 supplemental action to be taken in the
16 investigation. Before we proceed with the
17 testimony, I will provide some procedural and
18 administrative instructions.

19 The hearing is scheduled for six days
20 concluding Monday, August 27th. And this is the
21 third day of these hearings. We have 46 panels
22 of witnesses with approximately 350 individuals

1 schedule to testify.

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

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

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

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

1 register notice.

2 Given the number of witnesses and the
3 schedule, we request that when responding to
4 questions, that you be conscious, be as conscious
5 as possible.

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

12 No cameras or video or audio recording
13 will be allowed during the hearing. A written
14 transcript of this hearing will be posted on the
15 USTR website and on the federal register docket,
16 as soon as possible, after the conclusion of the
17 hearing.

18 We are pleased to have international
19 trade and economic experts from a range of U.S.
20 government agencies participating on the 301
21 Committee today.

22 If each of you could introduce

1 yourselves.

2 MR. CONCEICAO: Good morning, my name
3 is Evan Conceicao with U.S. Customs and Border
4 Protection.

5 MR. BLAHA: Christopher Blaha with the
6 U.S. Department of Commerce.

7 MR. WINELAND: Timothy Wineland, USTR.

8 MR. FLEMING: Bon Fleming, Department
9 of State.

10 MS. GILLESPIE: Sarah Gillespie, USDA.

11 MR. RIGBY: Crispin Rigby, U.S.
12 Department of Labor.

13 MR. O'BYRNE: And Bryan O'Byrne,
14 Office of U.S. International Trade at SBA.

15 CHAIR GRIMBALL: And I'm Megan
16 Grimball from the Office of the U.S. Trade
17 Representative. We're ready to begin.

18 MR. BISHOP: Madam Chairman, our first
19 witness on this Panel is Leigh Avsec on behalf
20 Anaheim Manufacturing Company. Ms. Avsec, you
21 have five minutes.

22 MS. AVSEC: Good morning. I am Leigh

1 Avsec, Associate General Counsel of Fortune
2 Brands Home & Security, Incorporated. Fortune
3 Brands is the parent company of Anaheim
4 Manufacturing Company, or AMC.

5 Through its long-term production
6 partner in Chain, AMC sells garbage disposals
7 under several brands, including Moen, Waste King,
8 Whirlaway branded waste disposals and other
9 select private label brands.

10 I am here today to discuss why the
11 USTR should remove garbage disposals from the
12 proposed third list of products subject to
13 additional tariffs under 301.

14 There is only one significant U.S.
15 supplier of kitchen waste disposers,
16 InSinkErator. InSinkErator commands an
17 overwhelming share of the U.S. market. There are
18 no sources of imported garbage disposals other
19 than China.

20 Given the market leaders overwhelming
21 share of the U.S. market and the lack of
22 alternative import sources, imposing Section 301

1 tariffs on imports of garbage disposals from
2 China could result in a virtual monopoly. This,
3 in turn, would result in significant additional
4 costs to the U.S. public.

5 There are no manufacturers outside of
6 China other than InSinkErator. It would be an
7 extremely length and expensive process for AMC or
8 anyone else to move the manufacturing of its
9 kitchen garbage disposals to the United States.

10 In order to build operations in the
11 United States, we would have to take many steps.
12 Including analyzing our supply chain alignment,
13 determining which component suppliers could meet
14 our very high standards, develop a facility, buy
15 equipment, develop specialized sound testing
16 unique to the product, get new certifications for
17 the various electrical components and train a
18 workforce. This could cost millions of dollars
19 and could take years.

20 We have a trusted, long-term
21 relationship with our supplier. I am not aware
22 of any current intellectual property issues

1 involving disposals.

2 And in fact, the only alleged
3 intellectual property issues involving disposals
4 that I am aware of, occurred years ago. And has
5 long since been resolved.

6 Finally, while we are proud of the
7 environmental benefits of our kitchen waste
8 disposers, there is certainly not environment
9 goods being promoted by China's Made in China
10 2025 policy.

11 Kitchen waste disposers are not part
12 of the advanced or strategic technologies that
13 the Chinese government is trying to promote. And
14 there is absolutely no evidence that garbage
15 disposals are integral to China's Made in China
16 2025 policy.

17 Please, protect fair competition,
18 protect consumers, do not put a tariff on garbage
19 disposals. Thank you.

20 MR. BISHOP: Thank you, Ms. Avsec.
21 Our next witness is Paul Czachor with the
22 American Keg Company, LLC. Mr. Czachor, you have

1 five minutes.

2 MR. CZACHOR: Good morning. My name
3 is Paul Czachor and I am the CEO of American Keg
4 Company. A small manufacturing company that uses
5 domestic stainless steel to manufacture stainless
6 steel kegs in the United States.

7 I appreciate the opportunity to be
8 here and I thank the USTR and all those involved
9 in its Section 301 investigation for taking
10 critical steps to address China's unfair trade
11 practices.

12 Brief description on stainless steel
13 kegs. Kegs are primarily made of stainless steel
14 and less commonly made with other materials such
15 as aluminum or plastic.

16 Kegs are commonly referred to as beer
17 kegs, but are also used for wine, cider, coffee
18 and kombucha.

19 Currently, there are numerous sizes of
20 stainless kegs that are imported from China at a
21 zero percent tariff. We request that the Office
22 of United States Trade Representative apply

1 duties to U.S. HTS Code 7310.10.00 and
2 7310.29.00, as proposed in the 301 tariff list.

3 Request that such tariffs be imposed
4 at a minimum level of 25 percent and at that
5 Office of the USTR consider an 88 percent tariff,
6 specifically on stainless steel kegs.

7 Some background on the imports.
8 China's stainless steel keg imports make up
9 approximately 43 percent of the \$1.5 million per
10 year of kegs imported into the U.S. China
11 imported approximately \$40 million of kegs into
12 the U.S. in 2017.

13 There is only one remaining domestic
14 stainless steel keg manufacturer using
15 domestically made stainless steel here in the
16 U.S. There are no specific HTS Codes for
17 stainless kegs. Most kegs are imported under HTS
18 7310.29.00 and 7310.10.00.

19 The impact of Chinese imported
20 stainless steel kegs. Domestic stainless steel
21 industry is materially injured by the dumping of
22 Chinese stainless steel kegs in the U.S. market

1 and by countervailing subsidies that Chinese
2 stainless steel keg manufacturers receive from
3 the government.

4 Chinese imported stainless steel kegs
5 are imported at a cost that is less than the cost
6 of the raw materials, mainly domestic stainless
7 steel purchased here in the U.S., to produce a
8 keg in the U.S.

9 This unfair pricing practice puts the
10 price of a domestically produced keg as much as
11 88 percent to 102 percent higher than the Chinese
12 imports. Subsidies given for production of
13 Chinese steel are well documented and give steel
14 users in China a huge unfair advantage.

15 The most recent 232 steel tariffs has
16 driven up the domestic stainless steel prices
17 greater than 25 percent, which has compounded the
18 issue by increasing the price difference between
19 a domestically produced keg and a Chinese
20 imported keg that is imported with zero percent
21 tariff.

22 With unfair Chinese imports and

1 increasing costs of domestic stainless steel, it
2 is impossible for any U.S. manufacturer to
3 compete.

4 The cost summary. Chinese import of
5 stainless steel kegs are imported at a cost that
6 is just a few dollars more than the cost of the
7 raw materials to purchase a keg in the U.S. I
8 repeat this topic.

9 You can produce a keg from China for
10 less, you can purchase a keg from China for less
11 than the raw materials in the U.S. to produce a
12 keg.

13 This is an unfair practice that puts
14 the price of domestically produced kegs as much
15 as 88 to 102 percent higher than the Chinese
16 imports. This obviously makes it impossible for
17 domestic producer of kegs to survive.

18 The impacts of putting tariffs on
19 Chinese imported stainless steel kegs. Adding
20 steel, adding stainless steel kegs to the 301
21 tariffs would have a negligible to no impact on
22 consumers and the non-material impact on

1 businesses, mainly breweries, that purchase kegs.

2 301 tariffs would be effective in
3 eliminating China's bad practices while having no
4 economic harm to U.S. interests. It will
5 effectively allow the U.S. to bring more jobs
6 back and spur growth by allowing companies in the
7 U.S. to be competitive making stainless steel
8 kegs.

9 In conclusion, we request that the
10 Office of the United States Trade Representative
11 apply additional duties to HTS 7310.10.00 and
12 7310.29.00, as proposed in the 301 tariff list.
13 Request that such tariffs be imposed at a minimum
14 level of 25 percent and the Office of the USTR
15 consider an 88 percent tariff specifically on
16 stainless steel kegs. Thank you for your time
17 today.

18 MR. BISHOP: Thank you, Mr. Czachor.
19 Our next witness is Adam Finkel with Annjoy
20 Imports, LLC. Mr. Finkel, you have five minutes.

21 MR. FINKEL: Thank you for granting me
22 this hearing today. I'm executive vice president

1 of Annjoy imports.

2 Annjoy imports is a small family owned
3 business which imports paper shopping bags for
4 some of the largest retailers in the United
5 States. Our style shopping bag is known as the
6 Euro Tote.

7 Some of the U.S. retailers, which use
8 Euro Tote shopping bags include J. Crew, Banana
9 Republic, Brooks Brothers, Sephora, Polo, Ann
10 Taylor, Nordstrom, Victoria Secret, Coach,
11 Nautica, Tommy Bahama, Guess, Swarovski, Godiva,
12 Talbots, Michael Kors, Tiffany & Co., Vineyard
13 Vines, Express and many more.

14 The stated purpose of the Section 301
15 tariffs is the elimination of China's acts,
16 policies and practices. Specifically as it
17 relates to IP theft.

18 While I agree there is a need to curb
19 China's unfair practices in this regard, tariffs
20 of paper shopping bags are completely outside the
21 scope. China couldn't care less about the
22 manufacturing of my shopping bag and has no

1 bearing on any of their behaviors.

2 In fact, the Chinese government has
3 been threatening to shut down our factories for
4 years. They want to get rid of these factories
5 as it would free up human capital to move workers
6 into high tech jobs. And these tariffs would
7 just speed it up for them.

8 Our Euro Tote style shopping bags are
9 all made in China. There is no one in the U.S.
10 that could even teach the trade. It would be
11 futile to attempt to move production to America.

12 And this type of bag has never been
13 made in the United States. To try would result
14 in terrible financial losses for American
15 manufacturers.

16 If the proposed tariffs on my shopping
17 bags go into effect, one of two things will
18 result. Every company in my industry will stop
19 shipping immediately as the margins are already
20 razor thin and the tariff would cause instant
21 financial destruction.

22 The majority of us will need to file

1 for bankruptcy. And there will be no shopping
2 bags in malls across America come the busiest
3 time of year.

4 Starting Black Friday and going to
5 Christmas and then in perpetuity. Customers will
6 have no shopping bags to carry home their
7 purchased items.

8 Further, the retail sector at large
9 will suffer additional job losses. Most majority
10 American retailers have numerous employees whose
11 sole responsibility revolves around the designing
12 of the shopping bag and other packaging items.

13 The shopping bag is what makes each
14 retailer unique. And those who are creative in
15 marketing departments can spend a year, even two,
16 coming up with finished product.

17 If you place tariffs on shopping bags,
18 thus eliminating its use, many thousands of
19 retail employees, employees, will be left
20 without jobs. That is the first of two possible
21 results.

22 The other possible result is that the

1 tariff gets passed onto the customer, just as the
2 holiday season is beginning. And it's the
3 American consumer who has to bear the cost of any
4 increase as a result of the tariff.

5 It's a zero sum game where the loser
6 will be either the thousands of American workers
7 who make up my industry and the retail industry
8 at large. Or the loser will be the American
9 consumer who will be hit in their wallets just as
10 the holiday season is beginning. Either way,
11 it's a no win situation. Thank you.

12 MR. BISHOP: Thank you, Mr. Finkel.
13 Our next witness is Wendell Howerton with Blue
14 Ribbon Products, Incorporated. Mr. Howerton, you
15 have five minutes.

16 MR. HOWERTON: My name is Wendell
17 Howerton, manager for Blue Ribbon Products from
18 Fuquay Varina, North Carolina. I appreciate the
19 opportunity to testify on behalf of Blue Ribbon
20 and its distributor, Betts Tackle, about the
21 impact of the proposed tariffs on our cast net
22 line.

1 I am here today, along with my father-
2 in-law and son, who are also with the business,
3 because we truly believe that our family business
4 may not survive this tax. That is why we are
5 asking for your consideration.

6 First, let me tell you a little bit
7 about Blue Ribbon and Betts Tackle. It all
8 started in the late 1940s when Don Betts parents,
9 Leo and Alma Betts, with determination and
10 perseverance, they were able to keep their
11 business going. And in 1964, their son Don, my
12 father-in-law here today, joined the company.

13 Today Blue Ribbon imports fishing
14 products for Betts Tackle. In 1979, Blue Ribbon
15 entered the cast net business.

16 At that time, there was little or no
17 domestic manufacturer of cast nets except for
18 limited amounts produced in a small cottage
19 industry. Thus, Blue Ribbon explored oversea
20 sources for cast nets.

21 Today about five percent of cast nets
22 are sold in the U.S., are produced domestically

1 and 95 percent are from China. Currently there
2 are three primary importers of cast nets
3 accounting for about 80 percent of the business.
4 All of which are small independent businesses.

5 Blue Ribbon accounts for approximately
6 one third of the total cast net business in the
7 U.S. Cast nets represent approximately 58
8 percent of Blue Ribbon's annual sales.

9 Today Don Betts owns 100 percent of
10 Blue Ribbon. He is the president of Betts
11 Tackle, which is currently owned by Don's three
12 daughters and myself. I am Don's son-in-law.

13 And we are proud now to have a fourth
14 generation involved in the business, Zak
15 Howerton, my son and Don's grandson, also here
16 today.

17 We respectfully request that USTR
18 remove cast nets from the list of products that
19 would be subject to the additional duty. Keeping
20 cast nets on the list would cause
21 disproportionate economic harm to Blue Ribbon and
22 Betts Tackle.

1 Blue Ribbon and Betts Tackle simply
2 cannot shoulder such a large tax. The tax on the
3 cast net is a tax on the entire item, not a
4 component part. Therefore, it bears a total cost
5 and cannot be sustained.

6 Blue Ribbon cannot domestically source
7 as there is no domestic producer of netting.
8 Blue Ribbon has no choice but to purchase cast
9 nets from China because there are no other
10 significant reliable production capabilities
11 anywhere else in the world.

12 We constantly look for alternative
13 sources of supply. Last week we found a prospect
14 in Thailand who stated they could make cast nets
15 for us but he said his cost would be 20 to 30
16 percent higher than our supplier in China.

17 Of course, we would like, be delighted
18 to have other suppliers outside of China, but the
19 reality is there are none. Blue Ribbon would
20 have to pay the extra duty to continue selling
21 cast nets.

22 A 25 percent duty would increase our

1 costs by 25 percent, at a minimum, with no
2 allowance for increased labor and material costs.
3 Most importers can only assume three to four
4 percent with no price increase.

5 We believe that sales would drop 60 to
6 70 percent at a medium, at a minimum, because
7 customers would buy for necessity only. That
8 would mean customers would repair and keep their
9 nets longer.

10 Imposition of the proposed duties on
11 cast nets will not change China's misdeeds. It
12 will also have no effect on China's Made in China
13 2025 policy.

14 These high taxes on cast nets will
15 only hurt a successful, small family run fishing
16 tackle business and its sport fishing customers.
17 In fact, cast nets are the very type of product
18 China wants to graduate from producing as a low
19 tech, low wage item. Keeping cast nets on the
20 list will be doing China a favor.

21 We respectfully request that the
22 provision for cast nets classified in 5608.11.00

1 be removed from the list of products. Such cost
2 will have to be passed along to customers for us
3 to remain in business.

4 The only parties hurt by these tariffs
5 will be our small family run business built over
6 decades and U.S. consumers who are American sport
7 fishermen across the country. Putting tariffs on
8 cast nets will do nothing to advance the
9 administrations objectives of combating China's
10 misdeeds or economic aggression.

11 Which we, as an American business,
12 fully support. Thank you for this opportunity to
13 present our perspective, we'll be glad to answer
14 any questions that you may have.

15 MR. BISHOP: Thank you, Mr. Howerton.
16 Our next witness is Michael Kersey with American
17 Lawn Mower Company. Mr. Kersey, you have five
18 minutes.

19 MR. KERSEY: Members of the Trade
20 Policy Staff Committee, thank you for the
21 opportunity to testify today. I am Michael
22 Kersey, president of the American Lawn Mower

1 Company and Great States Corporation, which I'll
2 refer to today as ALM.

3 ALM, a family owned Indiana Company is
4 more than 120 years old. We have provided the
5 consumer with a reliable, low emission easy to
6 use option in the lawn and garden equipment
7 market since the company's founding in 1895.

8 At that time, Robert B. Kersey, my
9 great grandfather, started his business focusing
10 on the reel lawn mower. The reel mower, which is
11 solely powered by the operator's force, continued
12 to be the company's backbone into the early
13 1940s, after a brief shift supplying, to
14 supplying the U.S. Military with practice bombs.

15 In the support of our Armed Forces
16 during World War II, the company went back to its
17 bread and butter, the reel mower. And has
18 continued to be an industry leader in this market
19 segment, despite the introduction of the gasoline
20 powered mower.

21 During the shift from reel to gasoline
22 mowers, ALM was able to weather a well saturated

1 reel market of over 60 domestic suppliers in the
2 early 1950s to four by the '70s. By providing
3 excellent quality, by focusing on customer
4 service and by vertical integration of ALM's
5 processes.

6 Starting in the '80s, the company made
7 the decision to expand its product offering into
8 the small garden tiller market. However,
9 choosing to focus on a much smaller, more
10 reliable, more environmentally friendly manual,
11 and later, electric tiller segment.

12 In the early 2000s, our major retail
13 customers began switching away from ALM to
14 cheaper competition in China. We had the choice
15 of losing our customers or developing our own
16 sources. In the only sourcing market available,
17 China.

18 We choose to remain open for business.
19 Meanwhile maintained a much lower level of
20 production in our Shelbyville, Indiana factory,
21 at a loss, and against all better judgment. We
22 spent millions hanging onto a dying low waged,

1 low skilled manufacturing model in hope that
2 something would change basic economics.

3 But low cap X, low wage, low skilled
4 jobs will always go to regions with the lowest
5 cost labor, there's no way to prevent this. In
6 2015 we finally decided, we finally ended all
7 production in Indiana.

8 We would have gone out of business a
9 decade ago or more having not made the move to
10 China. Today we are totally dependent on
11 sourcing in China.

12 The vast majority of our products are
13 a no U.S. manufacturing alternative. We agree
14 with the administrations primary goal with
15 regards to tariff.

16 However, believing that tariffs on our
17 products, electric lawn and garden tools, will
18 help USA manufacturing or USA jobs, is like
19 believing you can help a dog that was just run
20 over by a car, by putting your car in reverse and
21 running over the dog backwards.

22 A tariff cannot correct the basic

1 economics of the situation. The tariff on our
2 products will only hurt American jobs.

3 Fast forward to last year. We not
4 only survived but we thrived with the help with
5 our overseas partners. Moreover, once you factor
6 in the supporting logistical requirements of
7 moving product around the world, the net effect
8 on U.S. employment is arguably a positive.

9 We offer many more products and at a
10 higher volume than we were ever able to offer
11 with our own manufacturing. ALM products are
12 sold at Walmart, the Home Depot, Amazon, Lowes,
13 Ace Hardware, True Value and more.

14 A number of ALM products are on the
15 proposed section 301 tariff list, including lawn
16 sweepers, blower/vac/mulchers, blowers, pressure
17 washers and a number of replacement parts needed
18 for these and other products. We supplied a
19 detailed list of the tariff numbers of concern
20 with requests to participate in the hearings
21 filed July 27, 2018, and in our written comments
22 to be submitted on September 6th, 2018.

1 These products represent a significant
2 portion of our sales, and are almost no U.S.
3 manufacturers of these electric and battery
4 powered products, and almost certainly no
5 products wholly manufactured in the U.S.

6 ALM has no choice but to import these
7 products in a predominant source as China. It is
8 difficult for us to imagine that other countries
9 would be able to replace China as a supplier of
10 these products.

11 And we do not foresee that ALM or any
12 other U.S. company can begin to manufacture these
13 products in the United States without a lengthy
14 disruption in supply. If the administration
15 imposes tariffs on our products, it will
16 jeopardize ALM and will not help a single U.S.
17 manufacturer.

18 Moreover, because ALMs products are
19 designed for home use, the imposition of tariffs
20 on ALM's products would have a disproportionate
21 impact on American households. Our customers
22 rely on ALM's products for low emission, yard and

1 garden care.

2 And our products are typically much
3 smaller and easier to use than the larger gas
4 powered products. The tariffs would greatly
5 impact the consumer, especially the independent
6 and elderly, independent elderly and women.

7 ALM's products are not high-tech, they
8 are not the sort of things that benefit from
9 China's intellectual property practices nor do
10 they contribute to China's high-tech ambitions.
11 It makes no sense that these products are on the
12 proposed tariff list.

13 In fact, I would think that imposing
14 tariffs on these products will run counter to
15 what the administration is trying to accomplish
16 here. It would only encourage Chinese producers
17 of these goods to migrate to more expensive
18 higher tech products. The product, the sort of
19 products we are attempting to target with these
20 301 targets.

21 TPSC staff, ALM will supplement this
22 testimony as necessary with a post-hearing brief,

1 but I thank you for the opportunity to testify
2 today and I look forward to any questions.

3 MR. BISHOP: Thank you, Mr. Kersey.

4 Our next witness is Joseph McGuire with the
5 Association of Home Appliance Manufacturers. Mr.
6 McGuire, you have five minutes.

7 MR. MCGUIRE: Good morning, my name is
8 Joe McGuire and I'm CEO of the Association of
9 Home Appliance Manufacturers.

10 While we agree that the administration
11 should address Chinese trade, polices, acts and
12 practices, we oppose the proposed additional
13 tariffs for many home appliances, parts and
14 components, as specified in our written
15 testimony. It will cause harm to consumers and
16 our members, it will not have the impact for
17 which they are intended.

18 If not already this morning, it is
19 quite likely that sometime today every member of
20 the Committee, every Panelist at this table and
21 virtually everyone in this room, has or will
22 benefit from use of a home appliance. From

1 preserving food to personal grooming to cooling
2 and improving indoor air quality, to cleaning
3 floors and carpets, appliances are not only life
4 enhancing, they are a necessity in many cases.

5 Our members include companies that
6 manufacture products in the United States
7 employing tens of thousands of people. They
8 include companies that manufacture in other
9 countries and companies that do both. In
10 virtually every case, home appliance
11 manufacturers rely on a global supply chain.

12 Our industry is also extremely
13 competitive, and as such, the consumer cost for
14 purchasing home appliances has consistently
15 trailed the CPI for decades. This proposed
16 tariff increase, specified in our testimony, if
17 approved, will change this consumer success story
18 to a formula for failure.

19 This comes at a critical time when our
20 industry, through innovation, technology and
21 investment, is delivering more energy efficient
22 products than ever and is on the cusp of

1 expanding the value of our products through
2 connectivity and a smart home environment.

3 Many of these products and parts are
4 included on the proposed tariff list. Including
5 refrigerators, freezers, room air conditioners,
6 dehumidifiers, hair clippers and shavers, counter
7 top ovens, portable heaters, irons, vacuum
8 cleaners and many critical parts for these
9 products. Including print circuit boards, motors
10 and many more.

11 The proposed tariffs insert an
12 international trade dispute into American
13 family's kitchens, living rooms and bedrooms and
14 will impact their daily lives. Increased costs
15 due to tariffs could mean that these essential
16 products are no longer affordable for some
17 people, especially the most vulnerable in our
18 communities.

19 This includes room air conditioner
20 purchasers who are predominately low-income
21 consumers. It includes retirees who purchase
22 nearly a quarter of these products.

1 Air conditioning effects not only
2 comfort but health and safety. It includes
3 refrigerators and parts, especially units with a
4 top mount freezer, which are popular with elderly
5 and low-income consumers.

6 Refrigerators are most likely
7 purchased by these individuals to replace a unit
8 that no longer works and who have no other means
9 to store perishable food.

10 Even for other products, such as
11 portable appliances, with prices relatively low,
12 consumers will feel even small increases. The
13 impact will also be significant on manufactures.

14 As a result of the already imposed
15 tariffs on products in steel and aluminum, some
16 companies may delay or cancel planned R&D
17 investments in the U.S. or upgrades to
18 infrastructure because they are shifting
19 resources away from these activities, to attempt
20 to revamp their existing global supply chains.

21 Our members fear additional tariffs
22 could mean lost jobs in the U.S. Global supply

1 and chain management is key to efficiently
2 building and distributing home appliance across
3 the United States. Manufacturers will need up to
4 three years to qualify new suppliers from other
5 sourcing countries, including the U.S.

6 With regard to our ability to build
7 new supply chains, room air conditioners,
8 portable air conditioners, dehumidifiers, vacuum
9 cleaners and compact refrigeration products are
10 primarily only made in China. Shifting sourcing
11 countries would take years resulting in product
12 shortages and price increases.

13 We will supply a complete list of
14 component parts on the proposed U.S. tariff list
15 for which no alternative supplier, outside of
16 China, exists. A few examples include safety
17 glass, metal name plates, control boards,
18 electric conductors and alternating current
19 motors.

20 We will also supply a list of
21 components where no U.S. supplier exists.
22 Examples include parts for electric heaters,

1 regulator valves for appliance, screws and bolts
2 for appliance and glass wall insulation.

3 We respectfully request that USTR not
4 impose new or additional tariffs on these
5 products and parts I have mentioned today, in
6 which will be detailed in full, in a hand written
7 comments. Thank you for the opportunity to
8 provide our views, I'm glad to answer any
9 questions that you may have.

10 MR. BISHOP: Thank you, Mr. McGuire.
11 Our next witness is Valentine Taubner, Junior
12 with Ball Chain Manufacturing Company,
13 Incorporated. Mr. Taubner, you have five
14 minutes.

15 MR. TAUBNER: Good morning, my name is
16 Val --

17 CHAIR GRIMBALL: Mr. Bishop, could you
18 adjust the time?

19 MR. TAUBNER: Very good. Good
20 morning, my name is Val Taubner and I am the
21 chairman of the board of directors of Ball Chain
22 Manufacturing Company. And also, the past

1 president of Ball Chain in Mount Vernon, New
2 York.

3 I am pleased to appear before you and
4 offer comments which I hope will inform your
5 decision as to the implementation of Section 301
6 tariffs on Chinese imports.

7 Currently, it is not easy to run a
8 manufacturing business in this country and
9 compete with other manufacturers throughout the
10 world, but as who we are and over the years we
11 have become better and better at it.

12 Since 1938, Ball Chain Manufacturing
13 has been family owned and operated. My
14 grandfather and father started the company in a
15 small garage behind their home in the Bronx, New
16 York, and we have grown from there.

17 From our roots as a three-person
18 operation, Ball Chain has grown to become the
19 world's largest producer of metal ball chain,
20 making millions of feeder chain per week at our
21 Mount Vernon, New York factory.

22 We proudly produce the highest quality

1 ball chain in the world. And since 2003, we are
2 the only company to manufacture ball chain
3 domestically.

4 Today my sons Bill, Val and Jim lead
5 the company. I, by the way, have been with Ball
6 Chain for 60 years. It is also important to
7 recognize that many of our employees are long-
8 term too.

9 Our products are part of everyday life
10 around the world. We are the exclusive chain
11 supplier to the U.S. Military for the ID dog tag
12 necklace.

13 It is our ball chain that is an
14 integral component of window roller shades,
15 toilet tank assemblies and electric light
16 switches.

17 Our ball chain is noted for use as a
18 key chain, as well as luggage and handbag
19 attachments. We also fabricate a multitude of
20 loose metal bead shapes for the jewelry industry.

21 Throughout our company's growth we
22 have maintained a strong commitment to our

1 employees and their families. We offer paid
2 health insurance for each worker and a safe
3 harbor 401(k) plan. As well as other benefits.

4 Ball chains record of accomplishments,
5 including sustainable business practices,
6 continues despite seemingly unfair practices from
7 our trading partners and less than effective
8 enforcement of classification subheadings for
9 imports under the harmonized tariff schedule of
10 the United States.

11 For decades, the responsibility for
12 policing unfair competition, trader regularities,
13 and custom violations has often fallen on our
14 shoulders. Nearly a decade ago we successfully
15 challenged the importing practices of our largest
16 U.S. competitor, who had previously manufactured
17 its product in the United States.

18 While we received the permanent
19 injunction in damages, the process has been
20 onerous for a small family company. Sadly, the
21 underlying practices that gave rights to our
22 plants slowly exist industry wide.

1 I appear before you today because the
2 playing field is not level. We do our best to
3 compete on the international stage but it is
4 nearly impossible.

5 We suspected our competitors in China
6 and elsewhere, including South Korea, are
7 benefitting from dumping practice and subsidies
8 in their countries. Artificially low priced
9 imports from China and elsewhere, of metal ball
10 chain and the like, have flooded the U.S. market
11 forcing us to operate with razor thin margins and
12 sometimes loses.

13 We also experienced tremendous
14 difficulties signing products into China and
15 South Korea. Because tariffs of approximately 38
16 percent are tacked onto our products.

17 In contrast, when the same products
18 are imported here, the U.S. government adds
19 customs duty of three percent or less. And
20 importers routinely miss classify goods to avoid
21 tariffs entirely.

22 Under these current conditions we're

1 in, jeopardy of having to cease U.S.
2 manufacturing operations. In a perfect world,
3 there would be no need for tariffs, every player
4 would compete fairly.

5 Unfortunately, this is not the case,
6 particularly with respect to China and South
7 Korea. Therefore it is our position that Section
8 301 tariffs are necessary in the interest of
9 fundamental fairness.

10 Accordingly, we support the imposition
11 of proposed tariffs in the amount of 25 percent
12 for Chinese goods imported under HTS U.S. Codes
13 7315.11.00 and 7315.12 and 7315.19.00 and
14 7315.89.50 and 7315.90.00. Thank you for your
15 time and remain available to assist you in your
16 inquiry.

17 MR. BISHOP: Thank you, Mr. Taubner.
18 Our final witness on this Panel is Walter Weller
19 with the China Manufacturers Alliance, LLC. Mr.
20 Weller, you have five minutes.

21 MR. WELLER: Thank you. CMA, LLC is
22 an importer of truck tires from China. We are

1 based in Monrovia, California and have been
2 operating in the U.S. since 2003.

3 We sell our tires to about 100 tire
4 dealers across the country. In addition to OEMs
5 and Fleet end users in the U.S.

6 These dealer customers represent over
7 1,000 points of sale as well as over 20,000
8 employees. Chinese tires represent an estimated
9 40 percent of the U.S. replacement tire market in
10 the U.S., or about seven million units.

11 Our tires are a significant source of
12 profit for our dealers, without which many of
13 them would have a difficult time staying in
14 business.

15 Domestic manufacturer's tires are sold
16 primarily to large fleets, via national account
17 programs, which offer commissions to dealers in
18 the form of credit memos, that can only be used
19 to purchase more of their products.

20 Our products, on the other hand, are
21 sold to small end users on a cash basis, which
22 allows our dealer customers to pay their

1 employee's salaries as well as their overhead.

2 As such, this segment of the market is
3 vital to the health of these tire dealers and
4 their employers. And their employees.

5 A U.S. tire dealer who deliveries a
6 tire to a national fleet receives a credit memo
7 of approximately \$25 to \$35 per tire. The double
8 prime brand tires that we sell to these same
9 dealers are typically much more profitable.

10 These tires and tire related services
11 are the biggest contributor to dealer profit, and
12 more importantly, their cash flow.

13 Additionally, small to mid-size fleets
14 and end users, such as owner operators of which
15 there are about 350,000 in the United States, are
16 the main user segment for tires from China.

17 There are 500,000 trucking companies
18 in the U.S., of which 80 percent, or 400,000,
19 approximately 400,000 trucking companies, own six
20 trucks or less. So this segment impacts very
21 much the small business operator.

22 They would also suffer from these

1 tariffs as there's not enough domestic
2 manufacturer in capacity, in the U.S., to satisfy
3 the demand as we speak. I have included some
4 slides to show industry data to support all of
5 this information.

6 To satisfy the demand in the U.S.,
7 tires have to be imported or there would be
8 severe shortages causing all tires to increase in
9 price. History has demonstrated this.

10 Additionally, as the charts likewise
11 show, the only market globally that has the
12 capacity to satisfy this demand is China. Adding
13 an additional cost of these Section 301 tariffs
14 to the tires that these small and mid-size fleets
15 and owner operators use, would negatively impact
16 them with no real benefit to the country or the
17 industry. As the tires will have to come from
18 somewhere else to satisfy the market demand and
19 that is not possible.

20 Finally, tires are not part of the
21 Made in China 2025 program. And the technology
22 and used today, in the tire industry, has been

1 widely available, globally, for the past few
2 decades.

3 This is the primary criteria for
4 determining whether tariffs should be implemented
5 on tires from China. And we respectfully request
6 that tires be excluded from these tariffs. Thank
7 you very much.

8 MR. BISHOP: Thank you, Mr. Weller.
9 Madam Chairman, that concludes direct testimony
10 from this Panel.

11 CHAIR GRIMBALL: Okay, we'll begin the
12 questions in a few moments. Thank you for your
13 patience, we're ready to begin.

14 MR. BLAHA: Thank you. I have a
15 question for Ms. Avsec from Anaheim.

16 I understand that you compare the
17 InSinkErator, makes its disposal products in the
18 United States and has done so for a significant
19 amount of time --

20 MS. AVSEC: Yes.

21 MR. BLAHA: -- has Anaheim ever
22 manufactured in the United States and either if

1 so, why, what would the rationale for moving, or
2 I guess, if not, why source from China generally?

3 MS. AVSEC: Okay.

4 MR. BLAHA: Actually, let me start
5 with that, I have another follow-up question.

6 MS. AVSEC: Sure. No, I believe that
7 we have never sourced, or never manufactured in
8 the United States.

9 We've had, as long as I am aware, we
10 acquired them fairly recently, just a
11 longstanding relationship with a supplier in
12 China. We have certainly looked at other
13 opportunities in other places to manufacture, but
14 we have found that the manufacturing that we have
15 received in China has been great with a really
16 great relationship.

17 Not subject to any of the intellectual
18 property issues that we do understand occur in
19 China. We haven't experienced any of those.

20 And frankly, it's been a situation
21 that's worked very well for us. And we've wanted
22 to continue trying to grow this business in face

1 of huge competition by, you know, frankly a
2 competitor that had near monopoly assets.

3 MR. BLAHA: All right, thank you. And
4 to your knowledge, does Anaheim's facilities in
5 China incorporate any U.S. content? Is the U.S.
6 part of its supply chain for that?

7 MS. AVSEC: I'm sorry, could you, I'm
8 sorry.

9 MR. BLAHA: Does your production
10 facilities in China incorporate any U.S. content?

11 MS. AVSEC: I'm not aware of that, but
12 I would certainly look into it and respond in our
13 comments on September 6th.

14 MR. BLAHA: Thank you. And I guess,
15 you mentioned that InSinkErator had a very large
16 share of the U.S. market, can you put a number on
17 that?

18 MS. AVSEC: I think around 90 percent.
19 It's an overwhelming share of the U.S. market.

20 MR. BLAHA: And so I think as part of
21 your testimony you indicated that, for instance,
22 if these tariffs went into effect and Anaheim

1 wasn't able to import, at least the prices you
2 currently are, that would presumably increase
3 prices for consumers?

4 MS. AVSEC: Yes.

5 MR. BLAHA: So, given an estimate of
6 what your entry into the, existence into the
7 market, how much that depressed prices currently?

8 So I'm trying to get a feeling what
9 the margin would be.

10 MS. AVSEC: I can get that for you in
11 our comment.

12 MR. BLAHA: Okay, thank you.

13 MS. AVSEC: Thank you.

14 MS. GILLESPIE: Hi, I have a question
15 for Mr. Czachor. Can you provide a little more
16 information on what the effects of your proposed
17 tariffs would have on U.S. consumers?

18 MR. CZACHOR: We feel that would be
19 negligible just because the impact would be
20 basically for breweries or other businesses that
21 buy kegs.

22 And when you look at, a keg can last

1 up to 20 years, and obviously most kegs don't
2 always last 20 years, but when you amortize the
3 additional costs over the life of a keg, it's a
4 minimal impact to brewers who would buy a keg and
5 most likely would not even be passed on to the
6 consumer.

7 I have previously submitted an
8 analysis with some business confidential
9 information. At the last hearing, I will
10 certainly submit that information, post-hearing
11 comments, so you can see that analysis.

12 MS. GILLESPIE: Great. And in your
13 view, would tariffs at the 25 percent level,
14 level the playing field for your business?

15 MR. CZACHOR: It would not level the
16 playing field but it would be a step in the right
17 direction and give us some breathing room.

18 MS. GILLESPIE: Great, thank you.

19 MR. CZACHOR: Thank you.

20 MR. O'BYRNE: Mr. Finkel, just two
21 questions. Is there a reason that serrated edge
22 paper bags could not be used in place of the non-

1 serrated shopping bags?

2 And, is your company's U.S. suppliers
3 of serrated paper bags able to shift production
4 to non-serrated, to fit your company's needs?

5 MR. FINKEL: Sure. Serrated edge
6 shopping bags are typically used in a
7 supermarket. They're made by machine. Or if you
8 go to a pizza shop and you carry out. Those are
9 brown paper bags.

10 To answer your question directly, the
11 capacity is not there. But moreover, for a
12 retailer, their brand revolves around my type of
13 shopping bag.

14 They spend a lot of money, a lot of
15 years designing it. And it would be a detriment
16 to them to limit them to a machine-made serrated
17 edge bag made in this country.

18 There would be no brand recognition,
19 there would be loss of a lot of jobs. And it
20 just, it wouldn't be a fit.

21 It wouldn't be appropriate for these
22 high-end retailers where a consumer is going to

1 come in and spend a significant amount of money
2 to put it in a serrated edge shopping bag that
3 provides no brand awareness and that feeling you
4 get when you go to a store and you buy an article
5 of clothing and they put it in a nice shopping
6 bag and you take it home and you reuse it. You
7 lose all of that with a serrated edge bag.

8 And, again, there's, you couldn't put
9 serrated edge bags for all these retailers, there
10 just, there would be no bags available.

11 And to answer your second point,
12 American manufactures use serrated edge, make
13 serrated edge bags by machine, whereas our bags
14 are made by hand. So, it would be impossible for
15 American manufacturers to transition from
16 machine-made bags to manual made bags.

17 That skill set does not exist in this
18 country. You would have to bring in Chinese
19 nationals into this country, to even teach the
20 skill set.

21 So, that, again, is not an option.
22 Serrated edge manufacturers transitioning to

1 manual made bags.

2 And, it's not like they haven't
3 thought about it, it's just, it just couldn't
4 happen. They would lose so much money trying to
5 even set up shop. And they'd continue making a
6 machine-made bags. And that's all - that's
7 their only option.

8 MR. O'BYRNE: Thank you.

9 MR. FINKEL: Thank you.

10 MR. FLEMING: Mr. Howerton, you
11 indicated that there are only three primary
12 importers of cast nets in the United States. And
13 presumably the other two are also importing their
14 products from China.

15 So, why do you believe that customers
16 would not tolerate price increase when there
17 doesn't appear to be other options?

18 MR. HOWERTON: Yes, those are being
19 made in China. I think it's because it's a
20 consumable good, they would not want to spend the
21 extra money on that.

22 They would, just as I stated in my

1 testimony, they would just wait to repair them
2 rather than buying a new one. Because that would
3 be the easiest thing for them to do.

4 MR. FLEMING: And how many times can
5 you repair a net like that?

6 MR. HOWERTON: It depends on the
7 damage obviously. If it's small damage, it's
8 still, it's very labor intensive for them to do
9 that.

10 And I don't know if any of you know
11 what a cast net is, but this is an example of
12 one, where you throw it out to catch fish and
13 stuff and bait. But if it hangs on something,
14 obviously if it gets a big enough gash in it, it
15 will have to be replaced.

16 But the primary thing is sometimes
17 it's so labor intensive that a lot of times
18 easier to go buy it if the price is affordable to
19 do so.

20 CHAIR GRIMBALL: I have one follow-up
21 question. I think you mentioned in your
22 testimony that five percent of these cast nets

1 were made in the United states, is that correct?

2 MR. HOWERTON: Yes, ma'am.

3 CHAIR GRIMBALL: I know this is not
4 your company, but would you anticipate that those
5 producers of those five percent nets would be
6 able to increase their production and therefore
7 provide even more competition, for your company,
8 who imports nets?

9 MR. HOWERTON: No, ma'am, I don't.

10 CHAIR GRIMBALL: Oh.

11 MR. HOWERTON: I think the reason is
12 because, even the netting that they use to make
13 those are made in China, because there's no
14 machines here that make the mesh for the cast
15 nets. Especially with the smaller nets, there's
16 no machines here, so all of that would have to
17 come from China anyway.

18 Plus, it's a very, it's not high-tech
19 but it takes a lot of skill to learn how to sew
20 them together. And I don't think anybody wants
21 to spend that much time trying to sew together a
22 net because everything is hand, after the netting

1 is made, it's all hand put together and
2 assembled.

3 MR. BLAHA: Sorry, just another
4 follow-up, if I may? Correct me if I'm wrong,
5 but I thought you had mention, I think, that
6 already there was some cost increases in the
7 quotes you were getting from your supplies in
8 China due to things.

9 Can you give me a picture of what the
10 future price dynamics here, our cost increasing
11 in China?

12 You mentioned you were, I think,
13 exploring sourcing in Thailand or other places.
14 Is eventually sourcing going to move outside of
15 China just due to the economics of it?

16 MR. HOWERTON: Based on past
17 experience, when you go into a labor market, i.e.
18 Japan and Taiwan and now into China, as I guess
19 they mature, the labor market will move from
20 country to country.

21 So, eventually, I think it possibly
22 could move to other places but it's going to take

1 a lot of infrastructure to be established in
2 those other places. Like machines to make the
3 netting.

4 Also, the skill set. You'll have to
5 have somebody on the ground there to train them,
6 and that will take a lot of time to do. So, just
7 from that perspective, that's why.

8 MR. BLAHA: So, years away or --

9 MR. HOWERTON: Yes, several years.
10 Yes, sir. Because it's so detailed oriented on
11 how you do things to get them possibly open.

12 We've had nets made in Thailand
13 before, I'm sorry, in Singapore before and the
14 quality was terrible because they just did not
15 know how to do it. And that was 15 years ago, or
16 so.

17 Now, as I stated, the Thailand
18 operations are making them but it's on the
19 higher-end. And they're not even available to
20 make the lower-end type nets. Or the lower cost
21 nets.

22 MR. BLAHA: Thank you.

1 MR. HOWERTON: Yes, sir.

2 MR. RIGBY: My Question is for Mr.
3 Kersey, from American lawn mower. I just wanted
4 to know whether the components you've identified
5 in your oral or written testimony is available in
6 any country outside of China?

7 MR. KERSEY: Components or products in
8 general? I mean, there is --

9 MR. RIGBY: I guess we could start
10 with components and then products in general.

11 MR. KERSEY: So, you're talking about
12 a replacement parts? That's what we call our
13 components.

14 So, the replacement parts and the
15 components are not as, it's not a huge volume for
16 us. We do have it on our list but the more
17 important is the, the items to us are the
18 blowers, vacs, power washers, et cetera.

19 And we don't have, we don't know of
20 any U.S. manufacturing in quantities that we
21 would need. And I don't think it exists to be
22 honest.

1 And I certainly don't think wholly
2 made blower vacs, electric blower vacs and power
3 washers are made in the United States anymore.
4 If they are, they're brought in from China
5 typically and then maybe some added wheels or
6 boxed here in the country.

7 So, I don't know of any U.S.
8 manufacturing that we can take advantage of. Or
9 even the competitors.

10 MR. RIGBY: But as far as alternatives
11 outside of China, I think you had mentioned that
12 the predominant source was in China but are there
13 --

14 MR. KERSEY: Yes, the predominant
15 source is in China. By predominant I mean we
16 can't find them anywhere else.

17 MR. RIGBY: Okay.

18 MR. KERSEY: So, I'm sure it does
19 exist someplace, but the access, our ability to
20 access that is very, very limited.

21 Like you were saying, the
22 infrastructure just isn't there in a lot of those

1 cases. I've seen some kind of weird off brand
2 things that kind of look like a power washer, but
3 I have no idea how those were made. And they're
4 not accepted in the U.S. market anyway.

5 MR. RIGBY: All right, thank you.

6 MR. CONCEICAO: Good morning. This
7 question is for Mr. McGuire.

8 In your testimony, you talked about
9 how some of the companies within your association
10 have had to, in light of the additional duties
11 that have been imposed as well as those that may
12 be imposed in the future, had to cancel R&D
13 plans. And you alluded to the fact that they may
14 put off planned investments in infrastructure and
15 facilities domestically.

16 First, did any of those planned
17 expansions involve a significant increase in U.S.
18 employment or manufacturing capacity that these
19 duties would put at risk?

20 MR. MCGUIRE: I mentioned in my
21 statement that companies are considering delaying
22 investments in R&D, not that they already had.

1 But, if you're upgrading infrastructure and doing
2 R&D for new products, those, very likely, would
3 involve additional employment if you're
4 successfully able to complete those projects.

5 MR. CONCEICAO: Okay, so there is
6 nothing, there's no firm numbers in place right
7 now, these are just considerations that are being
8 taken into account? If I understand correctly.

9 MR. MCGUIRE: That is correct. I can
10 provide more detail information in our written
11 statement.

12 MR. CONCEICAO: That would be
13 terrific. And one other thing I'd like to ask
14 is, in the event duties are imposed, and you
15 indicated companies would have to consider
16 alternating their supply chains, do you
17 anticipate that this could have a positive or
18 negative effect on U.S. manufacturing capability?
19 Employment domestically and the like.

20 MR. MCGUIRE: I think it's more likely
21 it would have a negative impact. Because of the
22 lack of some suppliers, outside of China.

1 Even if you could find an alternative
2 supplier, for out types of products, which are
3 electrical obviously, developing a supply chain
4 and certifying manufacturing facilities for
5 safety is a very long process. So, there would
6 be delays, there certainly would be increased
7 costs.

8 So, if there is delays in increased
9 costs, that means some consumers are going to opt
10 out of purchasing products. And that is going to
11 certainly impact jobs negatively.

12 MR. CONCEICAO: Fair enough. Thank
13 you very much. And I get to go again.

14 Mr. Taubner, question for you, if I
15 may. Does your company have the capability to
16 meet domestic demand if additional duties were
17 imposed on the HTS numbers that you request?

18 MR. TAUBNER: Yes. At this point
19 we're only running one shift.

20 MR. CONCEICAO: Okay. And out of
21 curiosity, the ball chains, are they, they're
22 made out of steel?

1 MR. TAUBNER: They're made out of
2 steel, they're made out of brass, they're made
3 out of stainless steel, they're made out of
4 copper.

5 MR. CONCEICAO: So have, if you can
6 say, the recent Section 232 duties, increased the
7 cost of the raw material for the product to be
8 produced?

9 MR. TAUBNER: Yes, they have. The
10 issue there is that the duties, if we're buying,
11 if we buy our metal from overseas and there's
12 increased duties on it coming in, it's costing us
13 that much more to produce our product.

14 However, the issue is that if the
15 manufacturers in China make their chain over
16 there, or Korea, they're not paying those duties
17 right now.

18 MR. CONCEICAO: Understood. Thank you
19 very much.

20 MR. WINELAND: And, Mr. Weller, I have
21 a two-part question, kind of interrelated
22 questions. The first question is, since numerous

1 countries in Asia and Europe manufacture tires,
2 can CMA source its tires from these other
3 countries?

4 And the second question is, could you
5 speak a little bit about capacity in those other
6 countries?

7 You've helpfully listed in your slide
8 the top ten countries that - from which we
9 import tires, could you speak to their ability to
10 increase capacity or where they're at in terms of
11 your ability to source from them?

12 MR. WELLER: Yeah, I'd be happy to.
13 The - actually, there is a slide in there that
14 addresses that issue.

15 It's the one that's titled "Chinese
16 Truck Tires in the Major World Market," and
17 you'll notice that every market, with the
18 exception of China and Japan and a little bit in
19 Korea, requires imports to meet the demand in the
20 marketplace.

21 In those other markets, they are
22 basically operating tire plants at full capacity,

1 as they are in the U.S.

2 Right now, the market in the U.S. is
3 enjoying some robust growth and there are
4 shortages as we - as we speak there are
5 shortages, particularly due to the production of
6 new trucks on the OEM side.

7 The - in addition to that, the
8 domestic manufacturers, they look at that. On
9 that first slide or second slide, it shows
10 historical supply and demand in the U.S.

11 They see the same numbers that you're
12 looking at and they have consciously made a
13 decision not to invest in additional capacity in
14 the U.S.

15 Many reasons for that, but that -
16 since 1990, there is been only one new truck tire
17 manufacturing plant in the United States, in
18 spite of the fact that the replacement market has
19 grown from about 8 million units at that time to
20 almost 20 million units in 2017.

21 These are smart people. They see
22 those same numbers. They have intentionally not

1 invested in the capacity, and many of them are on
2 that list that shows the imports by country.
3 Many of those manufacturers also import from
4 Thailand and Canada and even China.

5 So I hope that addresses your
6 question.

7 MR. WINELAND: Thank you.

8 MR. BURCH: Madam Chairman, we release
9 this panel with our thanks, and would Panel 18
10 witnesses make their way to the front and be
11 seated and Panel 19 witnesses make their way to
12 the witness holding area?

13 (Pause.)

14 Madam Chairman, our first witness on
15 this panel is Robert DeHaan with National
16 Fisheries Institute.

17 Mr. DeHaan, you have five minutes.

18 MR. DEHAAN: Thank you, and good
19 morning.

20 I am Bob DeHaan with the National
21 Fisheries Institute. NFI appreciates the
22 opportunity to respond to the administration's

1 plan to impose 10 or 25 percent ad valorem
2 tariffs against \$200 billion of goods sourced
3 annually from China.

4 NFI represents the entire commercial
5 seafood value chain in the United States, ranging
6 from harvesters to retailers and restaurants.

7 Utilizing a mix of domestic and
8 globally sourced products, NFI member companies
9 provide American and overseas consumers with
10 billions of seafood - nutritious seafood meals
11 every year.

12 On behalf of these companies, NFI
13 opposes the inclusion of any seafood items
14 including USTR's July 10 proposal and urges the
15 administration to find another more effective
16 means of disciplining the PRC for the violations
17 documented in the March 22 Section 301 report.

18 The policy will harm American workers
19 in multiple ways. First, a substantial amount of
20 the nation's domestic catch is processed in China
21 and then shipped back to the U.S.

22 The proposal will punish American

1 fishermen and the communities that rely on them
2 by making their products more expensive for
3 American families to eat.

4 Of the \$2.7 billion in annual seafood
5 shipments subject to the proposal, an estimated
6 \$950 million - more than a third - comes from an
7 American fisherman, primarily, an Alaska
8 fisherman harvesting in U.S. waters in a U.S.
9 flag vessel using a U.S. crew.

10 In many cases such as the iconic
11 Bristol Bay salmon run that just concluded this
12 year, the fishermen are family-owned enterprises
13 who sell their catch to seafood companies for
14 processing, distribution and sale around the
15 world.

16 How punishing these harvesters and
17 these businesses for in effect buying American
18 will convince China to respect its obligations
19 regarding intellectual property rights and
20 technology transfers is difficult to fathom.

21 Cutting fish is not an intellectual
22 property secret and it has nothing to do with

1 Made in China 2025.

2 Second, the USTR proposal harms U.S.
3 workers at U.S. processors, distributors,
4 retailers and restaurants that depend on an
5 efficient year-round supply of a variety of
6 seafood items to meet domestic demand.

7 The Department of Commerce estimates
8 that more than 40 percent of the industry's
9 direct U.S. employment nationwide rests on a
10 product sourced from abroad.

11 Taxing these businesses for utilizing
12 global sourcing will cost American jobs in the
13 middle and tail of the supply chain.

14 Forced to abandon China sourcing,
15 these companies in many instances will have no
16 choice but to drop that product line or select a
17 third country substitute, which itself will
18 require significant cost and expense and time.

19 The existing supply chains in seafood
20 as in any other sector can take many years to
21 build, refine and perfect. Modifying them is
22 neither simple nor inexpensive.

1 For small and medium-sized business
2 trying to efficiently supply the nation's largest
3 retailers and restaurants it will be impossible
4 on the administration's likely time line.

5 Even in cases where a ready substitute
6 may exist, the end result will be restricted
7 supply, narrow choices and higher consumer prices
8 for a protein numerous federal agencies including
9 agencies on this panel for years have urged
10 Americans to eat in far larger amounts.

11 Third, U.S. seafood exporters now face
12 a perilous time and this proposal will worsen
13 their prospects.

14 Exporters of salmon, lobster, Alaska
15 pollock, cod, halibut, sole, whiting, crab,
16 oysters, and a dozen other species are now
17 reaping the whirlwind sowed by the
18 administration's Section 301 dispute.

19 They face debilitating tariffs of 25,
20 35, even 45 percent on their shipments to China,
21 a market that in 2017 accounted for more than
22 one-fourth of all U.S. seafood exports.

1 This is happening even as China has
2 been unilaterally reducing duties on these and
3 other products in order to spur additional
4 domestic supply for the world's largest middle
5 class.

6 U.S. fishmeal exports, for example, in
7 recent years have built a leading market
8 position. But starting tomorrow, those exports
9 will face 27 percent tariffs.

10 To repeat the point, how making
11 American exporters less competitive in their
12 industries' single largest overseas market will
13 hobble the Made in China 2025 program or
14 discipline China for IP theft is, to put it
15 mildly, less than clear.

16 All of this, it should be noted, comes
17 at a time when seafood producers are already
18 paying more essential inputs, such as retail
19 cans, because the administration's Section 232
20 tariffs have made those inputs more expensive.

21 In sum, the administration's List 3
22 proposal invite yet further Chinese retaliation

1 against U.S. seafood exporters, will make
2 American fishermen uncompetitive in their own
3 country and will cost U.S. processing,
4 distribution, retail, restaurant and other jobs,
5 many in small and medium-sized businesses unable
6 to modify supply chains overnight like so many
7 Legos.

8 NFI urges the administration to remove
9 all Chapter 3 and Chapter 16 tariffs lines from
10 the proposal and to find alternative and
11 effective means of addressing the violations
12 documented in the Section 301 report.

13 Thank you.

14 MR. BURCH: Thank you, Mr. DeHaan.

15 Our next panel witness is Justin
16 Koscher with Polyisocyanurate Insulation
17 Manufacturers Association.

18 Mr. Koscher, you have five minutes.

19 MR. KOSCHER: Thank you. Good
20 morning.

21 My name is Justin Koscher and I serve
22 as president of the Polyisocyanurate Insulation

1 Manufacturers Association, or PIMA. On behalf of
2 our membership, thank you for the opportunity to
3 testify this morning.

4 PIMA members include eight North
5 American manufacturers of polyisocyanurate, or
6 polyiso, insulation in 20 raw material suppliers.

7 Our members operate 30 polyiso
8 manufacturing plants in the United States.
9 Polyiso insulation is the most widely used
10 material in the commercial roofing industry due
11 to the product's superior thermal and fire
12 performance. These are key metrics for complying
13 with building code requirements here in the U.S.

14 Polyiso insulation is readily
15 available across markets, which allows
16 contractors to consistently rely on the product
17 for customer projects.

18 Collectively, insulation manufacturing
19 directly employs 37,000 U.S. workers across 42
20 states. The industry, including the manufacture,
21 distribution and installation of insulation
22 generates more than a half a million jobs and \$30

1 billion in payrolls.

2 PIMA supports trade policies that
3 enable the free, fair and efficient exchange of
4 goods between the U.S. and our trading partners.

5 Furthermore, we support the
6 administration's broad goals of addressing unfair
7 trade practices.

8 However, the administration's proposed
9 tariffs on certain Chinese imports create
10 potential headwinds for polyiso insulation
11 manufacturers.

12 In particular, the proposed tariff on
13 imports of methylene diphenyl diisocyanate, or
14 MDI, and polymeric MDI, or pMDI, as described
15 under the subheading 3909.31.00, has the
16 potential to damage our industry.

17 Due to the risk of economic harm to
18 U.S. manufacturers of polyiso insulation, we
19 oppose the inclusion of these chemicals in the
20 proposed supplemental tariff action.

21 MDI and pMDI are the primary raw
22 materials by volume used in the manufacture of

1 polyiso and by volume I mean more than 50 percent
2 of what comprises our insulation products.

3 The industry currently uses
4 approximately 600 million pounds of these
5 materials each year. Furthermore, there are no
6 chemical substitutes available to replace MDI and
7 pMDI, as these materials are elemental to the
8 chemistry of polyiso insulation.

9 In terms of raw material supply, there
10 are multiple domestic suppliers of these
11 chemicals.

12 However, MDI and pMDI are also
13 critical components in many other polyurethane
14 applications, as I believe the committee has
15 heard or will hear throughout the six-day
16 hearing.

17 As a result, the U.S. is currently a
18 net import market because demand across all end
19 uses exceeds the current domestic supply
20 capacity.

21 Imports from China help address this
22 supply imbalance, as do imports from other U.S.

1 trading partners.

2 With respect to imports, it is
3 important to note that certain end uses including
4 polyiso insulation require bulk shipments of MDI
5 and PMDI, typically delivered in rail cars.

6 This places an additional and unique
7 requirement on the type of imports that are
8 suitable to industries like the polyiso industry.

9 Given these current market conditions,
10 the proposed tariff creates the potential for
11 supply chain disruption, which would negatively
12 impact manufacturers of polyiso insulation and
13 the industry's ability to meet a growing market
14 demand for its products.

15 Disruptions in the availability of
16 polyiso insulation also threaten long-term harm
17 in the form of reputational damage to
18 manufacturers.

19 Over the past several years, the
20 polyiso industry has been challenged by supply
21 chain disruptions caused by extreme weather
22 events in the Gulf Coast region, such as

1 Hurricane Harvey, and unexpected process-related
2 issues from suppliers.

3 These impacts highlight the
4 vulnerabilities associated with the supply of key
5 raw materials, which could be exacerbated by the
6 proposed tariff.

7 The outlook for our industry is
8 positive. The year over year increase in demand
9 for high-performing more resilient buildings is
10 driving a greater use of insulation products.

11 We urge the administration to allow
12 for the continued growth of domestic
13 manufacturing and to seriously consider the
14 unintended consequences of this particular trade
15 policy, and we respectfully request that the
16 administration delist MDI and pMDI from the
17 proposed List 3 tariff action.

18 Thank you.

19 MR. BURCH: Thank you, Mr. Koscher.

20 Our next panel witness is John Logue
21 with Royale Pigments & Chemicals, Incorporated.

22 Mr. Logue, you have five minutes.

1 MR. LOGUE: Thank you for allowing me
2 to speak in front of the committee today.

3 My name is John Logue and I am the CEO
4 of Royale Pigments & Chemicals and its affiliated
5 company Shorechem and AWSM.

6 We are a specialty chemical
7 distributor, importer, exporter and manufacturer.
8 We supply high-end performance chemicals into
9 electronics, metals, pharmaceuticals, agrochem,
10 nuclear, gas production and aerospace.

11 We source 85 percent of our chemicals
12 offshore as they are no longer domestically
13 manufactured in the United States.

14 The majority of these chemicals we
15 manufacture in China. Section 301 tariffs will
16 significantly harm our ability to compete and may
17 eventually put us out of business.

18 We are a small company. We have \$50
19 million in sales and nine employees. These
20 employees handle sales, marketing, quality and
21 technical services.

22 We outsource just about everything

1 else - transportation, warehousing, finance,
2 regulatory compliance, et cetera, et cetera, to
3 other companies in the United States.

4 Indirectly, we employ close to 65
5 people. The multiplier effect of putting us out
6 of business is 74 jobs to be eliminated. That's
7 folks who work at our converters, our
8 accountants, and everybody else. I do not think
9 that is the intent of the administration.

10 Let me explain the costs to us and the
11 economy on these tariffs. 2826.19.10, fluorides
12 other than ammonium, sodium and aluminum;
13 2826.90.90, other complex fluorine salts - we
14 purchase approximately \$7 million of products
15 from China in these two HTS codes.

16 With the 301 tariffs, the 25 percent,
17 this will be an additional \$1.75 million that we
18 will pass on to customers.

19 This will raise the price of many
20 items in the United States including electronics,
21 pharmaceuticals, herbicides, aluminum products,
22 and aerospace and defense parts.

1 The products I mentioned above are no
2 longer manufactured in the United States. In
3 2017, the industry as a whole filed an MTB appeal
4 and has received the initial approval for a
5 waiver on the tariffs of these Congress. This is
6 now in Congress.

7 This decrease in costs help our
8 domestic downstream manufacturers remain
9 competitive against global competitors, many of
10 them in China.

11 The result of a proposal will be to
12 help our rivals in moving their production up the
13 value chain by enacting tariffs that not only
14 harm importers but substantially raise the costs
15 of our critically important domestic
16 manufacturers who export many of these products.

17 Many of our customers have options to
18 buy products out of Europe. There are no
19 punitive tariffs on European chemical producers.

20 We will be forced to raise prices.
21 The Europeans will most likely raise their prices
22 not to the 25 percent level, but just enough to

1 take our business.

2 The end result would be lost business
3 for my company and higher costs to U.S. companies
4 that need chemicals not produced in the U.S. to
5 make their goods.

6 Bringing production back to the United
7 States on these products, if economically
8 feasible, would take years to accomplish and only
9 if we have the capital and administrative support
10 long term.

11 Thank you.

12 MR. BURCH: Thank you, Mr. Logue.

13 Our next panel witness is Matthew
14 Moedritzer with the Society of Chemical
15 Manufacturers and Affiliates.

16 Mr. Moedritzer, you have five minutes.

17 MR. MOEDRITZER: Thank you, Section
18 301 Committee, for the opportunity to testify
19 today.

20 The Society of Chemical Manufacturers
21 and Affiliates, or SOCMA, is the only U.S.-based
22 trade association solely dedicated to the

1 specialty and fine chemical industry, serving
2 markets ranging from aerospace and electronics to
3 pharmaceuticals and agriculture.

4 Virtually all chemicals of Chinese
5 origin are listed on Trump's 3. Accordingly,
6 SOCMA is increasingly concerned that the proposed
7 10 to 25 percent tariffs will have a
8 disproportionately negative effect on U.S.
9 specialty chemical manufacturing.

10 As it happens, specialty chemical
11 supply chains are heavily integrated into China.
12 SOCMA supports efforts by the administration to
13 resolve long-standing concerns with China. In
14 fact, most of our sectors are driven by
15 innovation and IP.

16 Nevertheless, when combined with the
17 fact that one-fifth of China's latest retaliatory
18 list of chemicals, these proposed tariffs will
19 place burdens on domestic specialty chemical
20 manufacturers that could prove overwhelming, not
21 to mention leave those that survive at a
22 competitive disadvantage.

1 The U.S. Chamber recently estimated
2 that if the administration were to extend its
3 farmer aid package to other sectors, chemical
4 manufacturers would need \$960 million, putting
5 U.S. chemical manufacturers then as the second
6 most affected sector behind U.S. auto and auto
7 part manufacturers.

8 Accordingly, we ask that all
9 individual eight-digit categories in HTS Chapters
10 28, 29, 32 and 38, including 3808, be delisted
11 from Trump's 3.

12 My goal today is to communicate three
13 particular aspects of specialty chemical
14 manufacturing in hopes that the committee will
15 more fully understand the specialty chemical
16 value chain and take a hard look at listed
17 chemicals and future SOCOMA comments which will
18 detail hundreds of individual product lines and
19 whether or not alternative sources exist.

20 Number one - specialty chemicals, as
21 the name implies, are in fact specially made to
22 meet particular purity quality and performance

1 demands from numerous downstream industries.

2 Given these rigid quality standards,
3 alternative sources are extremely finite. For
4 most industry sectors, tariffs means shifting
5 sourcing, which results in a rise in the price of
6 imports.

7 For chemicals, this is not always
8 possible. Dissimilar to other industries,
9 chemical manufacturing requires very costly and
10 specialized infrastructure and expertise.

11 Regulatory burdens and the need for
12 significant capital investment also contribute to
13 the inability to shift production. The speed or
14 lack thereof by EPA in permitting pollution
15 system approvals for new sources of ingredients
16 makes for a slow process and, in many cases, is a
17 nonstarter.

18 Also, the highly regulated nature of
19 this industry often requires that changes in raw
20 materials and suppliers receive prior approval
21 from U.S. agencies and other world regulators.

22 We realize the administration hopes

1 that protection will encourage domestic producers
2 to diversify, enter new segments and become more
3 competitive.

4 The reality for chemical production,
5 though, is that regulatory and market factors,
6 which will be elaborated upon in future SOCMA
7 comments, often dictate otherwise.

8 Number two - U.S. chemical
9 manufacturing is a value added industry in which
10 manufacturers along the value chain must import
11 chemicals they then use to manufacture new
12 chemicals.

13 To illustrate this point, consider the
14 miscellaneous tariff bill. This bipartisan
15 legislation provides tariff relief to American
16 companies.

17 Also, since MTB is only applicable to
18 materials that are not manufactured domestically
19 or available in sufficient quantities, passage
20 does not have a negative effect on domestic
21 manufacturing.

22 As the MTB awaits passage in the

1 House, chemicals make up over 1,000 of the,
2 roughly, 1,800 petitions recommended by the U.S.
3 ITC for tariff relief.

4 This fact, the fact that over half of
5 cleared MTB petitions are for chemicals, speaks
6 volumes regarding the degree to which chemical
7 intermediates are simply not domestically
8 available.

9 Lastly, number three - the combined
10 effect of post-tariffs and Chinese retaliatory
11 tariffs will overwhelm some small and medium-
12 sized U.S. specialty chemical manufacturers.

13 Exposure here will depend on the
14 segments which companies focus and their ability
15 to respond to changes and trade policy
16 conditions.

17 Companies with a larger global
18 footprint will be advantaged while smaller
19 companies will have less reserves to draw on when
20 times get tough and less ability to deflect
21 higher materials prices or pass along new costs
22 to customers.

1 Specialty chemistry brings uniquely
2 manufactured substances to market, often through
3 small batch production.

4 Specialty chemical manufacturers,
5 thus, face proportionally higher business costs
6 as a segment within the chemical industry and
7 face equivalent or potentially lower net
8 revenues.

9 Many such firms also concentrate their
10 operations around one or a relatively small
11 number of facilities since the batch manufactured
12 products they create are not afforded the
13 benefits of scale enjoyed by bulk chemical
14 manufacturers.

15 Imagine a short run which is
16 impossible to develop domestic production to
17 replace key inputs. For specialty chemical
18 companies that cannot afford a 25 percent
19 increase, this is tantamount to a literal cutoff
20 of imports.

21 While we support the administration's
22 goal to reach zero tariff trade, imposing heavy

1 taxation on Americans made worse by retaliatory
2 tariffs is not the proper method to achieve that
3 aim.

4 We are thankful for the public comment
5 process and support resolution through
6 constructive and continued dialogue before
7 threatened protectionism creates further
8 uncertainty and leads to countries reducing their
9 dependence on U.S.-made specialty and fine
10 chemicals.

11 Thank you all sincerely for your time
12 today.

13 MR. BURCH: Thank you, Mr. Moedritzer.

14 Our next panel witness is James
15 Newport with Wanhua Group.

16 Mr. Newport, you have five minutes.

17 Turn on your microphone.

18 MR. NEWPORT: Thank you, and good
19 morning.

20 My name is James Newport. I am the
21 general manager of a planned \$1.2 billion
22 chemical manufacturing complex investment in

1 Louisiana by Wanhua Chemical.

2 I appreciate the opportunity to
3 testify today.

4 Globally, the Wanhua Chemical Group
5 employs over 13,000 employees and is the
6 industry's global leader in MDI production.

7 Wanhua Chemical America has officers
8 in Pennsylvania, Texas and Louisiana. Our
9 proposed new plant will create well over 1,200
10 direct and indirect jobs.

11 The facility reflects the primary goal
12 of the administration in terms of bringing
13 offshore manufacturing jobs back to the U.S.,
14 thereby erasing the imbalance of trade with
15 China.

16 Wanhua's MDI imported from China is
17 used in a wide variety of applications. MDI is
18 the main component of spray foam insulation for
19 residential and commercial buildings.

20 Similarly, MDI is a main feedstock for
21 both board stock and insulated panels, as you
22 just heard from Mr. Justin Koscher of PIMA.

1 It achieves very high energy
2 efficiency standards, fire safety, simplified
3 construction methods. MDI is also used for
4 refrigeration insulation to meet strict energy
5 requirements and government-mandated Energy Star
6 ratings.

7 In addition, MDI is used for composite
8 wood panels, which include oriented strand board,
9 particle board, and medium density fiber board,
10 where MDI continues to replace formaldehyde
11 resins at a rapid pace.

12 Wanhua holds approximately 15 percent
13 of the MDI market in the U.S. Due to a shortage
14 of local MDI, customers in the U.S. rely on
15 imported MDI to meet their growing demand.

16 Wanhua Imports fills the supply gap
17 and stabilizes an otherwise volatile market.
18 Nonetheless, MDI is included on the proposed
19 version of List 3.

20 Investing in the plant in Louisiana
21 allows Wanhua to manufacture MDI here in the U.S.
22 MDI demand in the U.S. is growing at a rate four

1 times GDP.

2 Producing MDI in the U.S. instead of
3 importing from China will also help reduce the
4 U.S. trade imbalance with China.

5 Aniline is a key feedstock used to
6 make MDI. There is no effective merchant market
7 for aniline in the United States. The U.S.
8 producers of aniline use their aniline for
9 internal consumption and do not sell to the U.S.
10 market.

11 As a result, Wanhua intends to import
12 aniline from China to manufacture MDI at its new
13 plant in Louisiana.

14 Nonetheless, aniline, like MDI, is
15 included on the proposed List 3.

16 Imposing additional duties on MDI and
17 aniline may jeopardize Wanhua's plans to invest
18 in the new facility in Louisiana. Wanhua's
19 expansion plans depend on having enough MDI in
20 the U.S. to justify the potential new plant.

21 As the costs to acquire MDI from China
22 increase, downstream users will face higher

1 prices and short supply because local capacity
2 cannot meet demand, disproportionately harming
3 small and medium-sized businesses and consumers.

4 Wanhua is evaluating a number of
5 options regarding its potential investment in the
6 new facility in Louisiana. The increased costs
7 associated with the additional duties on MDI and
8 aniline could make such an investment not
9 economically feasible.

10 Also, the panel should note our MDI
11 customers may consider relocating their
12 manufacturing facilities to other adjacent
13 countries such as Canada and Mexico that have
14 minimal or no tariffs on MDI or aniline.

15 For the reasons that I have testified
16 today, Wanhua respectfully requests that
17 subheadings 3909.31.00, 2929.10.80, 3824.99.26
18 and 2921.41.10 be removed from the list of tariff
19 headings subject to the additional 10 to 25
20 percent duties.

21 Doing so will allow Wanhua to continue
22 to pursue the expansion of its operations in the

1 U.S. and in so doing bring Wanhua's unique
2 technology and IP and many more offshore
3 manufacturing jobs back to the U.S.

4 That concludes my testimony. I
5 appreciate the opportunity to testify to you
6 today and I look forward to any questions and
7 comments the committee may have.

8 Thank you.

9 MR. BURCH: Thank you, Mr. Newport.

10 Our next panel witness is Lisa
11 Scheller with Silberline.

12 Ms. Scheller, you have five minutes.

13 MS. SCHELLER: Good morning. Good
14 morning.

15 I am Lisa Scheller, chairman and
16 president of Silberline Manufacturing, and I'd
17 like to thank the committee for the opportunity
18 to testify today.

19 I appreciate what the USTR seeks to
20 accomplish - real change in China's
21 intellectually property and investment practices
22 - and I also understand the need to protect

1 American jobs.

2 But in this instance, with respect to
3 imports of non-lamellar aluminum powder - so-
4 called spherical powder - the actions proposed
5 will disadvantage our American family-owned
6 manufacturing business without accomplishing any
7 of the program's goals.

8 I am here asking the USTR to eliminate
9 spherical powder classified under HTSUS
10 subheading 7603.10.00 from List 3 of the tariff
11 list.

12 Let me tell you about Silberline. We
13 began 73 years ago in a small shop in Stanford,
14 Connecticut, founded by my grandfather, Ernie
15 Scheller, an Austrian immigrant.

16 Today, Silberline, a certified woman-
17 owned and operated company, employs more than 600
18 people. More than 200 of them are here in small-
19 town America, in Pennsylvania and Indiana.

20 These are family-sustaining union jobs
21 with good pay and benefits. We are a world-
22 leading manufacturer of aluminum pigments for

1 paints and coatings.

2 Our metallic pigments provide the
3 shine and sparkle you see on your car,
4 appliances, labels, textiles and more. Our
5 customers around the world are household names.

6 About 40 percent of our U.S.
7 production is exported to more than 35 countries.
8 Much goes to China and the rest of Asia.

9 Yes, we manufacture in the United
10 States and export to China. Spherical atomized
11 powder is Silberline's most critical raw material
12 and Silberline accounts for a large portion of
13 the small product category.

14 Here are the five key reasons why this
15 product should be exempted from the tariffs.

16 One - there is no domestic source of
17 supply. Silberline used to buy powder almost
18 exclusively from Alcoa's now-closed Texas
19 atomizer.

20 Today, there are zero domestic
21 suppliers producing the quality or quantity we
22 need. Demand is just not high enough to motivate

1 domestic investment in this technology,
2 regardless of tariff.

3 Two - China was chosen as Silberline's
4 source for spherical powder not because of price
5 but for its quality and technology. When it
6 became apparent that our domestic source of
7 supply was at risk, I personally began a search
8 for the best powder.

9 I traveled to over - I traveled over
10 five continents and I obtained dozens of samples.
11 These were rigorously tested in our labs and in
12 production and we found that the Chinese powder
13 performed best.

14 They have their own patented
15 technology and they produce a highly-engineered
16 quality and, yes, a higher, not lower, priced
17 product.

18 Other foreign suppliers produce powder
19 but they do not meet Silberline's or our
20 customers' requirements.

21 Three - the tariff would significantly
22 disadvantage Silberline against its competitors.

1 Silberline is the only entirely American-owned
2 company in this business.

3 Our foreign-owned competitors are
4 backward integrated in the manufacture of this
5 powder. The tariff would not impact them to the
6 same extent.

7 Silberline already pays a 5 percent
8 tariff on the metal we buy from China. Any
9 additional tariff would result in significant
10 financial strain on our U.S.-based business,
11 threaten jobs and call into question future
12 investment.

13 Four - we cannot pass cost increases
14 along to our customers. Large coatings companies
15 that supply the automotive industry are extremely
16 price sensitive.

17 If Silberline were forced to raise
18 prices as a result of the tariffs, it would put
19 our business with these customers at risk
20 worldwide.

21 Five - lastly, this tariff will not
22 contribute to the goals of the Section 301

1 action. While these tariffs would be highly
2 damaging to our American-owned business, they
3 will have no impact on China and they are not a
4 part of China's Made in China 2025 policy.

5 Our Chinese suppliers are leading
6 producers of a quality product with no shortage
7 of potential customers. They do not depend on
8 our business. They can and they will sell to our
9 foreign competitors.

10 To conclude, these tariffs will have
11 the perverse effect of harming the American jobs
12 and businesses they are trying to protect without
13 affecting China.

14 I respectfully request that USTR
15 eliminate spherical aluminum powder from Annex C.
16 Silberline's proud employees can out compete
17 anyone in the world. Please, let us do that.

18 Thank you.

19 MR. BURCH: Thank you, Ms. Scheller.

20 Our next panel witness is Andrew
21 Shoyer with Fomdas.

22 Mr. Shoyer, you have five minutes.

1 MR. SHOYER: Thank you.

2 Good morning, Madam Chair and members
3 of the committee. My name is Andrew Shoyer.

4 I am a partner in the law firm of
5 Sidley Austin, testifying today on behalf of our
6 client, Zhejiang Fomdas Food Company, Limited.
7 The director and general manager of the company,
8 Mr. Xu Xiaofang, has accompanied me here today.

9 I appear before you in support of
10 Fomdas' request that HTS subheadings 2008.30.42
11 and 2008.30.46, which cover satsumas in airtight
12 containers, also known as Mandarin oranges, be
13 excluded from the proposed 25 percent tariff on
14 products imported into the United States from
15 China.

16 Fomdas is a privately-held company
17 that engages in the export of a variety of
18 products including satsumas in airtight
19 containers.

20 China is the world's largest producer
21 of satsumas in airtight containers and consumers
22 rely on Chinese imports to fulfill their demand

1 for what has become since the 1970s an
2 indefensible staple in the American diet.

3 The proposed tariffs would primarily
4 hurt American consumers, particularly those who
5 lack ready access or the means to consume fresh
6 citrus fruit.

7 Additionally, the Chinese government
8 has not identified the sector as one of strategic
9 importance, so applying higher tariffs would not
10 address any of the practices that USTR has
11 identified in its March 2018 report.

12 You heard testimony earlier this week
13 from a U.S. marketer urging that these products
14 be excluded from the proposed tariff. I will
15 elaborate today on the key points, from Fomdas'
16 perspective.

17 First, Chinese satsumas in airtight
18 containers are irreplaceable in the U.S. market.
19 In 2017, the United States imported more than
20 160,000 tons of satsumas in airtight containers
21 from China with a total product value of between
22 \$180 million and \$200 million.

1 That's more than 90 percent - almost
2 all of the satsumas in airtight containers
3 consumed in the United States. The next largest
4 exporter, Spain, would not have the sufficient
5 capacity to redirect product from the European
6 Union to the United States in sufficient
7 quantity.

8 Moreover, there is no U.S. industry
9 that could generate satsumas in airtight
10 containers to meet the U.S. demand. To ramp up
11 production would require enormous capital costs
12 and many years.

13 It's far from clear that U.S.
14 producers would follow that path. Our U.S.
15 marketing partners have explained that the profit
16 is in the sale and distribution of fresh fruit,
17 like these clementines, and not fruit in airtight
18 containers.

19 This is an example of, for the record,
20 Mandarin oranges in airtight containers, which
21 are very typical of what Fomdas sells.

22 Indeed, that's why you see the growth

1 in the U.S. market of fresh satsumas and other
2 Mandarin-like oranges and, more importantly, the
3 type of satsumas used in China for the product in
4 airtight containers is different than the product
5 available here or in China for consumption as
6 fresh fruit.

7 There is, quite simply, no alternative
8 to the Chinese satsumas in airtight containers
9 for the U.S. market.

10 Second, tariffs will raise costs and
11 will increase the burden on American consumers.
12 If the U.S. government imposes a 25 percent
13 tariff amounting to an increase of about \$350 a
14 ton, or \$50 million in total, the tariff burden
15 will eventually be borne by U.S. importers and
16 consumers.

17 According to the economic literature,
18 import demand for fresh citrus fruit and for
19 Mandarin oranges in particular, is highly
20 inelastic.

21 If the consumer price is driven up by
22 tariffs, demand will not fall in proportion. So

1 assuming the same is true for the imported
2 product in airtight containers, the price hike
3 will serve largely to tax U.S. consumers who are
4 least able to bear the cost.

5 This is particularly the case with
6 respect to consumption in schools and senior
7 living centers, which constitute significant
8 markets for Chinese satsumas in airtight
9 containers.

10 Finally, China's exports to the United
11 States are not of strategic significance and
12 therefore the imposition of tariffs will not
13 contribute to the stated goals in the
14 investigation.

15 China's exports to the United States
16 of satsumas in airtight containers are
17 traditional agricultural processed products.

18 There are no issues with regard to
19 intellectual property theft or technology
20 transfer, as the processing technology is mature
21 and the standards are advanced. These products,
22 clearly, do not fall within the Made in China

1 2025 industrial policy program.

2 For these reasons, we urge the
3 committee to recommend that satsumas in airtight
4 containers be excluded from the proposed list and
5 any further action with respect to this Section
6 301 investigation.

7 Thank you.

8 MR. BURCH: Thank you, Mr. Shoyer.

9 Our next panel witness is Lu Yu with
10 China Chamber of Commerce of import and export
11 foodstuffs, native produce, and animal
12 byproducts.

13 Ms. Yu, you have five minutes.

14 MS. YU: Thank you. Good morning,
15 committee.

16 Section 301 as U.S. domestic law,
17 through unilateral trade or restriction action
18 that the U.S. government is taking against China
19 by imposing \$200 billion tariff violated the WTO
20 principles. It is a violation of the existing
21 world trade order.

22 The proposed \$200 billion tariff list

1 of Chinese products by the U.S. includes 1,170
2 agriculture products HTS codes.

3 It accounts for \$6.1 billion export
4 value of agricultural products from China to the
5 U.S. and it covers 80 percent of the total export
6 value of the sector.

7 By information of related sources,
8 U.S. supermarket's reasonably low pricing of
9 food products is benefitted from trade with
10 countries including China, which cut down the
11 consumption cost of U.S. domestic market.

12 It is justifiable to say that Chinese
13 agricultural products have provided U.S.
14 consumers with great convenience in everyday
15 life.

16 Imposing 10 or even 25 percent tariff
17 on these food and agriculture products will harm
18 the U.S. agriculture products markets while also
19 cause heavy burden to the U.S. consumers.

20 Moreover, there is no relation between
21 the agriculture products included in the proposed
22 tariff released and the Chinese in the industry

1 program including Made in China 2025.

2 China Chamber of Commerce for import
3 and export of foodstuffs, native produce and
4 animal byproducts is the biggest trade
5 association in China.

6 So we have more than 7,000 company
7 members. Our members' import and export value of
8 agriculture and food products account for 70
9 percent after all. So on behalf of China food
10 and agriculture industry, we suggest that on the
11 import list of 1,170 agriculture products, HTS
12 codes be removed.

13 China's economic development in the
14 past 40 years is achieved under the condition of
15 the opening up policy. Since China acceded to
16 the World Trade Organization in 2001, it has made
17 continued effort to substantively reduce import
18 tariffs.

19 By 2010, China had fulfilled all these
20 tariff reduction commitments, reducing the
21 average tariff level from 50.3 percent in 2001 to
22 9.8 percent.

1 It lowered average tariff rate of
2 agriculture products from 23.2 to 15.2 percent,
3 about one fourth of the global average.

4 China-U.S. agriculture products trade
5 has been developing very fast under the open
6 economic environment.

7 From 1998 to 2017, China-U.S.
8 agriculture trade value increased from \$2.7
9 billion to \$31.7 billion, increased by nearly 17
10 fold with a compound annual growth rate of 13.8
11 percent.

12 Specifically, China's agriculture
13 products import value from the U.S. increased
14 from \$1.8 billion to \$24.1 billion, import with a
15 compound annual growth rate of 14.5 percent. The
16 import value compound annual growth rate is 2.4
17 percent higher than export value.

18 Currently, China is the largest
19 agriculture products export market of the U.S.
20 The stable development of China-U.S. agriculture
21 trade has benefitted the farmers and the
22 consumers of both nations.

1 As we know, new era is a sharing era.
2 So we hope that for a shared future, China-U.S.
3 agriculture trade will maintain a stable,
4 healthy, and sustainable development.

5 Thank you for your attention.

6 MR. BURCH: Thank you, Ms. Yu.

7 And, Madam Chairman, this concludes
8 this panel's testimonies.

9 (Pause.

10 CHAIR GRIMBALL: We will need about
11 one minute. Then we will begin with questions.

12 (Pause.)

13 CHAIR GRIMBALL: Thank you. We are
14 ready to begin.

15 MR. BLAHA: Thank you. I have a few
16 questions for Mr. DeHaan from the National
17 Fisheries Institute.

18 So I think you referenced in your
19 testimony the linkages of processing the fish
20 caught by U.S. fishermen in China.

21 So I guess, first of all, how
22 important is the actual Chinese processing of

1 these fish? Can these be processed anywhere
2 else?

3 To what extent are they processed
4 anywhere else? Why is China a critical link in
5 that supply chain? Let me start with that.

6 MR. DEHAAN: Thank you.

7 China has developed into a seafood
8 processing hub for multiple harvesting countries,
9 not just ours, and there are a number of reasons
10 for that.

11 Number one, the geographic proximity
12 to both Alaska and Russia, which are competitors
13 in this world, makes China an important
14 convenient place to go.

15 Number two, this is the largest
16 consuming seafood marketplace in the world. So
17 if you're already selling to a Chinese customer
18 and that customer is processing in China, it's a
19 very natural thing to then say well, let's do
20 business in addition to that and have you process
21 seafood that comes in and is bound for either the
22 U.S. or Europe or some other third country.

1 There is, in addition to all of that,
2 a series of challenges in the United States to
3 get the available labor force into Alaska that
4 would do the processing work.

5 Primary processing, I should say, of
6 our product in the white fish area is done in
7 Alaska, typically - white fish and salmon.

8 But then it needs to be secondarily
9 processed typically for a customer and that is
10 done in China typically because China is nearby.
11 China has access to a workforce that is developed
12 in this area as opposed to other export
13 destinations such as Japan.

14 They can do it for a cost that the
15 market will bear and, like I said, there are
16 available export opportunities from China to
17 Europe, Japan, the United States, what have you.

18 So that's the reason why the
19 infrastructure has developed there.

20 MR. BLAHA: Okay. Thank you.

21 And I think you referenced the
22 importance of imports overall for diversity of

1 U.S. consumption and various things. How
2 important is China specifically to imports there
3 versus other markets, either in Asia or other
4 places?

5 MR. DEHAAN: Well, China is
6 significant - is very important. It's one of a
7 number of very significant countries that our
8 industry sources from and, again, because China
9 is growing or processing or catching fish at a
10 huge level to meet its own domestic demand, which
11 is growing, it is natural then for companies to
12 say, you have infrastructure - you have
13 capability - you have workers - you have
14 facilities that meet our needs, and so we want to
15 have the business there with you.

16 MR. BLAHA: Okay. And you mentioned,
17 I think, also that supply chain adjustments,
18 particularly for some of the smaller, I guess,
19 businesses within the industry would be very
20 difficult to change or adjust over the long term.

21 Could you perhaps just elaborate on
22 why that is? I think you referenced it - a small

1 catcher will sell it to, I guess, processing
2 companies that sell it to someone else and they
3 move it around from distributors.

4 Just why would the adjustments fall
5 down onto the small and medium-sized companies to
6 the extent that you referenced?

7 MR. DEHAAN: In the United States?
8 You're talking about SMEs in the United States,
9 right?

10 MR. BLAHA: Right. I think -

11 MR. DEHAAN: Right.

12 MR. BLAHA: - my understanding was
13 that you referenced that essentially they would
14 have little flexibility in terms of adjusting if
15 these tariffs went into effect.

16 Given that sounded like they were
17 working through a couple of distribution
18 companies or what not, to what - why is that -
19 expand on why that's true.

20 MR. DEHAAN: Right. So the first
21 point is, is if you've got a small seafood
22 business with several dozen people, as actually

1 some of the other panelists here on behalf of
2 their business, you're not going to have the
3 ability to tap into another country to find a
4 supply partner that is reliable and competent,
5 especially on the administration's likely time
6 line with these tariffs. That's number one.

7 Number two, you have to consider the
8 biology of the animal. So you have a grow-out
9 period or a life cycle in whatever species you're
10 in business in.

11 That turnaround could be 12 to 15
12 months for one harvest of an aquaculture species.
13 You might have a wild capture product that you're
14 bringing in that is restricted to a certain very
15 narrow window of fishing for sustainability
16 reasons - two weeks, say, a month is very common.

17 And so you only have one shot at those
18 things in your business. So on the near term,
19 it's virtually impossible for small businesses to
20 reach into another country if they are doing
21 business with China and go to another country.

22 Over the longer term, there is a

1 series of challenges which make it very
2 complicated to do. U.S. government approvals are
3 significant and time consuming - FDA HACCP plan,
4 the seafood import monitoring program, which is a
5 new program from the department.

6 You have a series of third-party
7 certifications which are not governmental - they
8 are NGOs. But they are realities in the
9 business.

10 So you're going to need to go find a
11 partner that can pass a food safety, a
12 sustainability, a social responsibility audit.
13 Those things cannot be done at the drop of the
14 hat. It will take years to do those things.

15 MR. BLAHA: Okay. Thank you.

16 And does the burden of those
17 certifications fall on the SMEs? I guess part of
18 - I guess the thrust of my question is do SMEs
19 who sell to a larger distributor and that larger
20 distributor maybe isn't an SME and has greater
21 flexibility to search and where do the burdens, I
22 guess, of these things fall?

1 MR. DEHAAN: The burdens will - it is
2 true the burdens will vary. But in many cases,
3 the importer of record or the distributor is a
4 small business that is going to be responsible
5 for meeting the customers' needs and the
6 customers' needs might, for instance, include
7 finding an export partner that is competent to
8 pass an audit for food safety and sustainability
9 purposes.

10 That will require a very high-end
11 certification - certifier who goes out and
12 conducts an audit to a recognized standard and
13 that cannot be done, as I said, on a short term.

14 MR. BLAHA: Okay. Thank you.

15 I think my last question - if I -
16 initially I think you referenced the tariffs that
17 were being imposed on U.S. exports to China in
18 some of these fish products.

19 I guess what's your expectation that
20 that tariff would be removed if the fish products
21 were not on the 301 Annex C list?

22 Would the products being on or off the

1 Annex list here - the U.S. list - change the
2 Chinese response?

3 MR. DEHAAN: Oh, you're asking me
4 whether there would be a bilateral seafood-only
5 detente in this process?

6 MR. BLAHA: Well, I guess you
7 referenced that, as I understood, the retaliation
8 in response to various U.S. tariff actions had
9 harmed U.S. seafood exporters by pricing them or
10 making it more difficult to sell into the Chinese
11 market.

12 I am wondering if - what action is
13 recommended or taken by the president in this
14 case would adjust that specific argument that you
15 raised?

16 MR. DEHAAN: Well, what I - I don't -
17 the short answer is I don't know. What I can say
18 is that judging by the publicly available
19 behavior of Beijing, every time the
20 administration hits, Beijing hits with the exact
21 same size of a bucket of goods with the exact
22 same tariff, typically, and on the same time

1 line.

2 So it would be helpful, to say the
3 least, for our product to be excluded and we
4 could - we could potentially - certainly, you
5 could but we could also make the argument to our
6 Chinese commercial partners that they should
7 speak to their government about standing down
8 there as well.

9 MR. BLAHA: Okay. Thank you.

10 MS. GILLESPIE: My questions are for
11 both Mr. Newport and Mr. Koscher. Both of you
12 testified that there are domestic and non-Chinese
13 sources of MDI.

14 Mr. Newport, do you think that Wanhua
15 would be able to increase production of MDI to
16 meet the shortfall of Chinese sources and do you
17 think other suppliers could increase their supply
18 of aniline to meet that decrease?

19 MR. NEWPORT: Yes. I am not sure I
20 understand the question regarding the Chinese
21 market. Did you imply Chinese?

22 MS. GILLESPIE: Yeah. So would your

1 company be able to meet the shortfall that's
2 currently being supplied by China if the tariffs
3 were to go into place?

4 MR. NEWPORT: Yes. Absolutely.

5 MS. GILLESPIE: Okay.

6 And Mr. Koscher, would you be able to
7 find domestic or non-Chinese sources to meet your
8 supply of MDI?

9 MR. KOSCHER: I think just three
10 points, to answer that question.

11 One, I think it's accepted that MDI
12 and PMDI is a global market. So shortages across
13 the globe, whether it be in Europe, in Asia, have
14 impacted U.S. manufacturers, you know, primarily
15 through perhaps allocations on contracts, which
16 prevent our manufacturers from producing board
17 stock at a level that the market demands.

18 Number two, as Mr. Newport referenced,
19 there are a number of growing applications of MDI
20 and PMDI in the wood industry.

21 That industry is rapidly growing. Our
22 industry is growing 5 to 10 percent year over

1 year, and projecting that growth out, that growth
2 exceeds the planned capacity for domestic
3 manufacturing of MDI and pMDI, even including the
4 Wanhua planned facility in Louisiana.

5 So I would say and, thirdly, it's well
6 accepted that the U.S. is currently in that
7 import market. We have domestic shortage of
8 manufacturing capacity and that is currently met
9 by imports from China.

10 MS. GILLESPIE: All right. Thank you.

11 MR. O'BYRNE: Mr. Logue, you mentioned
12 that the United States no longer manufactures the
13 fluoride and fluorine salt products you listed.

14 In your view, why are these products
15 no longer made here in the United States and what
16 are the potential difficulties in restarting
17 production?

18 Thank you.

19 MR. LOGUE: Thank you. The last
20 manufacturing of these products was in 2004 and
21 it was a plant in Delaware. It was a 90-year-old
22 chemical plant, which was shut down, and

1 basically we were brought in to source these
2 products for this company and we sourced them
3 either in Asia or in - some of them in Europe.

4 You know, we also actually manufacture
5 one or two of them here as well, and the
6 difficulties of these kinds of chemicals is they
7 are high-performance high-end, not commodity at
8 all and it takes quite a few years to get the
9 regulatory permissions and permitting involved in
10 manufacturing these products in the United
11 States.

12 It takes a low-cost feed stream of
13 calcium fluoride, which the Chinese control. So
14 you can do, you know, several different things to
15 manufacture those products over here.

16 But it's quite a capital-intensive
17 manufacturing process. Part of the things that
18 we do in China is to make sure that our Chinese
19 partners are environmentally, safety and
20 stewardshiply correct.

21 So, you know, and the Chinese have
22 come a long way in the last 20 years up that

1 chain and prices have increased significantly,
2 especially in the last two years in China with Xi
3 Jinping's crackdown on the environment.

4 So to - in conclusion, it's quite a
5 costly capital-intensive production and it would
6 take a lot of support from the administration or
7 future administrations to accomplish those facts.

8 Thank you.

9 MR. BLAHA: I apologize, I just had a
10 follow-up question for Mr. Newport, actually. I
11 think in your testimony you had referenced that
12 Wanhua's investment in Louisiana could be at risk
13 or undergoing some review if these tariffs went
14 into effect. Could you just expand on why that
15 might be uncompetitive in light of a tariff on
16 the imported product?

17 MR. NEWPORT: Yes. First of all, I
18 would say that the rising cost of NDI associated
19 with the increase in duties, or the duties that
20 we're speaking of, we're concerned about the
21 market growth rate, such that the market needs --
22 the market is growing very rapidly, 10 to 12

1 percent, in some cases higher than that. And so,
2 the robust market, as it grows, it needs
3 additional capacity to come in and continue to
4 supply product, so it can continue to grow.

5 Wanhua sees our investment as a key.

6 We need the market to continue to grow to make
7 the project economically viable. The project is
8 expected and estimated to come online in 2021.

9 We believe that the market will be undersupplied
10 significantly in 2021 at the current growth
11 rates. If the growth rate were to slow down, the
12 market were to not continue to grow because of
13 constrained supply due to cost and economics,
14 that could affect the viability of our plant.

15 That being said, at the current market
16 and the growth rates, for the market to continue
17 to grow, we need two world-scale plants to
18 announce new capacity in the U.S. to continue to
19 supply that growth. Wanhua is one of those, and
20 there has been one of the other suppliers that
21 have announced as well.

22 So, we see ourselves as a key to this

1 market continuing to be viable. We see our
2 economics and our project is exactly what the
3 current Administration is encouraging. We're
4 coming to the U.S. We're going to build our
5 plant here. We're going to hire and have an
6 impact over 1200 jobs. And so, we really see
7 that what we're doing in our company is exactly
8 what the Administration is encouraging happen.

9 So, I trust that answered your
10 question.

11 MR. BLAHA: I think so. Thank you.
12 Just to make sure I understand, the concern is
13 that increased prices in imports from China could
14 potentially depress --

15 MR. NEWPORT: Right.

16 MR. BLAHA: -- I guess, the market
17 growth overall in the United States, which
18 would --

19 MR. NEWPORT: Depress and the ability
20 to undersupply due to cost of the product.

21 MR. BLAHA: All right. Thank you.

22 MR. FLEMING: Mr. Moedritzer, you

1 mentioned in your testimony that a lot of these
2 specialty chemicals go into high-tech products,
3 including aerospace, electronics,
4 pharmaceuticals, things of that nature. I'm just
5 curious, are any of the tariff lines that you
6 mentioned that cover these chemicals, are they
7 targeted by Chinese industrial policies,
8 including Made in China 2025?

9 MR. MOEDRITZER: Sorry, so you're
10 talking about chemicals coming from China to the
11 U.S.?

12 MR. FLEMING: Well, chemicals used in
13 products that could be the object of Chinese
14 industrial policy, both coming to the U.S. and
15 going to China.

16 MR. MOEDRITZER: Yes. I guess I have
17 one anecdote that is somewhat topical. So, one
18 of our members makes an electronic chemical that
19 goes into the iPhone. China, just in general, is
20 a value-added country, you know. I think, of all
21 the stuff that we get from China, a little less
22 than half of that actually comes from other

1 countries than China.

2 Basically, when we send a chemical
3 over to China, and then, China processes it and,
4 say, puts it into the iPhone when it sends it
5 back, even though only something like \$6 worth of
6 those components are actually Chinese components,
7 that entire \$170 of the iPhone registers as a
8 Chinese product.

9 So, I suppose the answer to your
10 question is there's a lot of variance, depending
11 on the sector, but we're increasingly concerned
12 that just the impact to direct, and really just
13 the indirect costs that we don't even know at
14 this point, are going to be disproportionately
15 burdensome.

16 So, I hope I answered your question
17 somewhat there.

18 MR. RIGBY: Ms. Scheller, you
19 testified that other countries produce atomized
20 aluminum powder and you've traveled worldwide to
21 go and test it, and found that it was produced at
22 a lower quality. If the tariff action going into

1 effect, do you anticipate that suppliers from
2 these sources could or would increase the quality
3 of their products to meet the presumed increased
4 demand in the U.S. market?

5 MS. SCHELLER: So, spherical atomized
6 powder, it is a highly-engineered product. I
7 believe that the other sources, these other
8 producers who Silberline does have relationships
9 with -- we do buy from some of them -- have used
10 their best technology to date and continue to try
11 and improve on their technology. However, the
12 Chinese suppliers that we have been working with,
13 they have a better-quality product. They have
14 their own original IP. They have patented
15 technology that really has increased the overall
16 consistency, replicability of the product, made
17 it easier for Silberline to use. And, in fact,
18 it is a premium product, even a premium-priced
19 product.

20 I will be including more details with
21 respect to this in my written submission.

22 MR. CONCEICAO: All right. Mr.

1 Shoyer, in your testimony you said that 95
2 percent of the satsumas in airtight containers
3 consumed in the U.S. come from China. Now excuse
4 my ignorance, because I have a very unhealthy
5 diet. But are there other types of oranges sold
6 in airtight containers or cans in the United
7 States, to your knowledge?

8 MR. SHOYER: Let me just consult with
9 my client for a moment. I know we're on the
10 clock yet. If I can't answer it quickly, then
11 we'll definitely respond to that.

12 MR. CONCEICAO: Okay, and I'll give
13 you a follow-up if the answer is yes.

14 MR. SHOYER: Okay.

15 MR. CONCEICAO: If so, do you know
16 what percentage the satsumas in airtight
17 containers consumed in the U.S. represents of the
18 total U.S. canned orange market, so to speak?

19 CHAIR GRIMBALL: While you consult
20 with your client, we will move on to Ms. Yu.

21 MR. WINELAND: Thank you, Ms. Yu, for
22 your testimony.

1 Just one question. You, in addition
2 to talking about the potential U.S. tariffs on
3 Chinese agricultural goods, you mentioned that
4 China, its average tariff on foreign agricultural
5 products is about 15 percent, including the U.S.
6 products. Could you talk a little bit about the
7 impact of that tariff on the Chinese consumer?

8 MS. YU: Yes. So, import, yes? But
9 it's the average tariff duties. Just like
10 soybeans, if we import soybeans, the tariff is
11 only 3 percent. So, the average one is 15.23,
12 but the comparative China's supermarket, the
13 price of the imported food, and, also, the U.S.
14 supermarket, it's a little bit higher, but it's
15 not too higher, yes.

16 MR. WINELAND: And in general, do you
17 think that the Chinese consumer would benefit
18 from seeing lower tariffs on those products?

19 MS. YU: Yes, of course. Of course.
20 So, because the price -- it's just like, for
21 example, for me, for here in the morning, I'm the
22 -- how to say it? -- it's working in the office.

1 So, I don't care about the price. But, when I go
2 back home to the supermarket, I'm concerned
3 price, which is cheaper and high-quality. So,
4 it's the same thing, I think. It's the same
5 thing just like the consumers, like American
6 consumers, they're concerned with something like
7 that. And the high quality and the low price,
8 it's better for us to choose.

9 MR. WINELAND: Uh-hum. Thank you.

10 CHAIR GRIMBALL: Mr. Shoyer, were you
11 able to consult with your client?

12 MR. SHOYER: Thanks, Madam Chair.

13 Yes.

14 We're not aware of any other oranges
15 that are canned that are in the market, but,
16 again, we'll investigate further. And if there's
17 additional information, we'll put that in the
18 submission.

19 MR. CONCEICAO: Terrific. While
20 you're at it, actually, I have one thing. My
21 apologies. While you're doing that, for your
22 submission as well, once you have a sense of what

1 the total market share of satsumas versus other
2 canned oranges is, if you could give an estimate,
3 in your opinion, what you think, should the
4 duties take effect, what the potential increase
5 on canned oranges in airtight containers would
6 be in the U.S. market?

7 MR. SHOYER: I'm sorry, could you
8 repeat that question?

9 MR. CONCEICAO: Yes. If the duties
10 were to take effect, what do you estimate the
11 increased cost to the consumer of canned oranges,
12 again, taking into account the total market share
13 of satsumas versus other oranges, and what have
14 you?

15 MR. SHOYER: Thank you. Yes, so just
16 on that again, we have the estimate from USDA on
17 the price elasticity with respect to citrus
18 generally. So, we'll estimate based on that.

19 MR. BLAHA: I guess just a follow-up
20 on that, if I could also, Mr. Shoyer. And since
21 you mentioned the elasticity, I was kind of
22 curious whether or not you have any insight as to

1 whether the USDA's estimate on that was driven by
2 the freshness of the fruit or the fact that it
3 was just that satsuma orange. I think in your
4 testimony you kind of made the assumption, we
5 looked at fresh fruit here, and it has a certain
6 estimated measure, and if we were to translate
7 that to the canned or airtight container ones, I
8 was just curious, is there a difference in the
9 demand response for fresh versus non-fresh fruit?

10 And then, kind of related to that, I
11 think you mentioned that most satsuma oranges in
12 the United States come from China, but I was
13 wondering, what size is the U.S. market to
14 Chinese exporters? Does China export to places
15 other than the United States in large quantities
16 or is it really kind of just a bilateral we buy
17 it, they produce it kind of thing?

18 Thank you.

19 MR. SHOYER: Thank you. Definitely
20 we'll respond to the second question in our
21 written comments.

22 On the first, the two USDA economists

1 that had done the calculations did the
2 calculation only with respect to fresh citrus,
3 but they did do a specific calculation on
4 satsuma, but they were fresh satsumas. And
5 again, as I indicated, it would really be making
6 an assumption about whether that translated to
7 the product in airtight containers. But as far
8 as were aware, there weren't calculations with
9 respect to the canned or product in airtight
10 containers. The studies were only with respect
11 to the fresh fruit.

12 MR. BLAHA: Okay. Thank you.

13 MR. BURCH: Madam Chairman, we release
14 this panel with our thanks.

15 And would Panel 19 witnesses make
16 their way to the front and be seated?

17 CHAIR GRIMBALL: So, we are running
18 about 15 minutes behind. So, if the next panel
19 could be assemble quickly? Thank you.

20 MR. BURCH: Will the room please come
21 to order?

22 Madam Chairman, our first witness on

1 this panel is Rishi Bhutada with Star Pipe
2 Products, Limited.

3 Mr. Bhutada, you have five minutes.

4 MR. BHUTADA: Thank you for the
5 opportunity to address you to voice our
6 opposition to the imposition --

7 MR. BURCH: Can you push your mic up
8 a little bit?

9 MR. BHUTADA: Okay. Thank you for the
10 opportunity to address you to voice our
11 opposition to the imposition of 25 percent duties
12 on ductile iron fittings and flanges and joint
13 restraints from China.

14 I am Rishi Bhutada, Vice President of
15 Finance with Star Pipe Products, from Houston,
16 Texas.

17 Star Pipe is a domestic producer,
18 importer, and distributor of ductile iron
19 fittings that conform to American Waterworks
20 Association standards and joint restraints that
21 are used in conjunction with these fittings, to
22 lay out the water and sewer distribution lines

1 that are the backbone of our country's water and
2 wastewater infrastructure.

3 We recently purchased, and now
4 operate, SP Foundry in South Coffreyville,
5 Oklahoma, which employs 192 people. Currently,
6 SP Foundry is undergoing a \$50 million expansion
7 project scheduled to be completed in 2019-2020.
8 We project the creation of 189 new jobs once we
9 are complete. In addition, Star Pipe Products'
10 Corporate Office and 12 distribution centers
11 throughout the U.S. employ 228 people nationwide.
12 Star Pipe purchases from six other domestic
13 foundries owned by other entrepreneurs that
14 employ hundreds more.

15 Star Pipe owns and has significant
16 investment of over \$30 million in a manufacturing
17 facility in China that manufactures a major part
18 of its fitting, flanges, and joint restraints,
19 and other products used in water infrastructure.
20 These products are essential in laying out
21 residential and municipal water and sewer lines,
22 as well as the maintenance of existing lines by

1 state and municipal governments. These are
2 products are an integral part of supplying water
3 to every household in the country. Thus, the
4 ready availability of these products is
5 strategically important for the entire waterworks
6 industry.

7 A major part of these fittings and
8 joint restraints are imported from China
9 currently. The domestic foundries, including
10 Star Pipe's own domestic foundry, along with the
11 imports from other countries outside of China,
12 cannot satisfy the total demand of these products
13 in the United States.

14 The cost of production of
15 domestically-produced fittings and joint
16 restraints and their associated selling price in
17 the U.S. is significantly higher than any
18 imported product, more than double in magnitude.
19 The U.S. Government has supported the purchases
20 of these products through the American Iron and
21 Steel, or AIS, provisions of the Clean Water Act
22 and the Water Infrastructure Finance and

1 Innovation Act, as well as AIS appropriation
2 provisions for the EPA's Drinking Water State
3 Revolving Fund and the USDA's Rural Utility
4 Service's water and environmental programs, all
5 of which have come into effect in the past three
6 years or less.

7 Total spending this year on water and
8 wastewater infrastructure subject to AIS
9 provisions is about \$10 to \$11 billion. These
10 programs better support the domestic
11 manufacturing of iron and steel products for the
12 waterworks industry and the imposition of tariffs
13 that will have an excessive economic burden on
14 consumers and cash-strapped municipalities.

15 It is possible to develop production
16 of these products in other countries. However,
17 that requires large capital investments and a
18 lead time of four to five years to service the
19 U.S. market satisfactorily.

20 In addition, there are a number of
21 reasons these products should not be included in
22 any final action. These products do not relate

1 to the acts, policies, and practices covered in
2 the USTR investigation and report of March 22nd,
3 2018. These products do not relate to advanced
4 technologies, advanced design, or manufacturing
5 technology. These products are not part of the
6 priority industries or related to Made in China
7 2025, or other Chinese industrial programs.

8 In the production of these items,
9 there is no technology transfer. The technology
10 to manufacture these products has not changed
11 fundamentally in the last several years.

12 These products have a relatively low
13 profitability, which will be further reduced by
14 the increased tariffs. Subjecting these products
15 to an additional 25 percent duty will cause a
16 severe economic burden on Star Pipe, its
17 employees, and its customers. It has the
18 potential to affect our ability to maintain to
19 our current employment levels in our U.S.
20 operations and, also, our capacity to continue to
21 invest in our foundry in Oklahoma, which would
22 impair our efforts to create new jobs.

1 And while we understand and appreciate
2 the government's intent to protect U.S.
3 industries from truly unfair trade practices,
4 this action is using a sledgehammer where a
5 scalpel is needed.

6 Finally, America's water and
7 wastewater infrastructure are in a failing state
8 and are in major need of renewal and investment.
9 The American Society of Civil Engineers in 2017
10 rated our country's water infrastructure a "D"
11 and our wastewater infrastructure a "D+". The
12 urgent needs of our water and wastewater
13 infrastructure are only highlighted by the high-
14 profile failures in Flint, Michigan. The
15 arbitrary restriction of sources supplied via the
16 imposition of Section 301 tariffs when the United
17 States has a diminished capacity to produce these
18 products only obstructs this renewal. It is in
19 our national interest to exclude them from the
20 proposed tariffs.

21 Thank you.

22 MR. BURCH: Thank you, Mr. Bhutada.

1 Our next panel witness is Robert
2 Braden of Skyline Steel.

3 Mr. Braden, you have five minutes.

4 MR. BRADEN: Good morning. My name is
5 Rob Braden, Vice President of Sales and Marketing
6 at Skyline Steel, a wholly-owned subsidiary of
7 Nucor Corporation.

8 Thank you for the opportunity to
9 appear before the Committee today to express
10 Skyline's support for the President's continued
11 strong action against China's trade violations
12 and to request that you add steel sheet piling to
13 the list of products to be subject to additional
14 Section 301 duties. The relevant HTS numbers
15 were included in my request to testify. We would
16 also like to request that the USTR add steel
17 hollow bar to the list of products, and we will
18 provide the relevant HTS numbers for that product
19 in our post-hearing comments. Skyline also
20 supports USTR's proposal to raise the level of
21 the additional duty from 10 percent to 25
22 percent.

1 Skyline Steel has production
2 facilities in Arkansas, Illinois, Mississippi,
3 Ohio, Pennsylvania, and Washington. We have
4 storage, coating, and steel fabrication locations
5 for on-time delivery in 35 states throughout the
6 nation, as well as a broad engineering, business
7 development, and sales team supporting the needs
8 of our customers.

9 Our business is focused on supplying
10 engineered steel solutions for the foundations of
11 construction projects. Our markets range from
12 bridge-building to port construction, from
13 excavation support to environmental remediation,
14 from foundation of large structures such as high-
15 rise buildings, stadiums, and hospitals to storm
16 protection solutions.

17 Our 1375 teammates produce sheet
18 piling, hollow bar, threaded bar, strand anchors,
19 and welded structural pipe in diameters ranging
20 from 10 inches to 15 feet. In addition to other
21 steel foundation products in the United States,
22 unfairly-traded Chinese imports have had

1 significant harmful effects on Skyline's
2 profitability, employment, and ability to
3 innovate and invest. Whether it is for
4 contamination remediation sites in Detroit,
5 underground parking garages in Seattle, port
6 projections in Louisiana, a storm surge project
7 in Savannah, or general contracting in New York
8 City, Chinese sheet piles and hollow bar have
9 been sold below cost into the U.S. market and
10 have taken sales from U.S. manufacturers.

11 Even with the Section 232 tariffs,
12 Chinese imports have continued to undercut U.S.
13 producers, leading to fewer projects for Skyline
14 and the rest of the U.S. steel industry. These
15 sales lost to unfair Chinese imports have had
16 significant negative impact on Skyline's
17 investments, including recent investments we made
18 together with Nucor to improve our sheet piling
19 production facilities.

20 As USTR found in its Section 301
21 report, imports from China have been fueled by
22 Chinese Government policies, subsidies, and

1 unfair trade practices. Skyline is pleased that
2 the U.S. Government will impose an additional
3 duty on certain Chinese-origin products to help
4 address these unfair and illegal practices. We
5 urge USTR to include sheet piling and hollow bar
6 on the list of Chinese products subject to the
7 duty. These products fall squarely within USTR's
8 criteria.

9 First, as the U.S. Government is well
10 aware, steel production benefits from the Chinese
11 Government's distortive industrial policies,
12 including steel industry's specific five-year
13 plan and Made in China 2025. In addition,
14 tariffs on these products are not likely to
15 disrupt the U.S. economy because there are
16 multiple U.S. producers and alternative non-
17 Chinese import sources for these products.

18 Imports of sheet piling from China
19 totaled approximately \$22 million in 2017, nearly
20 double import levels two years earlier. Imports
21 of steel hollow bar from China are large and
22 increasing as well. While it might be a small

1 portion of our total trade with China, the impact
2 on U.S. manufacturers and workers is huge.
3 American workers, including our Skyline Steel
4 teammates, cannot continue to lose high-paying
5 jobs because of China's industrial plans,
6 technology transfer policies, cyber theft, and
7 illegal government subsidies.

8 Skyline can compete with any steel
9 producer in the world, but we need a level
10 playing field to do so. To that end, we
11 respectfully request the USTR add steel sheet
12 piling and hollow bar to the list of products to
13 be subject to additional Section 301 duty and to
14 promptly impose that duty at a rate of 25
15 percent.

16 Thank you for taking these important
17 steps to address China's unfair practices.

18 MR. BURCH: Thank you, Mr. Braden.

19 Our next panel witness is Marvin
20 Brashem with M. Brashem, Incorporated.

21 MR. BRASHEM: Good morning.

22 MR. BURCH: Mr. Brashem, you have five

1 minutes.

2 MR. BRASHEM: Good morning. I am
3 Marvin Brashem, President of M. Brashem, Inc., or
4 MBI. We are a leading U.S. stock and
5 supplier/distributor of graphite electrodes and
6 specialty graphite products. We are privately-
7 owned. We were established in 1983 with
8 headquarters in Bellevue, Washington. We
9 maintain offices in Ohio and Beijing; a
10 manufacturing plant in Indiana, and sales offices
11 and warehouses across the U.S. and Canada. Our
12 companies employ 35 people in the U.S.

13 We seek the removal of graphite
14 electrodes and non-electrode specialty graphite
15 products from the proposed list of items to be
16 subject to Section 301 tariffs. Imposing the
17 additional duties on graphite electrodes and
18 specialty graphite products will not result in
19 the elimination of any Chinese practices with
20 respect to technology transfer, intellectual
21 property, or innovation. Rather, it would result
22 in disproportionate economic harm to the U.S.

1 steel industry, aluminum and metallurgical
2 industries, downstream manufacturers who
3 incorporate metal inputs into their final
4 products, and ultimately, U.S. consumers.

5 Graphite electrodes and specialty
6 graphite products are not industries targeted
7 under the Government of China's Made in China
8 2025 Initiative. The manufacture of these
9 products is based upon well-established
10 technologies.

11 In over 20 years of personal
12 experience with my wholly-owned subsidiary in
13 China, neither the Chinese Government nor any of
14 the Chinese companies with which we do business
15 have ever forced us to share its technology, form
16 joint ventures, or otherwise limit competition.

17 As polluting carbon-based industries,
18 the manufacture of graphite electrodes and
19 graphite specialty products are not subject to
20 any Chinese Government largesse. They are, in
21 fact, actively disfavored. In an effort to
22 combat industrial air pollution, the factories

1 are subject to burdensome environmental
2 regulation. In addition, graphic electrodes are
3 subject to financial disincentives. The entire
4 17 percent value-added tax rebate that is
5 normally refunded to exporters by the Chinese
6 Government has been entirely eliminated for these
7 products.

8 The second point I would like to make
9 is the imposition of 10 percent or 25 percent
10 tariffs on graphite electrodes and specialty
11 graphite products would only result in adverse
12 economic harm to U.S. interests. U.S. producers
13 of iron and steel, aluminum, and metal products,
14 and all U.S. downstream industries, would all be
15 directly and adversely impacted by increased
16 tariffs on these products. Raising the cost of
17 inputs will ultimately result in increased cost
18 to U.S. consumers. This result is contrary to
19 the intent of the Section 301 investigation.

20 Both graphite electrodes and specialty
21 graphite products are now in short supply in the
22 U.S. The primary application of graphite

1 electrodes is to power electric arc furnaces.
2 Due to the economic recovery in steel and the
3 growing reliance upon electric arc furnaces in
4 steelmaking, demand for graphite electrodes has
5 increased sharply. Between 2015 and 2017, there
6 was a 14 percent increase in U.S. steel produced
7 using electric arc furnaces. Yet, during this
8 period of strong demand, the supply of U.S.-
9 produced graphite electrodes has dramatically
10 declined.

11 Between 2015 and 2017, roughly 40,000
12 tons of electric capacity was taken out of U.S.
13 production with the permanent closure of Superior
14 Graphite's plant in Russellville, Arkansas, and
15 Graftech's idling of their St. Marys,
16 Pennsylvania facility. Graphite electrode plants
17 in Brazil and South Africa have also been
18 shuttered. Other producers have shifted some of
19 their electrodes capacity to the growing
20 production of graphite anodes for lithium ion
21 batteries, and globally, 20 percent of graphite
22 electrode production has disappeared.

1 MBI previously sourced domestic
2 graphite electrodes, but is no longer able to do
3 so. Certain graphite electrode products are no
4 longer manufactured in the U.S., and reliance on
5 Chinese imports is necessary. For example, there
6 is no U.S. production whatsoever of small-
7 diameter electrodes in the 8-to-10-inch size, nor
8 regular or high-power strength graphite
9 electrodes. These products are used by companies
10 of smaller-size furnaces for foundries and ladle
11 operations for steel mills. They must now
12 purchase Chinese product to meet the
13 requirements.

14 The supply squeeze for these products
15 is expected to continue into the foreseeable
16 future. Needle coke, a key raw material input
17 for electrodes, and specialty graphite is
18 increasingly in short supply, as needle coke is
19 being diverted to the fast-growing lithium ion
20 battery industry. Prices for graphite electrodes
21 have, thus, increased fivefold since early 2017,
22 and prices for specialty graphite have also

1 doubled.

2 There are limited sources of graphite
3 supply. At this time, only China has sufficient
4 production to serve as a reliable source to
5 bridge a shortfall in U.S. and global supply.
6 Imposition of the additional 10 percent or 25
7 percent tariff on Chinese graphite products will
8 only serve to burden the iron and steel,
9 aluminum, and other primary metal industries, the
10 very same industries that the U.S. Government has
11 sought to protect on national security grounds
12 for the imposition of Section 232 tariffs imposed
13 on imported steel and aluminum.

14 Thank you for the opportunity to
15 participate in the Section 301 process. I would
16 be happy to respond to any questions you may
17 have.

18 MR. BURCH: Thank you, Mr. Brashem.

19 Our next panel witness is William
20 Marvel, Jr., with PRCO America, Incorporated.

21 Mr. Marvel, Jr., you have five
22 minutes.

1 MR. MARVEL: Good morning, Committee.
2 My name is William Marvel, Jr., and I am the
3 Sales Manager for PRCO America.

4 As a refractory supplier to the steel
5 industry in the U.S., PRCO America is opposed to
6 any potential tariffs for products and raw
7 materials being imported from China. We are an
8 importer of refractory materials from China.

9 China is rich in refractory raw
10 materials such as magnesite, graphite, and
11 bauxite. China is one of the few countries in
12 the world that has access to these minerals. The
13 United States does not.

14 The magnesite reserves in China are
15 about 3,000 million tons, which accounts for one-
16 third of the total explored reserves in the
17 world. The explored reserves of graphite are
18 approximately 1400 million tons. After process
19 of their products, magnesite clinker and flake
20 graphite are all important raw materials for
21 quality refractory products. The market share in
22 the world is, respectively, 60 percent for

1 bauxite, 30 percent for magnesite, and 80 percent
2 for flake graphite.

3 The development and production of
4 refractory products in the United States is
5 dependent on refractory material from China.
6 According to the U.S. Geological Survey, China's
7 annual graphite exports in terms of tonnage
8 accounted for 80 percent of total world graphite
9 exports. The United States is dependent on
10 imports of natural flake graphite, which 48
11 percent come from China.

12 Our position is that tariffs for these
13 products is constantly passed onto the steel
14 industry as well as other refractory-consuming
15 industries. In turn, if their costs are
16 increased, then they will not be competitive in
17 the global market.

18 One of the requests I want to make
19 from the Committee is, with the HTS codes that we
20 have listed that affect my company, you have two
21 different categories of product. You have
22 finished goods and, then, you have raw materials.

1 I would ask that the Committee at least
2 reconsider the raw materials that would affect
3 all companies in the U.S., not use one single
4 company importing finished goods. But, if
5 there's a tariff put on all raw materials
6 imported from China, then that would affect all
7 U.S. manufacturers. So, that's one thing I would
8 ask for you to reconsider.

9 And thank you for your time.

10 MR. BURCH: Thank you, Mr. Marvel, Jr.

11 Our next panel witness is Billy
12 Milligan with Commercial Metals Company.

13 Mr. Milligan, you have five minutes.

14 MR. MILLIGAN: Good morning. My name
15 is Billy Milligan. I'm Director of Marketing
16 with Commercial Metals Company.

17 I appreciate the opportunity to appear
18 before you here today to express our support for
19 the duties on certain Chinese-origin products
20 being proposed under Section 301. We support the
21 addition of steel fence posts under HTS Code
22 73269086 to that list of products. CMC is also

1 in favor of USTR's proposal to raise the level of
2 duty from 10 percent to 25 percent, as a 10
3 percent level is not sufficient to level the
4 playing field with imports of subsidized Chinese
5 product.

6 While I testified before you in May,
7 I thought it would be helpful to provide some
8 additional background on our company today. We
9 pioneered the micromill technology, which enables
10 us to produce steel products like fence posts
11 very efficiently and at a globally-competitive
12 price.

13 As the largest producer of posts in
14 the U.S., CMC currently operates three facilities
15 in South Carolina, Texas, and Utah. We have a
16 fourth facility under construction, and after
17 three years in development and significant
18 capital and research and development investments,
19 this facility is set to begin operation this
20 month. It will use cutting-edge manufacturing
21 technology that will increase our global
22 competitiveness and will be the only plant of its

1 type in the U.S.

2 The American steel industry is as
3 modern and competitive as any in the world.
4 However, as I testified in May, unfair steel
5 imports from China have long caused serious
6 damage to our industry. While we can compete
7 with any fairly-traded imports, we simply cannot
8 compete with the large volumes of government-
9 subsidized imports from China.

10 As USTR detailed in its Section 301
11 report, imports from China have been fueled by
12 policies and unfair trade practices by the
13 Chinese Government. While the raw material
14 that's used for fence posts, the T-stock, is
15 covered under the 232 steel tariffs, the finished
16 product is not. So, therefore, China circumvents
17 those tariffs by importing fabricated finished
18 and painted steel fence posts.

19 According to the official statistics
20 maintained by the ITC, imports from China under
21 the HTS codes that include fence posts accounted
22 for nearly \$1.4 billion last year. These imports

1 have had a devastating effect on U.S.
2 manufacturers and their workers. In fact, CMC
3 estimates that Chinese-origin fencepost imports
4 have increased 82 percent since 2009, and now
5 command over 20 percent of the U.S. market.

6 When determining which products to
7 include in the additional Section 301 duty list,
8 the USTR looked at a number of factors. Do they
9 benefit from Chinese industrial policies and are
10 they included in the Made in China 2025? For
11 many decades, the Chinese steel industry has
12 benefitted from policies of the Chinese
13 Government, including multiple five-year plans
14 specific to the steel industry and, also, in the
15 Made in China 2025, which addresses its steel
16 sector in the technological roadmap for Made in
17 China 2025 priority sectors.

18 Thus, steel fence posts, like all
19 other fabricated steel products, should be
20 retained on the Section 301 list. Additional
21 duty on these products is not likely to cause
22 disruption in the U.S. market, as there are

1 multiple U.S. sources and alternative non-Chinese
2 import sources for these products from other
3 trading partners, including Mexico, Canada,
4 Germany, Japan, Taiwan, Korea, and Malaysia. CMS
5 is also not aware of any other legal or
6 administrative constraints affecting this tariff
7 line.

8 Therefore, we request that USTR
9 continue to include steel fence posts on the list
10 of Chinese products subject to the additional 301
11 Section duty. We also request that USTR increase
12 the tariff from the 10 percent to 25 percent,
13 consistent with your recent proposal. This
14 higher tariff rate will better help to level the
15 playing field between U.S.-produced product and
16 Chinese subsidized product, which is being
17 imported at extremely low and unfair pricing
18 today.

19 These unfair priced imports have a
20 significant effect on the country's industries
21 and CMC's profitability, employment, and ability
22 to invest. In response to the flood of imports

1 over the past several years, CMC has been forced
2 to close 30 locations throughout the U.S. since
3 2008 and reduce our workforce by 4,000. We
4 cannot continue to allow Chinese industrial
5 plans, technology transfer policies, and cyber-
6 enabled theft, and illegal government subsidies
7 cause further injury to U.S. manufacturers.

8 CMC thanks USTR for taking the steps
9 to address these unfair trade-related practices,
10 and we respectfully request that USTR continue to
11 include fence posts classified under the HTS Code
12 73269086 on the list of products to be subject to
13 the additional Section 301 duty and to promptly
14 impose a rate of 25 percent.

15 Thank you on behalf of CMC and our
16 more than 7,000 workforce.

17 MR. BURCH: Thank you, Mr. Milligan.

18 Our next panel witness is Adam Parr
19 with Gerdau Long Steel North America.

20 Mr. Parr, you have five minutes.

21 MR. PARR: Thank you.

22 Good afternoon. My name is Adam Parr,

1 and I'm the Director of Communications and Public
2 Affairs for Gerdau Long Steel North America.

3 Thank you for the opportunity to
4 appear before you today to express Gerdau's
5 support for the Administration's strong actions
6 on China, including the duties on certain
7 Chinese-origin products being imposed under
8 Section 301.

9 In particular, we support the
10 continued inclusion on that list of steel
11 grinding balls under HTS Nos. 73259100 and
12 73261100. Also, we request that USTR add to that
13 list steel sheet piling under HTS No. 73011000.
14 Gerdau also supports the USTR's proposal to raise
15 the level of the duty from 10 percent to 25
16 percent.

17 Gerdau is the leading producer of long
18 steel and steel grinding balls in the Americas.
19 We operate 14 steel mills in the United States,
20 employing 9,000 American workers at our
21 integrated network of recycling operations,
22 mills, and downstream facilities.

1 The steel industry in the United
2 States, including Gerdau, is globally-
3 competitive. However, unfair imports from China
4 have for years caused serious damage to our
5 industry. While we can compete, and do compete,
6 with any fair imports, we simply cannot compete
7 with the Chinese Government and its unfair
8 practices.

9 As explained in USTR's detailed
10 Section 301 report, imports from China are
11 encouraged by Chinese Government policies and
12 unfair practices with respect to technology,
13 intellectual property, and innovation. Gerdau
14 supports the efforts of the U.S. Government to
15 address these harmful practices by imposing an
16 additional duty on many Chinese products,
17 including steel grinding balls.

18 It is very important to Gerdau and our
19 industry that USTR also include sheet piling on
20 the Section 301 list. U.S. sheet piling imports
21 from China accounted for more than \$22 million in
22 2017, an increase of 46 percent from 2015 import

1 levels. And Chinese imports of sheet piling
2 remained at extremely high levels in the first
3 half of 2018, despite 232. This is, undoubtedly,
4 the result of Chinese governmental support of
5 Chinese steel producers, as well as other unfair
6 steel practices.

7 The effect of direct competition with
8 unfairly-priced imports has been disastrous for
9 Gerdau and for our employees. Our production,
10 sales, and financial performance have all taken a
11 significant hit, and we have been forced to
12 operate the facilities at far below optimal
13 capacity utilization levels. As a result, our
14 margins have suffered, and our ability to invest
15 in our operations has been limited. Retaining
16 steel grinding balls on the Section 301 list and
17 adding sheet piling would directly address
18 China's unfair trade practices and their adverse
19 impacts on the U.S. economy, including Gerdau's
20 operations.

21 USTR has noted that Section 301 duties
22 will be imposed on products that benefit from

1 Chinese industrial policies, including Made in
2 China 2025. For decades, the Chinese steel
3 industry has benefitted from policies of Chinese
4 Government, including five-year plans specific to
5 steel. The Made in China 2025 policy also
6 specifically addresses the steel sector and the
7 technological roadmap for Made in China 2025
8 priority sectors.

9 At the same time, these tariffs are
10 not likely to disrupt the U.S. economy, as there
11 are multiple U.S. and alternative import sources
12 for steel grinding balls and sheet piling.
13 Gerdau and other manufacturers produce these
14 products in the United States. There are also
15 significant import sources under the relevant HTS
16 numbers from other trading partners, including
17 Luxembourg, the UAE, Canada, Belgium, and
18 Germany. Gerdau is not aware of any other legal
19 or administrative constraints affecting these
20 tariff lines.

21 Therefore, we request that USTR keep
22 steel grinding balls on the list and add steel

1 sheet piling to the list of Chinese products
2 subject to the Section 301 duty. We also request
3 that USTR increase the tariff from 10 percent to
4 25 percent, consistent with its recent proposal.
5 This higher tariff rate will more accurately
6 level the playing field with Chinese products
7 which are being imported at extremely low, unfair
8 prices.

9 Gerdau thanks USTR and the other
10 government agencies here today involved in this
11 investigation for taking steps to address China's
12 unfair trade and related practices. Thank you on
13 behalf of Gerdau and our more than 9,000 American
14 workers.

15 MR. BURCH: Thank you, Mr. Parr.

16 Our next panel witness is Jonathan
17 Potts with Precious Metals Association of North
18 America.

19 Mr. Potts, you have five minutes.

20 MR. POTTS: Members of the Section 301
21 Committee, thank you for the opportunity to
22 testify today on behalf of the Precious Metals

1 Association of North America.

2 The Association represents the
3 interests of companies that refine, recycle,
4 manufacture, trade, and deal in precious metals,
5 including gold, silver, platinum, and palladium.
6 Many of these companies rely on imported raw
7 materials so they may recycle, refine, and
8 manufacture finished products for sale on the
9 global market. This generates valuable revenue
10 for our economy and, more importantly, supports
11 over 125,000 high-paying jobs across the country.

12 We support this Committee's efforts on
13 holding China accountable for unfair trade
14 practices, but have concerns that imposing a 25
15 percent tariff on precious metals imports will
16 backfire on our industry. Rather than bringing
17 about meaningful change with China, tariffs
18 targeting precious metals, under HTS Chapters 28,
19 38, 71, 73, and 74, will have a negative impact
20 on our domestic manufacturing base and open the
21 door for damaging retaliatory action.

22 You see, precious metals are a limited

1 resource and, as such, our domestic industry
2 relies on a global supply chain to achieve
3 success within the United States. For example,
4 the list of proposed tariffs includes HTS
5 7112.30.00, ash containing precious metals or
6 precious metals compounds. When precious metal
7 scrap is recycled, valuable ash remains that can
8 be melted, refined, and manufactured into new
9 material that can be exported back to China.

10 In 2017, we imported \$6.3 million in
11 precious metals from China, over one-third of the
12 total U.S. imports. Should China shift exports
13 elsewhere as a response to increased costs,
14 revenues for U.S. manufacturers will decrease,
15 and eventually there will be a negative impact on
16 workers, wages, and jobs.

17 China has already threatened
18 retaliation on 1.1 billion in U.S. precious
19 metals exports, including items manufactured in
20 the U.S. from Chinese scrap, as well as
21 manufacturing inputs such as silver powder for
22 solar panels and platinum group metals for

1 catalyst.

2 These kind of disruptions to our
3 supply chain would put high-paying U.S.
4 manufacturing jobs at risk. Furthermore, we
5 believe that the proposed tariffs on precious
6 metals will have a minimal impact on many Chinese
7 unfair practices that hurt our industry at home.
8 As the USTR continues to look at opportunities to
9 address Chinese unfair trade practices, I urge
10 you to remove precious metals from the
11 consideration of any additional tariff or tariff
12 increase.

13 On a final and related note, China is
14 well known for its rampant production of
15 counterfeit American products, including bullion
16 coins and bars that are often marked as replica
17 or copy on ecommerce sites and imported into the
18 U.S., and then, passed off as legitimate within
19 our borders. Understanding this is a complex
20 issue, absent a one-size-fits-all solution, it
21 would be tremendously helpful for future trade
22 agreements to include language for marking

1 requirements on imported imitation coins modeled
2 after the Hobby Protection Act.

3 Thank you for your opportunity to
4 testify.

5 MR. BURCH: Thank you, Mr. Potts.

6 Our final panel witness is Bikram
7 Singh with NewAge Casting.

8 Mr. Singh, you have five minutes.

9 MR. SINGH: I would like to thank the
10 United States Trade Representative for allowing
11 me to comment upon the acts of Section 301. This
12 is truly what makes our country the greatest
13 place in the world. We, the people, know that
14 our voice matters on these types of decisions.

15 My name is Bikram Singh. I am the
16 President and CEO of NewAge Casting. I am an
17 economist who graduated from the University of
18 Texas at Austin. Go Longhorns.

19 So, to start, the ad valorem tariff
20 tactics will benefit no one, especially in the
21 midst of a tit-for-tat trade war. This will
22 result in a very uncomfortable increase in cost-

1 of-living expenses to the end-users, the
2 consumers, our hard-working taxpayers of this
3 country. Our expenses will increase by 25
4 percent if these proposed modifications get put
5 into effect, and we will have no increase in
6 wages or salaries to offset this 25 percent ad
7 valorem tariffs. This will throw our country
8 back into a serious economic depression.

9 I am a Sikh American who resides in
10 Houston, Texas. To shed a little bit of light on
11 who Sikhs are, we are groomed from birth to
12 always help our community and stand up and fight
13 for truth, and that's why I am here in front of
14 you today.

15 NewAge Casting supplies a very niche
16 product, cast iron soil pipe and fittings used
17 for the drainage systems utilized in the
18 residential, multi-family apartments, commercial
19 construction industry. Our product is classified
20 under the Harmonized Tariff Schedule of the
21 United States HTS subheading 7303.00.0030 and
22 7307.11.0045.

1 NewAge Casting product category drains
2 the wastewater from all buildings such as
3 schools, hospitals, apartments, high-rise
4 buildings, homes, courthouses, hotels, arenas,
5 airports, jails, dorms, other industrial quality
6 commercial buildings. Any building that has
7 restrooms or kitchens or gets rain must have a
8 drainage system utilizing cast iron soil pipe and
9 fittings for their buildings.

10 This is a commodity product that has
11 been used for over 100 years. Our product is a
12 gravity-based and a very old technology which has
13 had no innovations in technology or advancements.
14 There is an international standard, such as ISO
15 and ASDM standards that are applicable to our
16 product category. These standards define the raw
17 materials, the QC procedures, product dimensions,
18 plus or minus tolerances of our products.

19 There are no companies to U.S.
20 intellectual properties or technologies to the
21 Chinese of these products. There's no evidence
22 or risk of theft of any intellectual property

1 involved in the production of cast iron soil pipe
2 and fittings for plumbing systems. Rather, the
3 productions of cast iron soil pipe fitting
4 products do not require these advanced, leapfrog
5 technologies that are in concern today. Further,
6 since cast iron soil pipe fittings do not involve
7 technologies related to the negotiations with
8 Chinese companies, there is no opportunities to
9 undermine U.S. companies and control over
10 technology in China in this industry. Finally,
11 cast iron soil pipes are not a part of the Made
12 in China 2025 Initiative. So, there's no
13 evidence that the cast iron soil pipe and
14 fittings industry in China has been a target of
15 the trade and investment practices highlighted in
16 the Section 301 report as burdensome or
17 unreasonable.

18 NewAge Casting is an American-owned
19 and operated company. We are headquartered in
20 Sugar Land, Texas. We have four distribution
21 centers across the nation to support our 250-plus
22 independent, family-owned plumbing supply house

1 stocking distributors. Additionally, we have 40
2 independent sales representatives/agencies across
3 the country to support our sales efforts
4 nationally.

5 These proposed modifications will
6 significantly impact our ability to do business.
7 This will hurt for future innovations the
8 research that was put in to study our drainage
9 systems, to engineer new coatings that NewAge is
10 the only company in our industry doing.

11 Our country is built on competition,
12 and competition is what is required for our
13 country to thrive. With no competition, two
14 things happen. Quality goes down and price goes
15 up.

16 The U.S. market of cast iron soil pipe
17 is highly concentrated. There is only three
18 major players. Two of them are dominant domestic
19 cast iron soil pipe producers, Charlotte and
20 McWane, which have had numerous FTC
21 investigations for anticompetitive behavior and
22 price-fixing.

1 CHAIR GRIMBALL: Mr. Singh, please
2 conclude. Please conclude.

3 MR. SINGH: Thank you for your time.

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

5 Madam Chairman, that concludes direct
6 testimony from this panel.

7 CHAIR GRIMBALL: We'll begin questions
8 in a few moments.

9 Okay, we're ready to begin.

10 MR. BLAHA: Thank you.

11 I had a question for Mr. Bhutada of
12 Star Pipe Products. I think in your testimony
13 you indicated that products produced
14 domestically, both the fittings and the joint
15 restraints, are not cost-competitive versus, I
16 think, any imports that you referenced. All
17 third countries are more cost-competitive than
18 the United States.

19 To the extent that production of these
20 products would increase in the United States, are
21 there scale effects, and whatnot, that would make
22 the U.S. more cost-competitive if it had a larger

1 production footprint?

2 MR. BHUTADA: There are certain scale
3 effects, but there wouldn't be enough to make
4 them cost-competitive with any import product.
5 They wouldn't be able to -- there's such a vast
6 difference between the cost of an imported
7 product from anywhere else and product produced
8 here.

9 MR. BLAHA: Okay. Thank you.

10 MS. GILLESPIE: I have a question for
11 Mr. Braden. And then, Mr. Parr, you're welcome
12 to comment also.

13 So, first off, do you believe that
14 U.S. producers have the capacity right now to
15 increase production of steel hollow bar and steel
16 sheet piling?

17 MR. BRADEN: I absolutely do. Yes, I
18 think that there's much more --

19 MR. BISHOP: Can you get a little
20 closer to your microphone, please.

21 MR. BRADEN: I'm sorry.

22 Yes, I absolutely do. There is

1 certainly a much more willingness to invest in
2 going forward and promoting with our business
3 development and engineering teams, doing so, and
4 then, we have people on the sidelines right now.
5 We're not running at full capacity at our mills.
6 So, with what has happened with China, we've
7 certainly been pushed to the side.

8 MS. GILLESPIE: Thank you.

9 MR. PARR: And from Gerdau's
10 perspective, we also have substantial unused
11 capacity at our mills within the United States.
12 So, absolutely, yes.

13 MS. GILLESPIE: Great. And could you
14 please comment on third-country sources of these
15 and what they're competitiveness is like in the
16 U.S.?

17 MR. BRADEN: I'm sorry, can you say
18 that again?

19 MS. GILLESPIE: Can you comment on
20 third-country sources, non-Chinese sources, for
21 these products in the U.S.

22 MR. BRADEN: Outside the U.S.,

1 Luxembourg is a country that brings in steel
2 sheet piling, and they compete with U.S. mills as
3 well. And I don't believe there's any issues
4 with that.

5 MS. GILLESPIE: Okay.

6 MR. PARR: And I think United Arab
7 Emirates and several other producers also ship
8 into the U.S. and compete with the U.S.

9 MS. GILLESPIE: Thank you.

10 MR. O'BYRNE: Mr. Brashem, you
11 indicate in your testimony that, between 2015 and
12 2017, that there was a significant increase in
13 U.S. steel produced using electric arc furnaces,
14 but that at the same time there was declining
15 capacity for producing graphite electrodes
16 domestically and in third countries. Would you
17 please comment on why production declined at this
18 time and whether this trend might reverse if
19 tariffs are imposed?

20 MR. BRASHEM: Well, during that period
21 of time, the graphite electrode industry
22 worldwide was an overcapacity situation and

1 prices were severely depressed. A company like
2 Superior Graphite, who actually I sat in this
3 room nine years ago and competed with them
4 against an antidumping case that was brought up
5 against Chinese electrodes -- unfortunately, with
6 the antidumping case in place and the duty rate
7 at 159 percent set for Chinese producers,
8 although we don't have that rate with our
9 importation, they were unable to compete, and
10 they were competing against other producers
11 around the world, and they failed to survive.
12 So, they shut down that operation and they sold
13 it to an operation that is involved in the
14 production of products, I understand, for the
15 lithium ion/anode business.

16 At the same time, similarly, Graftech,
17 who was a U.S.-owned company -- now they're
18 Canadian-owned -- shut down their operation or
19 idled their operation in St. Marys, Pennsylvania,
20 and so, once again, because there was
21 significantly-depressed pricing. This industry
22 is an oligopoly. There's few producers around

1 the world. There's a few pockets. A lot of
2 production shifted, then, as I stated, to the
3 lithium ion/anode business.

4 So, in addition to our sourcing from
5 China, we also source material from the Ukraine
6 and we also source material from Japan. Our
7 Japanese producer has a production capacity of
8 40,000 tons, or had, of graphite electrodes.
9 But, during this downturn, they shifted a
10 percentage of their capacity to the lithium
11 ion/anode production. And today, they limit
12 their production at 20,000 tons of capacity.

13 So, at the same time, Chinese steel
14 production increased -- as use of EAF production
15 has increased, they've tried to control their
16 environmental issues. So, they pushed for the
17 development of EAF in China. And our production,
18 because companies like Nucor, Gerdau, and CMC
19 only use EAF in their production of steel, their
20 business has grown back up. I think
21 capacity/utilization today is about 76 percent.
22 Gerdau has built -- CMC has built more micromill.

1 Nucor is building micromills. They're using more
2 electrodes in their production. And so, it just
3 swung at the right time, and as a result, we saw
4 prices increase fivefold on graphite electrodes
5 at the beginning of 2017 and severely impacted
6 the steel producers.

7 MR. O'BYRNE: Thank you.

8 MR. FLEMING: Mr. Marvel, you
9 mentioned that about half of all imports of
10 natural flake graphite come from China. Who are
11 the other third-country importers, suppliers?

12 MR. MARVEL: Some graphite comes from
13 Brazil and, then, also Europe.

14 MR. FLEMING: And if prices were to
15 increase for Chinese imports, would the U.S. be
16 able to switch into those suppliers?

17 MR. MARVEL: They would, yes. There
18 would be a capacity concern, though.

19 MR. FLEMING: Okay. Could you
20 elaborate on that?

21 MR. MARVEL: I would have to do some
22 more homework and response to that in writing,

1 but I can and will do so.

2 MR. FLEMING: Thanks.

3 MR. RIGBY: Mr. Milligan, in your
4 testimony you stated that imports of steel fence
5 posts from China grew by 82 percent since 2009
6 and now account for 20 percent of the U.S.
7 market. Just for some context, could you
8 estimate the market shares for other sources,
9 notably domestic producers and any leading third
10 countries, and whether that rapid Chinese growth
11 -- which portion of the share impacted domestic
12 producers versus other third countries?

13 MR. MILLIGAN: Well, first of all, I
14 don't have exact knowledge of competitors' market
15 shares, but the China fencepost market, as I
16 said, has grown to a little over 20 percent
17 today. It imports about 70,000 tons of the
18 product per year. CMC is the largest producer.
19 We produce and maintain a market share of about
20 35 percent in the U.S. market, and I think the
21 other four producers are probably about of equal
22 footing of what they produce.

1 MR. CONCEICAO: Mr. Parr, in your
2 testimony, actually you and Mr. Braden discussed
3 -- was it sheet piling? -- steel sheet piling and
4 grinding balls. And you've already said your
5 companies have sufficient capacity to meet any
6 shortfall in demand, were duties to be imposed on
7 Chinese products. You mentioned there were a
8 number of third-country suppliers, UAE, Canada,
9 Luxembourg. To your knowledge, do they have
10 excess capacity as well that could be used to
11 meet demand, should your capacity not be able to?

12 MR. BRADEN: I can speak for
13 Luxembourg. Yes, they do.

14 MR. CONCEICAO: Okay. And one other
15 question I wanted to ask, open to either of you,
16 are either of the HTS numbers you referenced for
17 sheet piling or grinding balls currently subject
18 to the Section 232 duties? I don't think the
19 balls are, but --

20 MR. PARR: I believe the codes for
21 sheet piling are subject to 232; grinding ball,
22 not.

1 MR. CONCEICAO: Okay. And have you
2 noticed an impact in the pricing of sheet piling
3 since the imposition of those duties?

4 MR. BRADEN: It's been very minimal.

5 MR. CONCEICAO: Really?

6 MR. BRADEN: Yes.

7 MR. CONCEICAO: Okay. Thank you very
8 much.

9 MR. RIGBY: A question for Mr. Potts.
10 In your statement, you argue that tariffs will
11 disrupt you supply chain. But, given the global
12 market for precious metals, what are the primary
13 obstacles that would prevent you from buying
14 these materials from other global suppliers?

15 MR. POTTS: Much of this is recycled
16 material. So, raw materials -- I'm sorry -- raw
17 materials are coming from China to U.S. refiners
18 and manufacturers who, then, remanufacture, if
19 you will, those materials, which are exported
20 back to China. So, it's a bit of a recycling
21 process between us and China themselves. So, we
22 send them product that they use in some of their

1 manufacturing processes. Their scrap produced,
2 scrap is, then, sent back to the U.S., where it
3 is recycled once again.

4 CHAIR GRIMBALL: Okay. This question
5 is for Mr. Singh. Mr. Singh, I believe your
6 written summary might have focused somewhat on
7 epoxy-coated fittings, is that correct? Are
8 there any domestic sources for the epoxy-coated
9 products?

10 MR. SINGH: Bikram Singh, NewAge
11 Casting.

12 NewAge Casting innovated the epoxy-
13 coated cast iron to the plumbing industry in the
14 United States about five years ago. There's been
15 no innovations for the domestic producers, to my
16 knowledge, for over 40 years.

17 CHAIR GRIMBALL: And where do your
18 company's competitors import their products from?

19 MR. SINGH: My two largest competitors
20 are domestic producers.

21 CHAIR GRIMBALL: Okay.

22 MR. SINGH: They control, roughly, 95

1 percent of the market share.

2 CHAIR GRIMBALL: And their products
3 are 100 percent U.S. content, as far as you know?

4 MR. SINGH: I believe the raw
5 materials are sourced globally because they're
6 using scrap iron, and that's a commodity that's
7 bought all over the globe. They might be buying
8 it from local sources here in the U.S., but it's
9 probably coming from all over the world. The
10 coke that is used in our manufacturing process is
11 probably sourced locally.

12 CHAIR GRIMBALL: Okay. Thank you.

13 MR. BISHOP: We release this panel
14 with our thanks.

15 CHAIR GRIMBALL: Okay. We are going
16 to take about a 30-minute break for lunch. If
17 everyone could return at about 1:10?

18 (Whereupon, the above-entitled matter
19 went off the record at 12:38 p.m. and resumed at
20 1:07 p.m.)

21 MR. BISHOP: Mr. Chairman, our first
22 witness on this panel is William Brennan with

1 BISSELL Homecare, Incorporated. Mr. Brennan, you
2 have five minutes.

3 MR. BRENNAN: Good afternoon, Mr.
4 Chairman. My name is Bill Brennan and I am
5 General Counsel for BISSELL Homecare, Inc.

6 BISSELL is a U.S. company based in
7 Grand Rapids, Michigan. We were founded in 1876
8 by Melville and Anna Bissell and we remain family
9 owned and operated.

10 For 142 years, we have made and sold
11 innovative and affordable products for home
12 cleaning. We have over 700 employees in the
13 United States and 1,000 employees worldwide, and
14 we're the world's number one floor care brand.

15 Last year, over ten million U.S.
16 consumers purchased BISSELL cleaning devices.
17 BISSELL imports these products into the United
18 States from China and almost all are classified
19 as vacuum cleaners.

20 We are here to ask that you remove
21 vacuum cleaners and parts of vacuum cleaners from
22 the tariff list, and here's why.

1 First, a tariff on vacuum cleaners
2 will harm U.S. consumers. Most of our products
3 are sold at value price points to middle and
4 lower-middle class consumers. BISSELL will have
5 no choice but to raise its prices in response to
6 this tax and so, these consumers are the ones who
7 will be burdened.

8 To the extent consumers choose not to
9 purchase our products because of these price
10 increases, then our retail customers and
11 employees will suffer, and our continuing efforts
12 to reinvest in our business with new innovations
13 will be radically compromised.

14 And in fact, that compromise has
15 started already. We were planning to add 100
16 jobs in Grand Rapids in the next year, but the
17 threat of these tariffs has put the brakes on
18 those plans, as we wait to see how the tariffs
19 will affect our business.

20 If the goal of this administration is
21 to add jobs to the U.S. economy, the result of
22 these proposed tariffs at BISSELL couldn't be

1 more counterproductive.

2 Second, BISSELL cannot currently
3 source our vacuum cleaners outside China. We
4 have been scouting for non-China sourcing options
5 for years, to no avail.

6 We know of two quality vacuum cleaner
7 manufacturers in Malaysia, but our competitor
8 Dyson, a U.K. company, has exclusive arrangements
9 with both. And Dyson's products are sold at much
10 higher prices, over \$300 per unit, which suggests
11 a higher cost structure at those vendors.

12 Meanwhile, all vacuum cleaners at
13 middle or lower price points in our economy,
14 including those sold by BISSELL, are currently
15 made in China.

16 It's a mistake to assume China's cost
17 advantage is based on labor costs. Rather, China
18 has developed a unique infrastructure of capital
19 investment and skilled suppliers to support the
20 floor care industry in a highly efficient manner.

21 BISSELL has strategic relationships
22 with eight assembly facilities in Shenzhen and

1 Suzhou and a network of close to 30 parts
2 manufacturers, each with substantial investments
3 in injection molding, motor winding, wire and
4 cord making, filter manufacturing, circuit board
5 assembly, and other necessary fabrication
6 operations and testing fixtures, which allow them
7 to efficiently feed quality parts to our assembly
8 vendors.

9 These facilities combine to
10 manufacture 160 different product platforms for
11 BISSELL. And each platform requires almost 200
12 unique tools and dies.

13 If you do the math, this supply chain
14 is molding over 30,000 separate, unique BISSELL
15 parts. That is an enormous amount of production
16 capacity, at least as far as we're concerned.

17 This capacity can't just be picked up
18 and moved. We recently moved a single platform
19 and it took a year and a half in planning and
20 another nine months of problem solving after the
21 move. And that was a move to an already known
22 and skilled supplier in the same region.

1 Any transfer to a new supplier in a
2 new country would take considerably more time and
3 effort. Our company does not have the resources
4 to move multiple platforms at the same time and
5 it would take years to move even a share of our
6 production operations.

7 In the meantime, the cost increases
8 driven by these tariffs will be magnified on the
9 retail prices for our products, as they pass
10 through the chain of distribution. This will
11 compromise the value proposition we offer
12 consumers, which drives our competitiveness in
13 the market.

14 Finally, vacuum cleaner manufacturing
15 is not a strategic technology identified by
16 China's Made in China 2025 plan. And there is no
17 reason to believe a tariff on vacuum cleaners
18 will advance the goal to eliminate China's
19 practices related to technology transfer,
20 intellectual property, and invasion.

21 So, in sum, the proposed tariffs on
22 vacuum cleaners and related parts will

1 disproportionately harm both BISSELL, a U.S.
2 company, and our value seeking U.S. consumers,
3 through radical price increases. And there is
4 nothing we can do to reduce our reliance on
5 Chinese sourcing in the years ahead.

6 For these reasons, BISSELL urges USTR
7 to remove vacuum cleaners from the tariff list.
8 Thank you very much.

9 MR. BISHOP: Thank you, Mr. Brennan.
10 Our next witness is Earl Jones with GE
11 Appliances. Mr. Jones, you have five minutes.

12 MR. JONES: Thank you. Good afternoon.
13 Again, Earl Jones is my name. I'm Executive
14 Counsel with GE Appliances.

15 I've been with GE Appliances for over
16 30 years, when it was first a division of the
17 General Electric Company, and then, after the
18 2016 acquisition by Haier, a subsidiary now of
19 that global appliance manufacturer.

20 I wanted to talk today about the
21 issues facing GE Appliances as a U.S.
22 manufacturer. And to describe to you why these

1 proposed tariffs are an impediment to continued
2 survival, production, and growth as an American
3 manufacturing company.

4 Now, some of you may remember that I
5 was here earlier in the 201 proceeding for
6 washers and also was involved in earlier
7 proceedings involving tariff proposals for anti-
8 dumping proceedings involving washers.

9 So, you might wonder why I'm here
10 today talking about tariffs. Well, again, it's
11 because I'm talking on the question now on behalf
12 of American manufacturers and the employees that
13 we have in Louisville, Kentucky, in Alabama, in
14 Tennessee, in Georgia, and in South Carolina, and
15 what it takes for an American manufacturer to
16 grow in the United States today.

17 So, although GE Appliances does import
18 some specialty and niche products, again, today,
19 I want to talk about those that we manufacture
20 here in the United States.

21 And I want to talk specifically about
22 three particular reasons why this is important

1 for GE Appliances and for other American
2 manufacturers.

3 First, the products that we're talking
4 about here, these inputs are both low value-added
5 commodities, which make them poor candidates for
6 on-shoring. In fact, other countries are already
7 lining up to take the place of China, should they
8 be relocated from importation from China.

9 Second, access to global commodities
10 like these allows U.S. manufacturers to make
11 products that compete with finished goods
12 imported into the United States, that use the
13 same global commodities.

14 Third, driving up the cost of these
15 inputs threatens the very real jobs and much
16 higher value-added production operations, like
17 those in the states I mentioned earlier.

18 So, I want to just illustrate this by
19 talking about three particular components that
20 are used in the manufacture of our products.

21 And the first one is AC motors. These
22 are used to enclose washers that are manufactured

1 in our plant in Louisville, Kentucky, where 850
2 employees of the 6,000 employees at Appliance
3 Park work.

4 These motors are not made in the
5 United States, they haven't been made in the
6 United States for many years, and certainly not
7 in the quantities required to supply the U.S.
8 appliance manufacturing industry.

9 This is the kind of product that I
10 suppose you might say sort of devolved to be
11 manufactured in China, a place where both the
12 labor and capital costs were such that they could
13 afford to produce products that were both of a
14 certain level of technology, low cost, low margin
15 kind of products.

16 And of course, I think those are the
17 reasons, particularly the low margin, why these
18 products left the United States to begin with.

19 So, this is one example of a product
20 which is critical for the manufacture of washers,
21 is not available in the United States, no
22 prospect of it returning to the United States,

1 and doesn't seem to be connected to any grand
2 industrial policy that any country, particularly
3 China, would be pursuing.

4 Let's talk next about fans, fan
5 assemblies. These are products that we use in
6 our plant in Lafayette, Georgia. There's a
7 cooking facility there that has about 1,900
8 associates.

9 And these fans are used both to help
10 disperse heat throughout the product, as well as
11 to cool the electronics that are used in the
12 product. So, they have both a performance and a
13 safety role to play.

14 The reason why I mention these is
15 because this is another one of these products
16 which has a particular function, again, low cost,
17 low margin, not particularly high in technology.
18 And it's also devolved to be manufactured in
19 China.

20 And then, finally, talk about
21 conductors, or wire harnesses. These are the
22 products that basically are attached to these

1 products that conduct electricity or move it from
2 one part of the product to another.

3 These, I want to talk about their use
4 in the manufacture of top-load refrigerators,
5 which are manufactured in our plant in Decatur,
6 Alabama, by our 1,400 employees there.

7 On the 29th of June, GE Appliances
8 announced that it was going to be proceeding with
9 an investment of \$115 million, to increase the
10 production capacity of that facility by about 40
11 percent.

12 Eleven days later, we learned about
13 the proposal to impose tariffs on products that
14 would be used as inputs to that product.
15 Nonetheless, we proceeded with that investment.

16 And I think you should understand the
17 potential impact of not only that particular
18 component, which may be adding a few dollars, but
19 all these components together, when you add them
20 together, the motors, the wire harnesses, the
21 fans, the conductors, all these things basically
22 together could add as much as \$12, \$15, or \$20 to

1 the cost of a product, which at retail then could
2 be anywhere from \$40 to \$50, and that doesn't
3 include the cost of inflation, which in the case
4 of metals and other commodities, have been
5 increasing recently for other reasons altogether.

6 CHAIR BUSIS: Thank you, Mr. Jones,
7 we'd be happy to read the rest of your testimony
8 in your written submission. Thank you.

9 MR. BISHOP: Thank you, Mr. Jones. Our
10 next witness is Jim Estill of Danby Appliances.
11 Mr. Estill, you have five minutes.

12 MR. ESTILL: My name is Jim Estill. I
13 am CEO and owner of Danby Appliances. So, we're
14 family owned. We manufacture, assemble, and
15 distribute appliances throughout the world, but
16 most of our sales are in the United States.

17 We're here to ask for tariff relief
18 only on items which are not manufactured in the
19 States by ourselves or any other company.

20 So, these are products which are only
21 manufactured outside of the United States and
22 primarily manufactured in China, sort of for the

1 same reasons that the gentleman from BISSELL
2 said, that the supply chain has been very
3 perfected, the manufacturing of these small
4 refrigerators and freezers and air conditioners.

5 From 1979 to 2014, 9,000 people died
6 during heat waves because of the heat in the
7 United States. During that same time period, in
8 2010, one year only, in Russia, 55,736 people
9 died. The primary reason for that is, in Russia,
10 there was not access to affordable air
11 conditioning.

12 If we maintain the duty rate on window
13 air conditioners and portable air conditioners,
14 there will be deaths as a result. It is an
15 affordability issue.

16 I assume none of you have window air
17 conditioners, you all have central air
18 conditioners. But our customers tend to have
19 window air conditioners, they tend to be very
20 entry-level.

21 In the United States, 150 tons of food
22 is wasted every single day. That amounts to \$65

1 billion per year. If we do not give consumers
2 access to affordable refrigeration and freezers,
3 there will be increased food waste and that will
4 be at the cost of those who can least afford it.

5 Thank you and I look forward to your
6 questions.

7 MR. BISHOP: Thank you, Mr. Estill.
8 Our next witness is Bruce Procton of Endura
9 Products, Incorporated. Mr. Procton, you have
10 five minutes.

11 MR. PROCTON: Thank you. Good
12 afternoon, my name is Bruce Procton and I'm the
13 CEO and President of Endura Products, a U.S.
14 manufacturer headquartered in Colfax, North
15 Carolina.

16 I appreciate the opportunity to
17 testify here today and I want to thank the U.S.
18 Trade Representative and all those involved in
19 the Section 301 investigation for their hard work
20 in taking these important steps to address
21 China's unfair practices.

22 Today, I want to talk about the

1 harmful effects that China's practices have had
2 on Endura, the leading manufacturer of components
3 for entry door systems in the United States.

4 Endura strongly supports USTR's
5 determination to include HTS codes for a number
6 of entry door system components on List 3, but we
7 also urge USTR to add additional entry door
8 components to the list, such as door thresholds
9 and exterior door frames.

10 Door thresholds are typically one of
11 the more highly engineered components of entry
12 door systems.

13 Endura also strongly supports
14 increasing the proposed duty from ten to 25
15 percent.

16 Endura is a family owned business,
17 founded in 1954 by my grandfather. Over time,
18 our product line has evolved to focus on door-
19 related components and hardware, including
20 thresholds, sill, and frame products.

21 In short, Endura manufactures exterior
22 door components, including door thresholds, door

1 frames, astragals, locks, and hardware. A
2 finished door unit is comprised of a door
3 threshold, door frames, a door panel, glass
4 insert, hinges, and weather stripping.

5 Other than the door panel, glass
6 insert, and hinges, Endura sells these components
7 to pre-hangers, who then assemble the final
8 finished door unit for delivery to contractors
9 and developers for installation at the project
10 site.

11 Endura currently has production
12 facilities in North Carolina, Texas, and Oregon,
13 employing over 700 people.

14 Unfortunately, several of our
15 competitors within the industry have either
16 abandoned or bypassed U.S. manufacturing and are
17 now principally importing the overwhelming
18 majority of their door components from China and
19 reselling at prices which are far below our costs
20 to manufacture domestically.

21 As I mentioned, we strongly support
22 the inclusion of the entry door components that

1 are already included in List 3 and urge USTR to
2 also include other important components that do
3 not appear on the list, specifically door
4 thresholds and exterior door frames.

5 Door thresholds, in particular, have
6 been the target of widespread and consistent
7 circumvention and design appropriation efforts by
8 our competitors.

9 In 2011, the U.S. aluminum extrusions
10 industry successfully petitioned for anti-dumping
11 and countervailing duty relief from unfairly
12 priced Chinese aluminum extrusions.

13 Door thresholds, our main product
14 line, were expressly included in the scope of
15 these orders. However, since the imposition of
16 relief, our competitors have stopped at nothing
17 to evade the duties.

18 These evasion schemes involve
19 classifying thresholds under wrong HTS
20 subheadings, manipulating the chemical
21 composition of the aluminum, and trans-shipping
22 the product through other countries.

1 As a result, imports of extruded
2 aluminum door thresholds from China have
3 increased by more than 55 percent since 2015,
4 primarily at Endura's expense.

5 In addition, several of our import
6 competitors are now attempting to have the
7 thresholds removed entirely from the scope of the
8 orders. This would have a disastrous effect on
9 our business.

10 Unfortunately, our door component
11 industry is a perfect illustration of how U.S.
12 importers, with the help of their Chinese
13 suppliers bent on cheating the system, can
14 undermine trade relief that U.S. industries are
15 owed.

16 Faced with this continued harm from
17 unfair imports, at the beginning of this year,
18 Endura took several steps at U.S. Customs and the
19 Department of Commerce to enforce the anti-
20 dumping and countervailing duty orders on
21 thresholds. However, progress is slow and the
22 harm is continuing.

1 Apart from our enforcement efforts,
2 Endura is also seeing our products copied by
3 Chinese producers and subsequently sold in the
4 U.S. market in direct competition with our own
5 product manufactured right here in the United
6 States.

7 For example, after certain of Endura's
8 patents on particular door thresholds and wood
9 frame products expired, we noticed virtually
10 identical product coming from China at prices far
11 below our costs of production. These products
12 were and continue to be priced 15 to 25 percent
13 below ours.

14 The continued evasion of the AD and
15 CVD duties meant that these products gained quick
16 acceptance in the U.S. market, because these
17 Chinese copies were based almost entirely on our
18 designs that had an established presence and
19 strong demand in the U.S. market.

20 Chinese producers simply reproduced
21 our designs, sold them as their own, took market
22 share from us using our design at prices well

1 below our costs of production.

2 Now, to make matters worse, recent
3 tariffs on raw materials like aluminum have
4 raised our domestic manufacturing costs, but
5 Chinese manufactures face no such increases.

6 To prevent them from further
7 undercutting our prices, it's imperative that
8 this administration impose tariffs on the semi-
9 finished and finished products that these Chinese
10 manufacturers are exporting to the U.S. market.

11 Over the last seven years, Endura has
12 been fighting to gain a level playing field, but
13 our efforts have been repeatedly thwarted by
14 unfair, and often illegal, activity.

15 On behalf of Endura, our workers, and
16 the communities in which we are located, we urge
17 you to address the harmful impact that China's
18 practices have had on our industry by including
19 in List 3 all relevant door component HTS codes,
20 which we will provide in our written comments,
21 and to increase the proposed tariff from ten to
22 25 percent.

1 China's unfair practices have been
2 allowed to continue for too long and it's now
3 time for decisive action. Thank you for your
4 time and attention and I'd be happy to answer
5 your questions, when you have them.

6 MR. BISHOP: Thank you, Mr. Procton.
7 Our next witness is Amanda Robbins with Signature
8 Brands, LLC. Ms. Robbins, you have five minutes.

9 MS. ROBBINS: Good afternoon. I'm
10 Amanda Robbins, Director of International
11 Procurement at Signature Brands, LLC. For the
12 past 13 years, I've planned, developed, and
13 directed the purchase of international goods and
14 services for Signature Brands.

15 Signature Brands is a United States-
16 based manufacturer and distributor of Cake Mate
17 and Betty Crocker brands of dessert decorating
18 products, PAAS Easter egg decorating kits,
19 Pumpkin Masters pumpkin carving and decorating
20 kits, and GiftPop Quality Popcorn.

21 Signature Brands owns and operates two
22 manufacturing facilities, a distribution center,

1 office space, and a warehouse in Ocala, Florida,
2 and leases a sales office in Bentonville,
3 Arkansas. We have over 300 employees in the
4 United States.

5 We urge this administration not to
6 impose the proposed Section 301 duties on
7 Signature Brands products, as it would have a
8 detrimental effect on our employees, our
9 business, and our customers.

10 Signature Brands products are used to
11 create memories and build family traditions
12 throughout the holiday seasons. The proposed
13 Section 301 duties on our seasonal consumer
14 products will have a disproportionate adverse
15 impact on customers.

16 Signature Brands affirms that the
17 imposition of additional tariffs on seasonal
18 products will not be practicable or effective in
19 obtaining the elimination of China's acts,
20 policies, or practices related to technology
21 transfer, intellectual property, and innovation.

22 We further submit that imposing the

1 proposed additional duties on these seasonal
2 products will cause economic harm to our company.

3 PAAS and Pumpkin Masters are
4 inexpensive products intended for a single
5 holiday season use. They are disposable and not
6 technologically advanced products, thus having no
7 desirable intellectual property or trade secrets
8 that will help the Chinese advance their
9 initiatives in the China 2025 plan.

10 The only impact of the proposed
11 additional ten or 25 percent tariff will be an
12 increase in prices. An increase in price will
13 impact not only the American consumer, but will
14 result in a loss of sales for Signature Brands
15 and adversely impact our business.

16 PAAS is a 140-year-old brand, offering
17 Easter egg coloring kits containing dye and
18 various other components, such as stickers,
19 paints, and glitter, to color and decorate eggs
20 as part of the American Easter holiday tradition.

21 The specific HTS that impacts these
22 dye kits is 3212.9000. Americans purchase more

1 than ten million PAAS Easter egg coloring kits
2 each season that decorate as many as 230 million
3 eggs.

4 Because these are disposable single-
5 use kits, the cost to produce and the price the
6 consumer is willing to pay must remain low. Any
7 slight increase will reverberate through the
8 consumer, to the retailer, to Signature Brands.

9 Every October, Americans throughout
10 the United States carve pumpkins with family and
11 friends. Pumpkin Masters provides fun,
12 decorative, and safe pumpkin carving and
13 decorating options.

14 Pumpkin Masters is the creator of the
15 world's first pumpkin carving kit and is deeply
16 committed to upholding its reputation as
17 America's trusted Halloween brand.

18 The products impacted by the proposed
19 tariff for Pumpkin Masters include HTS codes that
20 you can read in your comments. Again, because
21 these are a one-time, single-use purchased
22 product, the cost to produce must remain low.

1 The inclusion of these proposed tariff
2 headings will cause significant challenges for
3 our company and the markets we serve. Retailers
4 and their customers have proven unwilling to pay
5 higher prices for these single-use seasonal
6 products.

7 Signature Brands could not absorb the
8 additional costs. Retailers are unwilling to
9 absorb these additional costs. So, this would
10 only leave customers having to pay the increased
11 prices to cover the additional tariff.

12 Signature Brands respectfully requests
13 the U.S. Trade Representative exclude the
14 aforementioned HTS designations from the list of
15 proposed goods subject to an additional ten or 25
16 percent tariff pursuant to the Section 301
17 investigation.

18 Thank you for the opportunity to
19 testify today and I look forward to any questions
20 you may have.

21 MR. BISHOP: Thank you, Ms. Robbins.
22 Our next witness is Brandon Sparrow with Camp

1 Chef - Vista Outdoor. Mr. Sparrow, you have five
2 minutes.

3 MR. SPARROW: Good afternoon and thanks
4 for this opportunity to be able to address these
5 issues.

6 My name is Brandon Sparrow and I'm the
7 Chief Operating Officer of Camp Chef. Camp Chef
8 is headquartered in Hyde Park, Utah. We directly
9 employ 70 employees. Camp Chef has been in
10 business for 19 years.

11 Camp Chef's products cover all manner
12 of outdoor cooking and entertainment products,
13 from stoves to ovens to smokers and accessories
14 that we use in the outdoors for cooking,
15 including camp chairs and tables.

16 Our goal is to design and make
17 products that enable Americans to cook
18 effectively and efficiently and affordably in the
19 outdoors.

20 Settings that typically are used are
21 camping, tailgating, back patio, all the
22 different areas where people gather and enjoy

1 great food.

2 There's not enough time allotted for
3 me to talk about all the different products that
4 are going to be hit by these tariffs. The full
5 list is supplied to each of you there.

6 The one that I would like to cover,
7 and we have in-depth written in comments, is, I
8 will focus my time on our core product. Of our
9 whole line of products at risk, that product is
10 the portable stove.

11 It's HTS number 7321.11.10. Normally,
12 it has a duty of 5.7 percent, which is used for
13 all outdoor activities, like tailgating, camping,
14 et cetera.

15 Our total import of portable stoves
16 last year amounted to almost 6.5 million. Our
17 total U.S. imports of products under the same
18 heading amounted to 151 million. Ninety-four
19 percent of those came from China. Obviously,
20 there's no other meaningful source for these
21 products.

22 We do not make them in the United

1 States, we are unaware of anybody else who makes
2 a comparable product in the United States. There
3 are only some very high-end and niche products
4 that are likely classified under another HTS
5 heading.

6 Our portable stoves are designed for
7 Americans to cook great food outdoors. Whether
8 that be tailgating, camping, a picnic at the
9 park, or even backyard, our stoves allow the
10 customer to prepare healthy fresh food and enjoy
11 time with their family and friends.

12 It is so much healthier and more
13 enjoyable than the alternative fast food that we
14 all have become accustomed to here in America,
15 and much better than a bagged lunch.

16 Nobody wants to take a bagged lunch
17 and eat it on the Fourth of July, you want to
18 have a wonderful time when you're with your
19 family and friends on that occasion.

20 Our stoves are a great value and are
21 aimed at mass-market, but they are not cheap.
22 Ensuring that these stoves are safe and sturdy

1 does not come without a cost.

2 The average American family who buys
3 one of our products tends to think through this
4 process. They save a little bit, they may even
5 buy it on credit, or they may buy it over time.

6 We sell reliable and affordable
7 products to Middle America. We sell it in big
8 box retail stores and directly to the customers
9 through our websites.

10 Our customers don't have a lot of room
11 in their budgets to absorb an extra ten or even
12 25 percent in added costs on their camping
13 stoves.

14 The result of imposing these punitive
15 duties will be that a lot of people will simply
16 not buy Camp Chef stoves. Or even worse, they'll
17 make use of their older ones, many of which are
18 worn out, not safe, and will cause major issues,
19 as far as liability. And worse yet, some will
20 even do without altogether.

21 What does that achieve? Ordinary
22 Americans will no longer be able to afford

1 grilling before the big game or camping in the
2 woods with their friends and family.

3 Who's to benefit? Honestly, it's not
4 clear to us. We fully understand the
5 administration's concerns about Chinese
6 industrial policies and that their target of
7 high-tech industries, as well as the need to push
8 back against intellectual property theft.

9 But that isn't Camp Chef, that's not
10 Camp Chef products on the list, have nothing to
11 do with anything along those lines. They're not
12 high-tech products covered by the Made in China
13 2025 program.

14 They are also not products that
15 commonly experience intellectual property
16 problems in China. Ironically, my factories I
17 work with in China are my greatest advocates.

18 They want Camp Chef to succeed as much
19 or more as anybody in America wants us to
20 succeed. I have long-term relationships with
21 them, they know me well, they know the brand
22 well, and they want the brand to succeed.

1 We also understand the desire to move
2 against China's retaliatory tariffs, but I just
3 don't see the point of slapping punitive tariffs
4 on portable stoves, outdoor projection screens,
5 camp tables, and most importantly, outdoor
6 grills.

7 I don't think China cares that much
8 and this is certainly not going to intimidate
9 them. The only ones that will be hurt in this is
10 the American consumer and companies like ours
11 that are trying to design and produce affordable,
12 fun ways for Americans to enjoy the outdoors and
13 take care of their back grilling needs.

14 Thank you for considering my testimony
15 today and I look forward to questions later.

16 MR. BISHOP: Thank you, Mr. Sparrow.
17 Our next witness is David Aquino with SharkNinja
18 Operating, LLC. Mr. Aquino, you have five
19 minutes.

20 MR. AQUINO: Thank you. Good
21 afternoon. My name is David Aquino and I'm the
22 Executive Vice President of Global Operations and

1 IT with SharkNinja Operating Company, LLC, and I
2 appreciate you allowing me to testify today.

3 SharkNinja is headquartered in
4 Needham, Massachusetts and has operations
5 throughout the U.S. We design and distribute
6 vacuum cleaners, kitchen and other small
7 household appliances.

8 We've grown our sales volume by more
9 than five times over the past ten years. During
10 that time, our headcount in the U.S. has grown
11 from less than 100 to approximately 650
12 employees.

13 Our growth has been fueled by research
14 and development activities undertaken here in the
15 U.S., and much of the additional headcount are
16 engineers that work in high-paying product
17 development roles.

18 The majority of our products are
19 produced by third-parties in China and are
20 imported under a number of subheadings of the
21 U.S. Harmonized Tariff Schedule.

22 We'll comment more on the tariff codes

1 in our written submission, but today, I wanted to
2 focus on vacuum cleaners and related parts.

3 Those products are classified under subheadings
4 8508.11.00, 8508.60.00, and 8508.70.00.

5 First, most of the intellectual
6 property that we use is developed internally and
7 we protect our intellectual property in the U.S.
8 and elsewhere via patents. We rely on our close
9 relationships with a small number of
10 manufacturing partners in China, and we oversee
11 them carefully.

12 In addition, we have agreements with
13 those partners that include robust intellectual
14 property protection provisions and processes in
15 place to identify and address counterfeit
16 products.

17 As a result of those measures, we're
18 not aware of any material misappropriation of IP
19 relating to our vacuum cleaners. Therefore, we
20 do not feel that imposing additional duties on
21 those products would be practicable or effective
22 to reduce China's unfair acts, policies, and

1 practices related to intellectual property.

2 Second, we cannot absorb a ten to 25
3 percent increase in costs for our vacuum cleaner
4 products, nor can the retailers that we sell to.
5 Accordingly, the cost of the additional duties,
6 or at least some portion thereof, will need to be
7 passed on to U.S. consumers.

8 The end result would be an increase in
9 prices on vacuum cleaner products that U.S.
10 consumers use and depend on for everyday home
11 cleaning needs.

12 Third, by raising prices, we would
13 almost certainly see a reduction in our sales
14 volume, or we will be forced to absorb at least a
15 portion of the additional duties ourselves.

16 This will impede our ability to
17 maintain our financial commitments and invest in
18 new research and development activities. As a
19 result, our ability to develop new and innovative
20 products and create new intellectual property in
21 the U.S. will be diminished.

22 Lastly, the vast majority of vacuum

1 cleaners sold in the U.S. today are manufactured
2 in China and moving our manufacturing operations
3 outside of China would not be practical.

4 At best, it would take years and a
5 significant investment, since the manufacturing
6 know-how, supply chain infrastructure, and
7 specialized skills for our types of products are
8 not readily available in other countries,
9 including the U.S.

10 We've invested heavily in quality and
11 supply chain oversight for our suppliers and
12 replicating that elsewhere would take time and
13 would create the risk of diminished quality of
14 our products.

15 To the best of our knowledge, there
16 are no major vacuum brands in the U.S. that
17 manufacture outside of China, except for Dyson,
18 which is headquartered and conducts its R&D in
19 the U.K.

20 As a result of the negative impact
21 that these duties will have on U.S. consumers and
22 businesses, we respectfully request that the

1 tariff subheadings covering vacuum cleaners and
2 related parts be removed from the list of
3 products subject to additional duties under
4 Section 301. Thank you so much for your time.

5 MR. BISHOP: Thank you, Mr. Aquino.
6 Our final witness on this panel is Robert Kyle
7 with Spectrum Brands. Mr. Kyle, you have five
8 minutes.

9 MR. KYLE: Good afternoon. For the
10 record, my name is Bob Kyle of Hogan Lovells.
11 I'm reading this on behalf of Phil Szuba, the
12 President of the Hardware and Home Improvement
13 Division of Spectrum Brands. Thank you for the
14 opportunity to appear.

15 So I don't have to read this Jimmy
16 John's style, I've made a few cuts from our
17 written text, don't read anything substantive
18 into that.

19 Let me tell you a little bit about my
20 company. Spectrum Brands is an American
21 manufacturer and global consumer products company
22 headquartered in Middleton, Wisconsin.

1 A member of the Russell 1000 Index, we
2 offer a broad portfolio of leading consumer
3 brands, such as Kwikset locks, Pfister faucets,
4 Remington personal care products, George Foreman
5 grills sold in stores across America, including
6 Home Depot and Target.

7 The Hardware and Home Improvement
8 Division sells electronic door locks, door
9 hardware, and other hardware and home improvement
10 products, featuring such well-known and widely
11 trusted brands as Baldwin, Kwikset, Pfister,
12 Stanley, and National Hardware, among others.

13 Let me respectfully submit that for
14 the products sold and produced by my company, the
15 tariffs you are contemplating would be highly
16 counterproductive to American interests.

17 I'd like to make four points. First,
18 tariffs on our products would have the perverse
19 effect of making Chinese companies more
20 competitive.

21 Let me explain using an example of
22 four-inch standard bath faucet we sell. In our

1 business, there are essentially two categories of
2 products.

3 The first is a branded product, the
4 kind designed and produced for Spectrum Brands in
5 China using American developed technology, such
6 as our faucets under the Pfister brand. Over 36
7 American engineers in California are used to
8 design our locks, faucets, and builders'
9 hardware.

10 The second type is produced by Chinese
11 companies in China using Chinese technology. The
12 second type is sold to companies like Home Depot
13 and Lowe's as the more generic private label or
14 house brand. This second type of product sells
15 for a lower price.

16 Both products would see a roughly ten
17 to 25 percent increase in price, depending on the
18 tariff level imposed. But because there is a
19 starting price gap between the two products, the
20 actual dollar price gap between the two products
21 will widen.

22 For example, our branded bath faucet

1 retails for \$89, whereas the generic faucet sells
2 for \$65, a starting gap of \$24. With the
3 imposition of tariffs, that gap would grow to \$26
4 or \$30, depending on whether a ten or 25 percent
5 tariff is imposed.

6 That gap is huge for our customers.
7 Our average customer earns \$40,000 to \$60,000 per
8 year, families who work hard to make ends meet.
9 Dollars and cents matter. Price changes of
10 several dollars at retail make a real difference
11 in their purchases.

12 This is a big deal. The end result is
13 that our Chinese competitors will benefit from
14 these tariffs. Their market share will grow,
15 which will simply fuel their R&D spending to
16 develop the next generation of electronic locks
17 and other home improvement products.

18 We will be forced to shrink our R&D
19 spending as sales decrease. Perversely, the U.S.
20 Government will have fueled the growth of our
21 Chinese competitors. This can't be what you
22 intend.

1 Second, American homeowners and do-it-
2 yourselfers will suffer. The tariffs would spike
3 prices ten to 25 percent, hitting millions of
4 Middle American consumers.

5 The price jumps may be higher, because
6 markups along the supply chain are imposed on
7 tariff elevated prices, magnifying the retail
8 price effect.

9 The large box stores have indicated
10 they fully expect to pass tariff prices along to
11 consumers. The result, substantially higher
12 prices for Middle Americans seeking to fix that
13 lock or repair a leaking faucet.

14 Contractors and homeowners will also
15 be hit. About 35 percent of our sales at Home
16 Depot are to professionals, such as plumbers and
17 builders.

18 Price increases will drive up building
19 costs, making it harder for more Americans to
20 realize the American Dream of owning their own
21 home.

22 Third, tariffs on our products will

1 cost American jobs. Our Chinese facilities are
2 integrally tied to American jobs here at home.
3 Our advanced manufacturing facility in Denison,
4 Texas sources raw materials in the U.S.,
5 fabricates and die casts those components, then
6 ships them to China to be incorporated into our
7 locks.

8 American workers in our North Carolina
9 facility custom assemble locksets imported from
10 China to use primarily in the builder channel.
11 Roughly 22 percent of the final value of these
12 products is made in America. Tariffs cripple
13 these American jobs as well.

14 And finally, our products have no
15 relation to the technologies of the Made in China
16 2025 program. At the beginning of this process,
17 the administration made it clear it was focusing
18 on the Made in China 2025 program in excluding
19 consumer products.

20 Our products merit exclusion under
21 both these criteria. Their inclusion on the
22 tariff list will not advance this criteria,

1 instead, it would cause manifest harm.

2 It would advantage our Chinese
3 competitors, fuel their R&D spending, hurt
4 consumers, and cost American jobs. We
5 respectfully submit that imposing tariffs on our
6 products would be counterproductive and contrary
7 to the best interests of the United States.

8 Thank you.

9 MR. BISHOP: Thank you, Mr. Kyle. Mr.
10 Chairman, that concludes direct testimony from
11 this panel.

12 CHAIR BUSIS: Thank you, witnesses, you
13 all gave excellent testimony. We're going to
14 first ask questions of the five witnesses who
15 imported completed appliances or cooking devices.
16 And then, we'll complete the questions. We'll
17 start with Ms. Smith.

18 MS. M. SMITH: Thank you very much.
19 I'm Maureen Smith, I'm from the Department of
20 Commerce. I am the Director of the Office of
21 Supply Chain in our Industry and Analysis Unit.
22 So, several of the comments presented today that

1 center around supply chain are of great interest
2 to me.

3 If I may, I'd like to start with a
4 question for Mr. Brennan from BISSELL. Let me
5 identify myself as a long-time user of your
6 excellent products --

7 MR. BRENNAN: Awesome.

8 MS. M. SMITH: -- so, thank you very
9 much.

10 MR. BRENNAN: My work here is done.

11 (Laughter.)

12 MS. M. SMITH: So, you argue that China
13 does not actually have a labor cost advantage,
14 but rather a unique infrastructure or supply
15 chain structure, that has allowed it to dominate
16 this industry.

17 In your view, what has allowed China
18 to develop this infrastructure, while other
19 production sources, such as Malaysia or Mexico,
20 for example, have not done so?

21 MR. BRENNAN: Well, I think perhaps I
22 wasn't very clear. China does have a labor cost

1 advantage relative to the United States, there's
2 no doubt about that.

3 But their labor cost advantage
4 relative to other countries in the region has
5 been lost. But I believe that 30 years ago, they
6 had a labor cost advantage and that was part of
7 their driver to bring opportunities there.

8 It's a very dynamic economy and driven
9 by competition and a very entrepreneurial
10 population. And I think those factors have
11 driven their concentration of expertise and
12 competition in that region over the last three
13 decades, such that they are where they are today.

14 Again, it's not something you can rip
15 up and duplicate elsewhere very readily at all.
16 But those factors and other -- their labor costs
17 have risen relative to other costs in the region,
18 but their infrastructure is such now that you
19 just can't find another place that does what they
20 do.

21 MS. M. SMITH: Thank you very much, but
22 I guess, if I can follow-up. It has been done

1 over a period of time, but do you have some
2 insights into why alternative supplier countries,
3 and we've mentioned Malaysia or Mexico, have not
4 made that effort as well?

5 And are there barriers or is there an
6 explanation as to why that supply chain
7 infrastructure has not been built or doesn't
8 exist in those other countries?

9 MR. BRENNAN: Ms. Smith, I don't
10 personally have an expertise in that area, and
11 there may be others here who do. But I do
12 believe one word might drive the explanation,
13 which is scale.

14 Other countries just don't have it,
15 China has built it through the decades and
16 they've got it in a way that's unique at this
17 point. That's my understanding.

18 And we'd be glad to supplement that
19 answer with additional information in our
20 subsequent written comments.

21 MS. M. SMITH: Thanks very much.

22 MR. BRENNAN: You bet.

1 CHAIR BUSIS: Okay, Ms. Bonner?

2 MS. BONNER: Mr. Estill, at some point,
3 the U.S. must have manufactured small
4 refrigerators and air conditioners competitively.
5 Could you please share with the Committee what
6 has changed?

7 MR. ESTILL: Sure. I mean, supply
8 chain always goes to the lowest cost and what
9 happened is, manufacturing went to the lowest
10 cost and then, where it was had the critical
11 mass. Then, they got better and better and
12 better and built the infrastructure around that.

13 The reason we want to not pay a tariff
14 on the smaller of the large appliances, is it
15 allows us to manufacture the large appliances so
16 we can be full line.

17 To go and say, oh, here, we'll only
18 sell you this size and this size, but as soon as
19 you want a smaller one, we can't sell that,
20 because you can't economically make those in the
21 United States, it would take years. It would
22 take a decade or more.

1 Because, partly, similar to the
2 BISSELL situation, I mean, the number of molds,
3 the number of dies, just for a very simple bar
4 fridge, the number of parts, there's so many
5 parts, when we -- we have introduced and done --
6 one simple product costs us a few million
7 dollars.

8 We can only do two or three products
9 a year. We're only a \$400 million company.
10 There isn't companies that can do this. This
11 would take more than a decade, if you're going to
12 try to bring it back to the United States. It
13 would take more than a decade to move it to other
14 places.

15 To answer your question on some of the
16 logistics, Mexico hasn't got their shipping
17 greased yet. You can ship cheaper from China
18 than you can ship from Mexico, even though
19 geographically they're right across the border.

20 They just haven't greased it like
21 China has greased the logistics. So, we'd have a
22 decade to bring it here.

1 MS. PETTIS: This is a question for Mr.
2 Sparrow. You've testified that with respect to
3 portable stoves, only high-end niche stoves are
4 produced in the United States and there are very
5 few imports from third-countries.

6 Why does China account for such a
7 large share of the imports? And while domestic
8 producers may currently focus on high-end niche
9 stoves, don't they have the ability to produce
10 portable stoves that you're currently importing
11 from China?

12 MR. SPARROW: I can speak to that.
13 Where -- right now, everybody makes it in China,
14 because that's where the infrastructure is to
15 make those things affordable.

16 Right now, you look at your cost of
17 your average portable stove and you look at your
18 cost of your average grill, those price points
19 would more than triple if you were to make them
20 in the U.S.

21 It's not just a small percentage, it's
22 an enormous percentage difference if they were to

1 be made in the U.S.

2 As others have spoke here, China has
3 great infrastructure, they've embraced that
4 infrastructure over the last 20 years, and have
5 made it so they can make things of steel very
6 efficiently.

7 CHAIR BUSIS: Ms. Zuckerman?

8 MS. ZUCKERMAN: This question is for
9 Mr. Aquino. You stated in your testimony that
10 the majority of your products in general are
11 produced by third-parties in China.

12 When it comes to vacuum cleaners in
13 particular, are all the vacuum cleaners you sell
14 produced in China and have you ever used
15 manufacturers in third-countries to produce your
16 products, particularly vacuums?

17 MR. AQUINO: Thanks for the question.
18 Yes, all of our vacuums are produced in China.
19 And I think the -- we have not produced in other
20 locations.

21 I think somebody naturally coming into
22 the supply chain of an organization like

1 SharkNinja, you kind of automatically say, well,
2 where else can you produce this?, just naturally,
3 for the cost and complexity, whether it's Mexico
4 or other countries.

5 Ultimately, the partnership that has
6 evolved over years and the amount of innovation
7 and quality and infrastructure that's in place
8 makes it really natural for any kind of
9 innovative product to be produced in a country
10 with critical mass.

11 So, I think that's one thing that's
12 been highlighted here, is that the factories and
13 partners that we work with are truly partners
14 that are working with us to execute.

15 And so, it makes it very disadvantaged
16 to try to introduce that into a new country. So,
17 thank you for the question.

18 MR. WINELAND: And my question is for
19 Mr. Kyle. In your testimony, you referenced your
20 advanced manufacturing facility in Denison,
21 Texas, and the fact that you source raw materials
22 here in the U.S., fabricate them at that

1 facility, and then, ship them off to China for
2 further processing and incorporation into the
3 final products.

4 Is this sort of -- two questions. Is
5 this a model that's followed by others in your
6 industry? And secondly, how difficult would it
7 be to omit that last step and finalize production
8 here in the U.S. of those sorts of products?

9 MR. KYLE: Sure. Particularly because
10 you've asked me about other companies and I'm not
11 with Spectrum Brands, but representing them, let
12 me be sure that in our written submission, I
13 respond to that and make sure I elaborate on
14 that. I'm not exactly sure what other companies
15 do.

16 With regard to Spectrum Brands, I know
17 they believe that this is the most efficient way
18 to do it and I think it would be very difficult,
19 if not impossible, to do it, to move the
20 production all to the United States, just to be
21 competitive in the way that they need to be.

22 So, I think that would be very hard,

1 but I will elaborate on that in the written
2 submission. I'll talk to the company.

3 CHAIR BUSIS: The follow-up for all
4 five of the witnesses who just testified, the
5 question is, how much, if you could estimate, and
6 I think this will probably be for a written
7 response, what is your estimate of the U.S.
8 content of the goods that you have manufactured
9 in China?

10 For example, Mr. Kyle, for Kwikset had
11 22 percent U.S. content, but that's with
12 components. So, even if there are no U.S.
13 components, maybe you have an estimate of the
14 value of the U.S. IP or design work that goes
15 into a product.

16 So, that would be interesting for, if
17 you could let us know in your written
18 submissions.

19 MR. SULBY: My question is for Mr.
20 Procton from Endura. You testified that imposing
21 the tariffs would help address the circumvention
22 issue that you are facing.

1 Could you please elaborate on how the
2 higher tariffs would help with circumvention? It
3 would seem like it would incentivize
4 circumvention to try and get around the higher
5 duties.

6 MR. PROCTON: Well, we manufacture
7 everything domestically. So, our basis is based
8 upon our raw materials, our labor going into
9 things.

10 If we're buying our aluminum
11 domestically, which is a large portion of our
12 material content, we are paying prices to our
13 extruders, which are affected by the tariffs that
14 went into effect on aluminum.

15 So, I'm paying on the Midwest Average,
16 plus a conversion, which is higher than
17 competitors who are importing product made in
18 China, where they're not paying on the Midwest
19 Average, they're paying on the London Metal
20 Exchange, don't have the conversion, don't have
21 the tariffs.

22 So, if we were to put these tariffs on

1 the product coming in from China, we'd merely be
2 somewhat leveling the playing field. I can't
3 compete right now, if I'm paying more for
4 essentially something which is the exact same
5 thing, as far as extruded aluminum.

6 MR. SULBY: Maybe I could clarify my
7 question a little. In your testimony, you talk
8 about in the status quo, there's this problem of
9 Chinese goods circumventing existing AD/CVD
10 duties.

11 MR. PROCTON: Right.

12 MR. SULBY: And you testified that
13 imposing or this proposed tariff would help with
14 that issue of circumvention. So, wouldn't it
15 just incentivize circumvention, by having a
16 higher overall duty, is the question?

17 MR. PROCTON: I think it would provide
18 almost a backstop against the incentive to
19 circumvent.

20 It would address the issue at its
21 root, as opposed to the countervailing duties and
22 anti-dumping duties, which really rely upon a lot

1 of inspection to ensure that they're putting up
2 the cash deposits required, to ensure that the
3 HTC codes are being put down properly.

4 It really streamlines the process, to
5 dissuade -- it somewhat makes it much simpler.

6 MR. MULLIS: Good afternoon. My name
7 is Eric Mullis. I'm with the United States
8 Department of Agriculture. My question is for
9 Mr. Jones with GE Appliances.

10 In your testimony, you mentioned how
11 a lot of your manufacture of these parts moved
12 away from the U.S. to China and that you don't
13 see them ever coming back to the United States.
14 But could you elaborate on whether -- but you
15 also mentioned other countries who are starting
16 to pick up manufacturing of these parts.

17 Could you elaborate on where they're
18 at in being able to produce these parts for you?
19 And also, what kind of barriers would you face in
20 shifting your supply chain to these other
21 countries?

22 MR. JONES: When you say, where they're

1 at, you mean where these other suppliers are
2 located, other countries?

3 MR. MULLIS: No, where they're at in
4 being able to produce to the quantities and
5 quality that you need.

6 MR. JONES: I see. Well, first, I
7 think it's helpful to clarify that the suppliers
8 involved tend to be rather large companies,
9 global suppliers themselves.

10 So, they have facilities in multiple
11 countries. I mean, I know that particular
12 suppliers, for example, have facilities both in
13 China, in Mexico, and are now developing them in
14 Thailand and/or Vietnam.

15 So, it's not a question of somebody
16 in, let's say, Thailand deciding they want to get
17 in this business, it's somebody who's already in
18 the business now deciding to locate facilities in
19 those places.

20 And so, they are already at a point of
21 significant development, in terms of technology,
22 capital and sort of know-how in how to produce

1 these kind of components. So, that's the first
2 thing that I think you have to understand.

3 And then, second, in terms of
4 returning to the United States, I think it gets
5 back to the question of, why did they leave to
6 begin with?

7 And that had to do with the issue of
8 cost and also, what was the scope of their
9 ability to supply what was then becoming a very
10 increasingly large global market?

11 So, if U.S. were, and it was not at
12 the time, if it had been, let's say, at the
13 center of the production of these components for
14 the world's production of the products in which
15 these components were to be used, maybe it could
16 have had a different life.

17 But indeed, it was focused on the U.S.
18 and other locations developed a market for the
19 rest of the globe and, eventually, began sourcing
20 the United States.

21 So, the products we're talking about,
22 after all, are global products. They may be

1 different configurations, one country to another,
2 but refrigeration, a refrigerator refrigerates.

3 So, the components to do that are
4 global in nature and a producer who's prepared to
5 support a global production is going to be in a
6 better position to do so.

7 MR. MULLIS: Thank you.

8 MR. CONCEICAO: Ms. Robbins, the
9 products you talked about today are largely, you
10 said, single-use, inexpensive, seasonal items.

11 So, what I wanted to ask was, is there
12 a basis for -- or what is the basis for the
13 belief or expectation that the potential
14 imposition of additional duties will
15 substantially impact consumer purchases of
16 products of that nature?

17 MS. ROBBINS: Sure, I'm happy to be
18 included in this panel with these crazy products.
19 And I can address it more in a post-hearing
20 submission comments, because we have done several
21 attitude and usage studies of brand retail price
22 points.

1 A lot of it is retailer-driven, all
2 the major retailers carry it and they have
3 specific price points. So, if we go beyond the
4 threshold, they may be unwilling to actually
5 carry the products anymore.

6 Obviously, these are very low retail.
7 As well as the consumers price -- in our attitude
8 and usage studies, the purchase price intent
9 drops substantially as the price increases.

10 When you think about 25 percent on a
11 dollar, that's a quarter, but in the grand scheme
12 of the research we've done, it's pretty
13 impactful.

14 MR. CONCEICAO: Sounds fair, if you can
15 provide that with the written submission, I think
16 that would be excellent.

17 CHAIR BUSIS: Mr. Burch, you can call
18 the next panel, please.

19 MR. BURCH: All right. Mr. Chairman,
20 we release this panel with our thanks. Would
21 Panel 21 come forward to be seated? And would
22 Panel 22 come in the witness holding area?

1 MR. BISHOP: Would the room please come
2 to order? Mr. Chairman, our first witness on
3 this panel is Jordan Haas of The Internet
4 Association. Mr. Haas, you have five minutes.

5 MR. HAAS: Thank you for the
6 opportunity to testify today. The Internet
7 Association represents over 40 of the world's
8 leading internet companies. These companies are
9 significant drivers of the U.S. economy and the
10 U.S. exports.

11 Our industry represents an estimated
12 six percent of U.S. GDP, totally nearly \$967
13 billion and accounting for nearly three million
14 American jobs.

15 In China, many U.S. internet companies
16 are either blocked from operating or are severely
17 restricted. China's ongoing intellectual
18 property right violations, forced technology
19 transfer policies, and state interventions harm
20 U.S. companies, workers, and consumers.

21 While we have serious concerns about
22 China's trade practices and support the U.S.

1 Government's efforts to address them, the
2 imposition of new tariffs will harm U.S.
3 consumers, cost U.S. jobs, and undermine U.S.
4 companies in the fight for global leadership in
5 the digital economy, without solving the issue of
6 China.

7 Today, I'm going to highlight two
8 tariff lines that directly impact how the
9 internet is able to function. We request for the
10 removal of subheading 8517.62.00 from the
11 proposed product list.

12 This is the keystone tariff line for
13 internet connectivity, as the products covered by
14 this tariff enable devices and other machines to
15 connect with one another.

16 Increased tariffs on this line would
17 put a significant drag on U.S. companies
18 manufacturing connected devices in the United
19 States. It would also put a tax on U.S.
20 consumers seeking to connect to the internet or
21 to use internet-enabled technologies.

22 For the thousands of servers and data

1 centers to connect to each other, and for data
2 centers to connect with the outside world, U.S.
3 companies need to use optical transceivers, line
4 cards, gateways, modems, routers, and other
5 transmission devices that enable this
6 connectivity.

7 On the consumer side, the proposed
8 duties would apply to a massive range of
9 internet-connected consumer devices, largely
10 developed here in the United States.

11 With the inclusion of this tariff,
12 consumers and small businesses will see a direct
13 increase in the cost associated with using the
14 internet.

15 Virtually all of the internet-
16 connected products that consumers use to manage
17 tasks, play video games, monitor their health,
18 including streaming devices, e-readers, smart
19 speakers, wireless headphones, smart watches,
20 home security cameras, and fitness trackers will
21 be hit with an increased cost if these tariffs
22 are imposed.

1 Secondly, we request for the removal
2 of subheading 8473.30.11 from the proposed list.
3 Products classified in this subheading include
4 most of the core inputs in data centers and other
5 U.S. technical infrastructure.

6 These products are present in all
7 computers, servers, and phones, as well as almost
8 all electronic devices. Components covered by
9 this tariff line are not key to China's Made in
10 China 2025 strategy.

11 Imposing duties on these products
12 would undermine U.S. leadership in cloud
13 services.

14 Commercial enterprises, startups,
15 universities, and a wide range of other
16 institutions across the globe are actively
17 migrating to cloud computing to meet their
18 information technology needs and they are turning
19 to U.S. cloud service providers in the process.

20 But companies from China and other
21 countries are poised to take over this market
22 from the United States. Tariffs that hit cloud

1 service providers will undermine U.S. leadership
2 in this area and will allow foreign competitors
3 to become the leaders in this marketplace.

4 Data centers are key employers for
5 high-skilled workers in the U.S. The average
6 data center adds \$32.5 million in economic
7 activity to each community.

8 During the construction, each data
9 center adds nearly \$10 million in revenue for
10 state and local governments, while employing an
11 average of 1,688 workers.

12 The impact of these tariffs will
13 extend beyond the tech sector. Future U.S.
14 economic growth in nearly every sector relies on
15 the internet.

16 Forcing internet companies to
17 reconfigure their supply chains and stop sourcing
18 from China will result in severe economic harm to
19 U.S. providers and jeopardize U.S. leadership in
20 the market.

21 In addition to the detailed tariffs
22 that I just mentioned, we have a longer list in

1 our official filing and I'm happy to answer any
2 questions. Thank you.

3 MR. BISHOP: Thank you Mr. Haas. Our
4 next witness is Jason Kuhn with Nautilus Hyosung
5 America, Incorporated.

6 Mr. Kuhn, you have five minutes.

7 MR. KUHN: Good afternoon. Thank you
8 for making time to listen to all of us here
9 today. My name is Jason Kuhn. I am Vice
10 President of Product Marketing and Planning at
11 Nautilus Hyosung America.

12 And I'm here today because levying
13 taxes on ATMs and their replacement parts
14 punishes Americans and hinders American commerce.

15 Hyosung America makes a range of ATMs,
16 including the types you have likely used at your
17 bank to withdraw money, make deposits, transfer
18 funds, and perhaps pay bills.

19 The ATMs most affected by the 301
20 proceedings are the freestanding models that you
21 encounter in convenience stores, gas stations,
22 hotel lobbies, et cetera.

1 Many of our clients are what you know
2 as SMEs, small and medium sized enterprises, who
3 buy and lease these ATMs to help serve their own
4 customers, facilitate cash flow, and generally
5 create a revenue stream that may not otherwise
6 exist at all.

7 Our business model for supplying these
8 retail ATMs includes manufacturing and production
9 steps that occur both overseas and in the United
10 States. I know our products as well as anyone
11 does.

12 I know why customers buy them. And I
13 know why they use them. That's my job. And from
14 my vantage point, I'm here to tell you that
15 levying a tax on ATMs is undesirable for three
16 big reasons.

17 First, the tax would fall
18 disproportionately on SMEs. Second, production
19 of these machines is not a candidate for on
20 shoring. And third, the technology contained in
21 these machines is not implicated in China's
22 industrial policies.

1 As I mentioned previously, our clients
2 are SMEs. And we're proud to serve the so-called
3 mom and pop establishments ranging from
4 restaurants to convenience stores, auto service
5 and fuel outlets, home improvement centers,
6 grocery stores, and bakeries.

7 Essentially, every type of business
8 that you can imagine on any main street or strip
9 mall in America. Raising the cost of ATMs by 10
10 to 25 percent could very easily price many of
11 these already low margin businesses out of
12 markets that facilitate and in many cases,
13 generate cash flow and revenue streams that would
14 otherwise dry up.

15 As we witnessed in other context, what
16 is essentially a tax on small transactions, would
17 be another nail in the coffin of the great
18 American tradition of the family owned small
19 business.

20 It is imaginable that new U.S. tariffs
21 could chase some ATM production out of China.
22 But that production is not going to wind up in

1 the United States.

2 It's important to understand how
3 production ended up in China in the first place.
4 This sector was not lured by a concerted effort
5 on the part of the Chinese government.

6 In fact, production moved to China in
7 a direct response to the regulatory mandates that
8 shift cards and machines in the U.S. to what's
9 known as EMV, the chip and pin cards that you
10 have today.

11 If you think it was a hassle to make
12 that change as a cardholder, imagine what the
13 industry had to go through. Some 280 thousand
14 plus retail ATMs had to be upgraded. And of
15 those, close to 70 thousand ATMs needed to be
16 completely replaced.

17 This process is still in process as we
18 sit here and talk today. As you can imagine,
19 this was an enormously costly undertaking,
20 running into the hundreds of millions for the
21 sector as a whole.

22 In order to prevent the overall

1 footprint of retail machines and indeed,
2 America's access to cash from shrinking, we were
3 forced to crunch down hard on costs.

4 To put it a different way, China did
5 not become the global supplier of these machines
6 by beating out other countries in a head to head
7 price competition. Industry-wide in order to
8 modernize the outdated machines and have any hope
9 of expanding further into under-served
10 communities, costs had to be dragged down as low
11 as possible.

12 In these circumstances, even if the
13 tariffs were successfully incentivized ATM
14 manufacturers to locate production to other third
15 countries, it is almost certain they would not
16 relocate to the United States.

17 Furthermore, in terms of industrial
18 policy and lost headcount, the Chinese government
19 would not even notice. As your import statistics
20 will show, this HTS category does not contribute
21 heavily to the trade coverage you're seeking to
22 achieve.

1 Regarding intellectual property in
2 these machines, innovation and security is
3 handled in the destination market where
4 regulatory -- or for regulatory and marketing
5 reasons.

6 So, for our machines the software is
7 developed and installed in Dayton, Ohio and
8 Irving, Texas. So by including ATMs in the
9 tariff package, you would be causing a lot of
10 harm domestically without measurably increasing
11 the leverage over China.

12 And you would be hitting a category of
13 goods that do not benefit in any way from the
14 Chinese acts, policies, and practices documented
15 in your Section 301 report. In fact, the only
16 one who would be paying the price for leaving
17 ATMs in the package, would be small businesses
18 and consumers here in the United States.

19 I appreciate the time. And I look
20 forward to your questions. Thank you.

21 MR. BISHOP: Thank you Mr. Kuhn. Our
22 next witness is John J. Leahy, III with the ATM

1 Industry Association.

2 Mr. Leehy, you have five minutes.

3 MR. LEEHY: Thank you. Good
4 afternoon, my name is John Leehy. I'm President
5 of ATMIA. Which is the automated teller machine
6 industry association.

7 It's the largest ATM trade association
8 in the world, having more than ten thousand
9 members in 65 countries. Here in the United
10 States we have over a thousand members,
11 representing 350 ATM businesses.

12 I'm also the former Chairman and CEO
13 of Payment Alliance International, the largest
14 privately held ATM deployer in America.

15 I have been in the payments industry
16 for over three and a half decades. And have
17 served for more than a quarter of a century in
18 the role of CEO.

19 Over that time, I have developed an
20 appreciation for the impact that public policy
21 can have on the payments' industry. How those
22 policies can strengthen our ability to serve our

1 markets, or create new, unintended barriers to
2 delivering the convenient cash access that
3 Americans have come to depend on.

4 I'm here before you today on behalf of
5 a strongly united U.S. ATM industry to request
6 that you please remove ATMs from List Three.

7 Equally troubling are the new tariffs
8 already in force on ATM parts and components. At
9 this point, we hope that you will choose to
10 handle that critical issue through the exclusion
11 process.

12 Punitive tariffs on ATMs themselves
13 would bring meaningful harm to an important U.S.
14 industry. And would produce negative
15 consequences for retail commerce in general.

16 It might be helpful bringing further
17 clarity to the machines that List Three include
18 and would propose to tax. These are
19 predominantly machines that we refer to as retail
20 or offsite ATMs.

21 They're designed to be smaller, more
22 affordable machines. Thereby enabling placement

1 in locations that have substantially less traffic
2 and are frequently found in areas where access to
3 banks and credit unions are limited.

4 The price points have been
5 aggressively pushed downward as compared to the
6 larger machines you may be more familiar with and
7 find in bank lobbies. And making the economics
8 work for placing them in lower volume locations.

9 The hundreds of independent businesses
10 who compete to serve this market are truly great
11 examples of free market warriors. And they are
12 the absolute picture of American capitalism at
13 its very best.

14 These are folks who are small
15 businesses that wake up every day, and they fight
16 to build their business by bringing value to
17 those that they serve.

18 There are few, if any, more
19 competitive businesses than today's retail ATM
20 business in America. Which should make this
21 message of a unified industry all the more
22 compelling.

1 The consumers they serve often find
2 themselves excluded from financial products and
3 services that many of us take for granted. And
4 mistakenly assume are ubiquitously available to
5 everyone.

6 In fact, these machines are critical
7 to the distribution of local, state, and federal
8 EBT and assistance programs. Tax refunds,
9 veterans' benefits, and even FEMA recovery
10 efforts.

11 Our businesses and the communities and
12 populations they serve will be harmed by
13 diminished access to funds if the economic
14 balance is altered by debilitating increases in
15 the cost to serve these markets.

16 I struggle to imagine that our
17 government is taking steps to make it harder to
18 administer government programs for no conceivable
19 benefit. And contributing to the creation of
20 under-served pockets, even cash deserts within
21 some of our communities.

22 Two final observations I'd like to

1 leave with you. The first pertains specifically
2 to jobs. Unlike some other types of traded
3 products which, you know, may become -- may come
4 before this Committee, ATMs have an unusual post-
5 deployment multiplier effect on jobs.

6 More plainly stated, once placed into
7 service, ATMs generate many more jobs than were
8 required to produce the machine originally. They
9 must be regularly loaded, maintained for service,
10 and frequently upgraded.

11 The second point is that no one else
12 before you, in these hearings, has cash as a core
13 product. We believe that an exclusion here would
14 be a very narrow exclusion and scope. And yet
15 have an extremely positive impact on the entire
16 economy.

17 Attacks on ATMs is in fact a tax on
18 retail commerce. It's hard to imagine that the
19 imperative of U.S. trade diplomacy, which we all
20 understand as we appear before you, and
21 recognize.

22 But it's hard to imagine that they

1 would require that you'd take such an intrusive
2 and potentially damaging step.

3 Thank you for your time. And I look
4 forward to your questions.

5 MR. BISHOP: Thank you Mr. Leehy. Our
6 next witness is Jeff Matthews with Grant Victor.

7 Mr. Matthews, you have five minutes.

8 MR. MATTHEWS: Good afternoon members
9 of the Committee. Excuse me. My name is Jeff
10 Matthews. I'm CEO of Grant Victor.

11 Our organization is a Utah-based large
12 national ATM deployer. And we are also one of
13 the largest distributors of ATM equipment in
14 America.

15 Through our direct placement business
16 and the business of over two thousand of our
17 customers and operators, one out of every four of
18 the ATMs we are discussing today, was distributed
19 through one of our businesses.

20 I feel a real business imperative and
21 personal responsibility for creating this import
22 cash utility across the country. My colleagues

1 on this panel have laid things out very well.
2 And I'm grateful for this opportunity to add my
3 voice.

4 On behalf of my company, its employees
5 and our customers, I urge you to reconsider the
6 proposal -- the proposed tariffs on ATMs.

7 Hitting ATMs means taxing the way
8 ordinary people in America pay for goods and
9 services they depend on daily. It would treat
10 those Americans unfairly and would put a damper
11 on the retail commerce engine that drives our
12 economy.

13 We at Grant Victor and its
14 subsidiaries work daily with customers and end
15 users. We place machines. We support the
16 business establishments who have deployed the
17 ATMS.

18 And we perform service and repair
19 throughout the industry. In doing so, we like to
20 think that we know more about how Americans
21 receive and use their cash than the average
22 person.

1 Uncle Sam might print the money, but
2 we work day and night to get it into the people's
3 hands that use the money.

4 What happens when you raise taxes on
5 ATMs? One outcome is that the under-served get
6 even less service.

7 Let me unravel that for you. Although
8 there are two machines in the lobby of the hotel
9 where I stayed last night, and many seen in big
10 cities, the business model for most retail ATMs
11 began when banks decided that they could no
12 longer service all markets.

13 In fact Grant Victor, as a company,
14 began 18 years ago when my family, responding to
15 an increased need by customers, asked a bank in
16 our market to put ATMs in two convenience stores
17 that we owned.

18 Banks in the area quickly refused,
19 saying that it was not profitable for them to do
20 so. Retail ATMs today are most often found where
21 banks are absent but commerce still needs to
22 occur.

1 If you think about where these
2 conditions prevail, it should be apparent that
3 what we mean when we say under-served. Those
4 under-served populations exist in American inner
5 cities, rural areas, people who are for whatever
6 reason, temporarily separated from their usual
7 financial support network.

8 Perhaps it's easy to find oneself
9 thinking of ATMs strictly in terms of
10 convenience, but for many Americans the cash
11 economy is much more than that. It is among our
12 most healthy public utilities.

13 Let's try to put a face on some of
14 those Americans who would be affected. Bob
15 Hammon and his wife Carol live in Idaho Falls,
16 Idaho.

17 He and his family, two sons and three
18 daughters have created a business that services
19 not only those parts of Idaho, but more
20 importantly, the western and central part of the
21 State of Wyoming.

22 As you probably know, there's no State

1 in the Union that suffers from population and ATM
2 density than does the State of Wyoming. A good
3 example is the small town of Daniel.

4 It has a base of 150 residences during
5 the winter. And then booms to hundreds of
6 thousands of tourists that are making their way
7 to Jackson Hole and other nearby national parks.

8 They operate on slim margins.
9 Especially during those cold winter months when
10 their machines only do a few transactions each
11 day.

12 But they have become an important part
13 of the cash supply in that remote area of the
14 country. No bank is willing to make an
15 investment in Daniel, Wyoming. But the Hammon
16 family did.

17 An increase in equipment pricing is
18 most certainly going to put those citizens of
19 that little town of Daniel at risk of not having
20 these services anymore.

21 Deb Fritz is the senior accountant for
22 Yellowstone National Park Lodges. Ten years ago

1 she was tasked with finding a way to offer cash
2 to the tourists visiting Yellowstone in a safe
3 and secure way.

4 She approached many banks, including
5 their long time commercial account holder, First
6 Interstate, in hopes that they could help. Even
7 for a fee, the bank's board responded that they
8 were unable to offer the equipment or supply
9 cash.

10 Deb Googled and found
11 ATMequipment.com, one of our businesses. And
12 within 48 hours, she had a few machines onsite.
13 And had started an ATM business for the lodge.

14 She still drives a hundred miles round
15 trip to get cash to fill those machines. But she
16 can now service the four million customers that
17 visit those parks each year.

18 Google maps will reveal that banks
19 don't sit at the end of every block. Retail ATMs
20 make up the difference.

21 Studies show that many of these ATM
22 consumers visit an ATM a few times each month.

1 Imagine the reaction of those families upon
2 learning that the Administration plans to levy a
3 new tax and restrict their access to cash. This
4 can't be what you intend.

5 Will China bear the brunt? Not to any
6 meaningful degree as my fellow witnesses have
7 explained.

8 Thank you for your time.

9 MR. BISHOP: Thank you Mr. Matthews.
10 Our next witness is Bruce Renard with the
11 National ATM Council, Incorporated.

12 Mr. Renard, you have five minutes.

13 MR. RENARD: Thank you. Thank you Mr.
14 Chairman and esteemed panel. We greatly
15 appreciate your holding this hearing today for
16 us.

17 My name is Bruce Wayne Renard.

18 (Audio interference)

19 MR. RENARD: Testing one, two, three.
20 Okay. Thank you. I can start from here, thank
21 you.

22 Once again, my name is Bruce Renard.

1 I'm the Executive Director for the National ATM
2 Council. We're based in Jacksonville, Florida.
3 And we represent companies throughout the United
4 States.

5 NAC is a 501(c)(6) not for profit
6 trade association formed seven years ago to
7 represent the independent ATM providers in our
8 nation.

9 Our members number over three hundred
10 companies. And they speak for thousands of other
11 companies, affiliates that operate underneath
12 them, providing hundreds of thousands of ATMs
13 throughout the country.

14 Some of our members have one to five
15 ATMs. One of our members has over a hundred
16 thousand ATMs. We have members with everything
17 in between.

18 Our members serve citizens in small
19 rural communities, heavy populated inner cities,
20 and every community in between. Our Board of
21 Directors is made up of 15 members, 14 of which
22 are all SMEs.

1 We have one public company in the
2 industry. I'm very grateful to my fellow
3 presenters here today for what they've already
4 conveyed to you.

5 Allow me please to add two primary
6 points to what they've already presented. One,
7 why China is present in our industry supply chain
8 at all.

9 And two, why we are unlikely to see
10 any significant on shoring of the manufacture of
11 retail ATMs based on the contemplated action
12 here.

13 So, China's emergence as a place to
14 manufacture ATMs in the U.S. reflects the
15 imperative that our industry faced to reduce
16 costs of machine assembly.

17 Why was this cost cutting necessary?
18 For one thing, a string of costly and challenging
19 governmental and network requirements over recent
20 years, including the first time ever application
21 of ADA requirements to our industry, and a series
22 of security related requirements that were placed

1 on our industry.

2 All of this together have placed great
3 financial pressure on this segment. This cost
4 crunch culminated recently with the EMV chip card
5 implementation that was referenced earlier for
6 you.

7 This cost of chip card upgrades was in
8 the hundreds of millions of dollars. It's still
9 under way. We're still struggling with it today.

10 Without lowering the cost of our
11 equipment and the manufacturing, we would have
12 seen large, large, numbers of ATMs come out of
13 service in this country. So we were really
14 forced to find an alternative any way we could to
15 reduce costs for the equipment.

16 Being able to continue to expand our
17 presence into marginal and unserved areas, also
18 depended critically on these cost reductions. So
19 we've done everything we can to keep these costs
20 down despite the challenge of EMV.

21 Why is on shoring unlikely to happen
22 based on these tariffs? The keys here are

1 technology and capital formation as you might
2 expect.

3 ATM technology is evolving very
4 rapidly. The machines and the installed base
5 are, you know, subject to upgraded software
6 periodically until they just can no longer handle
7 the new features.

8 Machines and the installed base today
9 are 470 thousand ATMs in America. Out of which
10 approximately 280 thousand are the retail
11 machines that we're speaking of today. So more
12 than half the ATMs are impacted in this group.

13 There's no sense in the marketplace at
14 all that machine assembly for this equipment will
15 ever become a highly profitable activity.
16 Certainly that's not the case now.

17 And organizing the capital needed to
18 launch this type of development is hard to
19 imagine coming about in America.

20 One brief comment on the impacts on
21 the population of these contemplated increases.
22 A study was documented earlier this year showing

1 that the ATMs we're speaking of, serve the lower
2 areas of population density.

3 Lower, medium, and average income,
4 lower labor force participation, higher
5 unemployment areas, lower education areas. These
6 are the areas we're serving. And these are the
7 areas that often depend on cash for their
8 everyday activities.

9 We would ask you in this case to
10 please reconsider the proposed increases here.
11 This in our view will only serve to harm the most
12 vulnerable populations in America.

13 And it will really produce no off
14 setting benefits to Americans or the U.S.
15 economy. I appreciate the Panel's attention.

16 And I'm happy to answer your
17 questions. Thank you.

18 MR. BISHOP: Thank you Mr. Renard.
19 Our next witness is Michael Roach with Alton
20 Industries, Limited.

21 Mr. Roach, you have five minutes.

22 MR. ROACH: Thank you and good

1 afternoon. My name is Michael Roach, General --

2 MR. BISHOP: Pull your mic a little
3 closer for me, please.

4 MR. ROACH: Sure. Is that better?
5 Okay.

6 My name is Michael Roach, General
7 Manager and Executive Vice President of Alton
8 Industry. On behalf of Alton and our ownership,
9 we are officially requesting an exemption on our
10 products from the recent round of 200 billion
11 dollar tariff proposals.

12 These tariffs will hurt our business,
13 our customers, and the end consumer that
14 purchases our products every day at thousands of
15 stores and shops across the country.

16 Our products are used by both
17 construction professionals that need our goods to
18 perform work at construction and building sites,
19 along with the average homeowner and consumer.

20 The proposed 25 percent tariffs on air
21 compressors and vacuums as listed on the
22 schedule, will do nothing but increase the costs

1 on a product category that is very competitive
2 and affordable to U.S. consumers right now based
3 upon global competition.

4 The tariffs will do nothing but raise
5 the prices of the products to the consumer. In
6 turn, this will negatively impact our business
7 and increase our costs as major customers are
8 requesting us to subsidize the 25 percent in
9 order to keep retail pricing where it is today,
10 to ensure their sales volume does not shrink.

11 We deal in a low margin commoditized
12 category that cannot sustain this burden. Alton
13 is a small, U.S. based family business that has
14 been operating out of our facility in Batavia,
15 Illinois since 1998.

16 We source products from China in order
17 to remain competitive in our business and provide
18 low cost, high quality goods that are not
19 available here domestically in the U.S.

20 We are intent on expending our
21 facility here in the U.S. And are building a new
22 150 thousand square foot warehouse and facility

1 in 2019 in order to accommodate our growth.

2 This new facility will allow us to
3 assemble our products domestically. But still
4 have to source major components from China that
5 are subject to this tariff.

6 If these tariffs are implemented on
7 our business, we will have to reevaluate this
8 investment and bringing more jobs back to the
9 USA.

10 We invest in USA with research,
11 design, and technology. And have secured our own
12 intellectual property on our products. We do
13 agree going after copy and counterfeiters, and we
14 do this vigorously here in the U.S.

15 We understand that the trade imbalance
16 between America and China may have some negative
17 impact on the American economy. But for these
18 specific items, there are no alternatives outside
19 of China that can provide affordable, high
20 quality products for the U.S. customer.

21 The supply base which we need to build
22 these products affordably, does not exist here in

1 the U.S. The ability to manufacture our items
2 from scratch would take years of supplier
3 development and investment.

4 This will not happen in 30 days. The
5 jobs did not leave the U.S. overnight. And we
6 cannot expect them to return in a matter of
7 weeks.

8 We respectfully ask to be excluded
9 from this round of tariffs in order to continue
10 our growth and investment in the U.S. And supply
11 American consumers and businesses with high
12 quality affordable products from an American
13 company.

14 Thank you.

15 MR. BISHOP: Thank you Mr. Roach. Our
16 next witness is John Stemen with Inmotion.

17 Mr. Stemen, you have five minutes.

18 MR. STEMEN: Thank you. Good
19 afternoon Chair and members of the Section 301
20 Committee and co-presenters today. I do use ATM
21 machines by the way.

22 Yep. My comments today are in

1 opposition to additional duties for 8501.61,
2 8505.11, and 8537.10.91.

3 My name is John Stemen. I am the
4 General Manager of Inmotion U.S. I'm proud to
5 represent one hundred employees in Blacksburg,
6 Virginia where we conduct approximately 60
7 million dollars' worth of business annually.

8 I'm here to discuss my concerns with
9 certain items on the proposed tariff list. And
10 how their inclusion will harm my business.

11 Inmotion is a supplier of motors and
12 other industrial power solutions to U.S. original
13 equipment manufacturers of material handling
14 equipment. As well as OEMs of equipment in
15 construction, agricultural, and transportation
16 industries.

17 Inmotion designs, manufactures, and
18 sells items such as AC generators, not exceeding
19 an output of 75 KVA, which fall under subheading
20 8501.61.

21 We also import associated parts such
22 as rare earth known as neodymium, better known as

1 neo magnets of 8505.11, which are a key component
2 of our generators that we sell.

3 Inmotion additionally designs and
4 contracts manufacturing for a variety of
5 distribution boards under subheading 8537.10.91,
6 which our employees in the U.S. integrate into
7 controllers.

8 We seek the removal of these items
9 from the list of additional tariffs. Inmotion
10 makes products in China, Sweden, and the United
11 States.

12 Like many suppliers, Inmotion depends
13 on a global supply chain to remain competitive.
14 And like many businesses, our margins cannot
15 accommodate a 10 to 25 percent increase in the
16 cost of goods.

17 For a number of reasons, an additional
18 duty on these products would be a cost that we
19 cannot easily mitigate through alternative
20 sources.

21 Specifically, our sole supplier for AC
22 generators is Inmotion TZM, located in China. A

1 wholly foreign owned enterprise producing
2 generators that are designed and controlled by
3 Inmotion U.S.

4 Inmotion facilities in the U.S. and
5 Sweden lack the capacity or capability for this
6 scale of production required. Our customers rely
7 on quality of the products we offer.

8 And validating quality assurance
9 measures for alternative sources of distribution
10 boards places additional burden on those U.S.
11 businesses as well as Inmotion.

12 For all of the generators we sell,
13 they are manufactured with rare earth elements
14 previously mentioned. It is estimated that
15 around 90 percent of global rare earth mining
16 occurs in China. Which commands a near monopoly
17 on rare earth magnets.

18 Alternative sources where they are
19 found, are not viable options for the volume of
20 business that Inmotion conducts. And this newest
21 proposed action is unlikely to have any positive
22 impact on domestic manufacturing of those

1 generators.

2 While I support the Committee's goal
3 of responding to intellectual property theft by
4 China, these generators, magnets, and
5 distribution boards are generally associated with
6 forklifts and similar grade technologies that do
7 not represent any sort of advanced manufacturing
8 capability or any technology targeted by China as
9 strategically important.

10 The imposition of additional duty
11 however, would target my business by impacting
12 over 40 million of annual sales. Our long term
13 supply agreements with customers attempt to keep
14 prices predictable.

15 And an additional tariff would
16 immediately be borne by Inmotion to the jeopardy
17 of U.S. employment as our workforce is
18 proportional to our sales.

19 In short, Inmotion would be severely
20 harmed by additional duty on these items. A
21 problem to which I see no viable business
22 recourse. And their inclusion on this tariff

1 list would likely have little impact on China.

2 Thank you for considering my comments
3 on this important matter. And I hope to work
4 with you to ensure American employees are not
5 harmed by this proposed action. Thank you.

6 MR. BISHOP: Thank you Mr. Stemen.
7 Our final witness on this panel is Kathlene
8 Swanson with the Telecommunications Industry
9 Association.

10 Ms. Swanson, you have five minutes.

11 MS. SWANSON: Hi. I'm Casey Swanson
12 with the Telecom Industry Association, TIA.
13 Thank you for the opportunity to testify today.

14 We represent approximately 250
15 manufacturers and suppliers of communications
16 networks in the United States and around the
17 world.

18 I'd like to discuss today why imposing
19 tariffs on telecom goods will have a negative
20 impact on the U.S. economy and strategic
21 competitiveness.

22 And most of my comments will focus on

1 products classified under HTS heading 8517,
2 especially 8517.62.

3 First, the proposed tariffs target
4 equipment that is essential for transformative
5 technology such as 5G. And by the way, 5G
6 enables other network-based innovations like the
7 internet of things and artificial intelligence.

8 The bottom line is all these highly
9 advanced technologies run on hardware. So taxing
10 the network equipment used to deliver them would
11 handicap America amid a global race for
12 technology leadership.

13 Take 5G as an example. 5G is viewed
14 as an evolutionary jump forward for the telecom
15 industry. Allowing far more data to be
16 transferred at faster speeds.

17 A new generation of mobile technology
18 only comes along once every decade or so. And
19 the United States, China, and a few other
20 countries are now jostling to be first in rolling
21 out 5G.

22 The U.S. has led the world in the

1 current generation of technology, 4G, and reaps
2 very substantial benefits. By one estimate,
3 winning the 4G race boosted America's GDP by
4 nearly 100 billion.

5 And spurred an 84 percent increase in
6 wireless related jobs. It also gave rise to an
7 entirely new app economy.

8 However, America faces fierce
9 competition in 5G. China has to date far
10 outpaced the United States in its build-out of
11 wireless sites, outspending the U.S. by an
12 estimated eight to ten billion a year since 2015.

13 Consider that 5G network equipment is
14 expected to begin shipping next year in 2019. If
15 the U.S. Government proceeds with imposing
16 tariffs on products used in 5G networks, the
17 resulting cost increases may artificially depress
18 demand, especially among more budget conscious
19 American consumers.

20 Higher price tags may prompt smaller
21 companies or schools or government agencies, for
22 example to consider delaying upgrades or making

1 smaller investments.

2 Such a result would only serve to
3 strengthen China's hand in the technology sphere.
4 And bolster its lead in the 5G race. An outcome
5 clearly at odds with the original goals of the
6 Section 301 investigation.

7 Second, tariffs will impede efforts to
8 narrow the digital divide in the U.S. And will
9 hurt consumers by making it more expensive to
10 build broadband internet networks.

11 The proposed tariffs would hike the
12 costs of core network equipment that is essential
13 to the operation of the internet. This is likely
14 to impede efforts to narrow the digital divide.

15 According to the FCC, over 24 million
16 Americans still lack fixed terrestrial broadband.
17 A challenge that makes it harder to access good
18 jobs, healthcare, and education.

19 The gap disproportionately affects
20 those living outside cities. Around 30 percent
21 of those in rural areas and 35 percent of
22 citizens in tribal lands, don't have broadband

1 access.

2 More broadly, tariffs are likely to
3 impact the many American consumers and companies
4 that rely on the internet for everyday work and
5 life activities, as they may now see the cost of
6 that access increase.

7 The tariffs would hit a range of
8 products that play central, behind the scenes
9 roles in powering telecom networks. To
10 illustrate how wide ranging that impact would be,
11 consider just one example.

12 What happens when you send an email
13 through your smartphone? Where this process
14 begins at the edge of the network, the radio in
15 your smartphone first connects to radios in a
16 cell tower.

17 And in turn digital base band units.
18 Or if you're connecting via Wi-Fi, to a wireless
19 access point.

20 So according to the third Section 301
21 tariff list, those radios, digital base band
22 units, and wireless access points have all been

1 tagged for duties.

2 Data is then routed to the core
3 network by gateways, which are on the latest
4 tariff list. The information is directed around
5 the internet by routers, which are included on
6 the most recent tariff list.

7 Your email would typically be stored
8 in the cloud until it's needed. Which in
9 physical terms means it's sent to a data center.

10 Data centers run on servers that are
11 once again on the tariff list. Finally, most or
12 all the devices I just mentioned include
13 transceivers, optical transmitters, and network
14 interface cards and modules. These too are all
15 featured on the tariff list.

16 I'll stop there. But the point I want
17 to leave you with is, the proposed tariffs of up
18 to 25 percent will hit a significant portion of
19 the ICT products fundamental to the functioning
20 of broadband internet.

21 To conclude, tariffs on network
22 equipment stand to hinder the U.S. expansion of

1 high speed internet and next generation network
2 technologies.

3 In doing so, they'll damage our
4 technological and economic competitiveness
5 relative to other countries. And hurt our
6 economy.

7 For these reasons, we urge the
8 Administration to refrain from imposing Section
9 301 duties on telecom products.

10 MR. BISHOP: Thank you Ms. Swanson.
11 Mr. Chairman, that concludes direct testimony
12 from this panel.

13 MS. M. SMITH: Thank you very much.
14 Once again, I'm Maureen Smith from the Department
15 of Commerce, the International Trade
16 Administration.

17 And if I may, Mr. Haas, may I direct
18 my question to you this afternoon. Could you
19 please explain why the products covered in your
20 testimony cannot be manufactured in the United
21 States or in third countries?

22 MR. HAAS: Yeah. I'm happy to. Thank

1 you for the question. There is not significant
2 production taking place in the United States.

3 U.S. government data indicates that
4 about 68 percent of all of A473.30.11 imports
5 come directly from China, with few other low
6 costs regions in Asia making up the majority of
7 what's left.

8 There's just not the production taking
9 place here. And to be able to ramp up production
10 just doesn't make sense.

11 Additionally, U.S. providers have
12 worked with specific manufacturing partners that
13 have engaged in lengthy processes to build and
14 qualify factories in certain locations. And have
15 chosen specific vendors that can audit and
16 validate the properties of server boards,
17 networking equipment, and other key inputs.

18 These are not fungible processes. And
19 cannot be shifted to a new location in a short
20 period of time.

21 CHAIR TSAO: A follow up to that.

22 MR. HAAS: Of course.

1 CHAIR TSAO: I understand it can't be
2 shifted in a short period of time. But, if they
3 do have to shift, what's the length of time we're
4 talking about here?

5 MR. HAAS: I don't have the data on
6 the length of time it would take to stand up the
7 whole network here.

8 I can try and find that and get back
9 to you on that.

10 CHAIR TSAO: Not just in the United
11 States, but in third countries too.

12 MR. HAAS: Yeah. I -- yeah.

13 CHAIR TSAO: Okay. Thank you. Okay,
14 the next question I think I'm going to direct to
15 all the witnesses who testify about ATM. And
16 that will be Mr. Kuhn, Mr. Leehy, Mr. Matthews
17 and Mr. Renard.

18 You testified earlier that there are
19 no significant or any manufacturing capacity for
20 ATMs here in the United States. But I think one
21 of you testified that there are some capacities
22 in third countries.

1 So my question, my first question is,
2 if -- do you think the 25 percent tariff,
3 additional tariff rate would incentivize
4 producers to shift their production lines to
5 these third countries? And if so, how long would
6 that process take?

7 And my second question, set of
8 question is, based on your current business
9 model, if the additional duties were to take
10 effect, who would bear the, I guess, what would
11 the proportion of cost bearing with respect to
12 the different players?

13 Would it be the manufacturer? Would
14 it be the distributors? Or would it be the
15 ultimate end users?

16 And then I open it up to all of the
17 ATM witnesses.

18 MR. KUHN: So, this is Jason Kuhn.
19 I'm with Nautilus Hyosung America. And you know,
20 I -- regarding the tariffs and what it would
21 take, you know, to push the manufacturing to
22 third countries, you know, we manufacture in

1 different places around the globe.

2 And you know, our expansion into China
3 only occurred over the last, you know, several
4 years. And it was simply because of the fact
5 that our business has been growing and we outgrew
6 our primary manufacturing facility in South
7 Korea.

8 So, it took us a long time to get that
9 secondary facility in China up and running. And
10 I've got to imagine that it would take, you know,
11 about that same amount of time or longer, to tear
12 it down and move it back somewhere else.

13 You know, we don't -- we don't have
14 two of everything, you know, where we were
15 manufacturing parallel lines out of South Korea
16 and China for a short period of time.

17 You know, we've now, you know, taken
18 some of that manufacturing capability and turned
19 those lines over to other financial lines.

20 So, frankly from a business
21 standpoint, you know, we would not want to take
22 any immediate action until we see, you know, how

1 this plays out basically.

2 Because, you know, the cost associated
3 and the time associated with moving, you know, to
4 another third country is pretty astronomical for
5 the amount of products that we manufacture, you
6 know, in our China facility.

7 And I'd like to state, you know, that
8 our China facility is, it's our facility.
9 They're our employees. It's our building. It's
10 our parts.

11 We're making all of this stuff. And
12 it's our intellectual property. So, in no way,
13 shape, or form, did we move there because of the
14 fact that they had technology that we didn't.

15 You know, we simply needed to expand
16 our manufacturing. And we needed to be able to
17 offer lower costs to a market that was demanding
18 lower costs.

19 MR. RENARD: I think there's a related
20 point worth making there. Which is for the Panel
21 to understand that the real technology involved
22 with our machines is already in the U.S.

1 The software, which is the real tech
2 here, and that's the, you know, where the returns
3 are, where the future is, we've got it here now.

4 Okay? So, all we're talking about is
5 a very lost cost, low attractive, box production
6 abroad. Wherever that may be. But it's pretty
7 clear it's not coming back here.

8 On your second question, the consumer
9 will ultimately bear these costs. Because what
10 will happen is, the cost of the equipment will go
11 up. And the operators of these machines, you've
12 heard, you know, many small businesses across the
13 country, they have to make it up somewhere.

14 The only way they can make it up is in
15 their surcharge to the end user. And so
16 ultimately this is going to hurt the consumer in
17 America.

18 And that's for consumers that still
19 have ATMs available to them. There will be many
20 ATMs that will come out of service. And those
21 folks are going to be the most severely impacted.

22 MR. LEEHY: Yeah. If I could just

1 amplify that response. I don't think it's so
2 much a question of absorption.

3 I think it's really going to come down
4 to exclusion. I think just from the simple
5 economics that will choose to deploy our capital
6 in other ways and in other markets.

7 And that's unfortunate. But the
8 economics are what they are. So, I don't think
9 that portion of the business with all the
10 transaction activity really can support a higher
11 cost base. It struggles to do so now.

12 And candidly, I think just from a
13 strategic standpoint, anything that promotes
14 further exclusion or retards the energies that
15 have gone into financial inclusion for certain
16 markets and certain classes of individuals, I
17 think is really a step backward.

18 But I think that would be our fair --
19 I think it would redirect and redeploy our
20 capital.

21 MR. CONCEICAO: All right, good
22 afternoon. My question is for Mr. Roach. Mr.

1 Roach, you indicated that your company plans to
2 expand its operations next year, or is developing
3 plans to expand your operations next year.

4 Including constructing a new 150
5 thousand square foot facility. Which I gather
6 has some manufacturing, or you plan to have some
7 manufacturing capability there.

8 Would it be at all feasible that at
9 least some of the products, or could some of the
10 products that you list in your submission be
11 produced in a facility of that type?

12 MR. ROACH: Yeah. Like I mentioned,
13 the core technology, right. And it boils down,
14 and the previous panel really touched upon it, is
15 the motors. Right?

16 The AC motors or DC motors that we
17 utilize in our products, we just can't find those
18 here in the U.S. They're not made here in the
19 U.S. They haven't been made here in numerous
20 years to the extent of high quality, high
21 performance at low cost.

22 So, you know, a bulk of the cost of

1 the product would still be -- have to be
2 imported. Right? And then final assembly or
3 kitting would be done here in the U.S.

4 And this has been a plan that we've
5 had for about two years now, based upon our flow
6 of the business. Unfortunately what this
7 proposal is in the short term would really
8 negatively impact our ability to do that.

9 And you know, deployment of capital to
10 do this would probably be put on hold until we
11 see how it all shakes out. Right?

12 So, when you have these things enter
13 the market, it creates a lot of uncertainty as
14 far as what's going to happen.

15 So yes, our intention is to bring as
16 much back here. Obviously it reduces our lead
17 times. It gives us a better access to the
18 market, response to the market.

19 And you know, brings jobs and control
20 here in the U.S. But, it's just time.

21 MR. CONCEICAO: Okay. And as a follow
22 up, looking at the list of products that you

1 have, are there countries other than China that
2 produce them? And would any of them be viable
3 suppliers in the alternative?

4 MR. ROACH: Not really, no. There's
5 very little. I mean, you'll see some spots, you
6 know, Brazil.

7 But it's just not highly efficient the
8 way, you know, a lot of the panels have touched
9 on it is, the supply chain, the infrastructure,
10 the availability of the parts and components that
11 you need to build our products, you know, in our
12 products, three hundred to five hundred different
13 unique parts.

14 And we can source those all within,
15 you know, a hundred square foot -- a hundred
16 square mile area in Shanghai area. You can't do
17 that in the U.S., right? You can't do that in
18 most countries.

19 MR. CONCEICAO: Thank you very much.

20 MS. ZUCKERMAN: This question is for
21 Mr. Stemen. Could Inmotion's U.S. or Sweden
22 facilities be expanded to generate additional

1 scale to meet production needs?

2 MR. STEMEN: In the U.S.? Okay.

3 MS. ZUCKERMAN: The U.S. or Sweden.

4 Because you mentioned you have facilities in
5 both.

6 MR. STEMEN: That's correct. For the
7 -- specifically the generators and the parts that
8 we manufacture in China, this could be done maybe
9 over a ten-year period.

10 It's a very difficult product. It's
11 a custom product that we design in the U.S. And
12 has evolved over the years.

13 And while it uses no high technology,
14 it uses high labor content. And that product
15 specifically would take a long time to move.

16 And in Sweden, we don't have the type
17 of operations that it could be manufactured. The
18 -- one thing that is important that I wanted to
19 bring up, that we have other codes that are
20 affecting us.

21 And the codes that I brought up, these
22 three, are major effects to us. And we

1 understand and support what the U.S. is doing
2 right now. But it's having a very negative
3 impact on us.

4 And so manufacturing, back to your
5 questions. We design also very high efficiency
6 motors in the U.S. And we manufacture in the
7 U.S.

8 So, it's not just manufacturing in
9 China. Even though this is our facility for a
10 specific motor or generator. Motor and generator
11 can be used synonymously.

12 It does not immediately lend itself to
13 relocation to another one of our facilities.

14 MR. SULBY: My question is for Ms.
15 Swanson. You testify that the tariff will slow
16 the development of American technological
17 strength.

18 Could you please explain and elaborate
19 why that will be the case. Wouldn't the tariffs
20 allow U.S. companies and technology to be more
21 competitive with Chinese technology? And
22 increase U.S. technological strength?

1 MS. SWANSON: Imposing tariffs of up
2 to 25 percent will make products more expensive.
3 So it will make it harder for 5G to be adopted in
4 the U.S., because it's that much more expensive
5 than it would have been otherwise.

6 Meanwhile, China has designated 5G and
7 artificial intelligence as a strategic priority.
8 And they've outlined state funding mechanisms in
9 their 13th five-year plan and the Made in China
10 2025 Plan. And also in the artificial
11 intelligence three year development plan.

12 So while they're allocating funding to
13 build out those sophisticated technologies, the
14 U.S. is considering imposing a tax on the
15 equipment that's used to deliver them.

16 Which we believe could substantially
17 handicap the U.S. It will slow adoption of those
18 technologies in the U.S.

19 CHAIR TSAO: This is a follow up.
20 What about the U.S. equipment manufacturers?
21 Wouldn't a tariff help the U.S. equipment
22 manufacturers?

1 MS. SWANSON: A lot of our companies
2 do very intensive research and development and
3 design in the U.S. And the products are made in
4 China and imported.

5 Also some of the -- some of the more
6 sophisticated manufacturing does still happen in
7 the U.S. And those products I addressed in an
8 earlier round of tariff comments.

9 That was in the first round and the
10 second round. That hit a lot of the components
11 that are brought into the U.S. for manufacturing
12 the most sophisticated end equipment like some of
13 the satellite equipment, some of the high end
14 servers.

15 That stuff's already -- the components
16 that go into that have already been hit by
17 tariffs. So that makes it more expensive to
18 manufacture in the U.S.

19 That's already happened through
20 earlier tariff lists.

21 CHAIR TSAO: Another follow up. I
22 mean, if this is a sector deemed to be

1 strategically important by the Chinese
2 Government, I mean, wouldn't the Chinese
3 Government have more incentive to force either
4 our service suppliers or our equipment
5 manufacturers to actually transfer that
6 technology to their suppliers?

7 I mean, do you see that among your
8 members? Do you hear that complaint among your
9 members?

10 MS. SWANSON: We've had technology
11 transfer concerns. And we documented those in
12 our 301 comments when the investigation was
13 taking place in the fall of last year.

14 MR. STEMEN: May I further answer the
15 question that I was asked earlier? One --

16 MR. BISHOP: Could you identify
17 yourself, please?

18 MR. STEMEN: John Stemen with
19 Inmotion. One important part I forgot to mention
20 during the answer was, these generators involve a
21 lot of heavy magnets that the rare earth material
22 that the magnets are made of, 90 percent of the

1 magnet material is mined in China.

2 And this is the only source that we
3 found viable for magnets for this product. So
4 this is a key component of the cost of this
5 product.

6 And that's one additional reason in
7 addition to what I mentioned earlier.

8 MR. BISHOP: We release this panel
9 with our thanks. And we invite the members of
10 Panel 22 to come forward and be seated.

11 And the members of Panel 23 to be
12 seated in our waiting area. Thank you.

13 Will the room please come to order?
14 Mr. Chairman, our first witness on this panel is
15 Ron Duckstein with Sediver USA, Incorporated.

16 Mr. Duckstein, you have five minutes.

17 MR. DUCKSTEIN: Thank you for the
18 opportunity to speak today. My name is Ron
19 Duckstein. I'm with Sediver USA. I've been the
20 company for five years as their Sales Director.

21 Been in the industry that we serve for
22 32 years. And again, I appreciate the

1 opportunity to speak.

2 Sediver USA, Inc. is a subsidiary of
3 Seves Group. We're headquartered in Europe.
4 It's the world leading glass insulator
5 manufacturer serving the U.S. electric
6 transmission and distribution industry.

7 Electrical insulators for high voltage
8 transmission lines are considered critical to
9 companies responsible for generating,
10 transmitting, and distributing electric power to
11 the consumer.

12 Their quality and long term
13 reliability provides the dependability and
14 resilience to the transmission grid. Glass
15 insulators are the preferred technology choice
16 for utilities and engineering firms for high end,
17 high voltage transmission grids.

18 Follow a more than 15 million dollar
19 strategic investment done to specifically serve
20 the U.S. market, that's a significant value add
21 U.S. base, our state of the art factory located
22 in West Memphis, Arkansas opened for production

1 last year, March 1, 2017.

2 In addition to production, this plant
3 is equipped with a unique high voltage testing
4 laboratory which supports U.S. utilities and
5 their transmission grid asset and risk
6 management.

7 Replacement programs as well as
8 providing a center of technical expertise and
9 training excellence for U.S. engineers in the T&D
10 space.

11 Sediver USA is very proud to be the
12 only manufacturing plant of this specific product
13 in North America. Every other supplier of
14 ceramic, whether they be glass or porcelain
15 insulators in the U.S. imports 100 percent of
16 their finished insulators.

17 All other U.S. based manufacturers
18 have closed their ceramic insulator manufacturing
19 U.S. footprint long ago. And the most recent
20 would be 20 years.

21 We have already created a significant
22 number of new jobs for the local economy. And

1 plan to double this as we expand.

2 In addition, we have added more than
3 12 million dollars a year to the local economy.
4 And combination of payroll and consumable
5 supplies.

6 Sediver USA's current operations and
7 future growth heavily depend on imports from
8 China. Specialized components such as metal
9 parts along with glass shells used in the
10 assembly of our glass insulators are sourced from
11 China as they are critical to meet the U.S.
12 market price levels demanded by our customers.
13 And make the U.S. operations financially
14 sustainable.

15 Although we have initiatives in place
16 to locate domestic sources for metal parts, these
17 components are not currently available in the
18 U.S. And if eventually they are in the future,
19 they will be at a steep premium.

20 The glass shells are manufactured in
21 our own Sediver plants located in Shanghai,
22 China. We also continue to import finished

1 insulators from our Shanghai plant to complement
2 our production and effectively serve the U.S.
3 demand.

4 The new package of tariffs, if
5 implemented, will impact our ability to support
6 the U.S. utilities with their critical mission of
7 supplying reliable power at competitive rates.

8 Glass insulators manufactured by
9 Sediver USA in West Memphis, Arkansas are
10 contributing to keeping day to day service,
11 dependability, and play a critical role in
12 providing a product that helps to restore power
13 rapidly after a storm.

14 Just this month we shipped thousands
15 of insulators to California for repairing power
16 lines damaged by the massive and devastating
17 wildfires.

18 All our competitors also source
19 components from China. However, some of them
20 would have an unfair advantage over us since they
21 import their finished glass insulators to the
22 U.S. from other low cost countries such as Russia

1 and India.

2 And would therefore not be subjected
3 to those tariffs. Even though some of their
4 components are coming from China.

5 Ultimately, they would have an
6 economical advantage over us, a U.S. based
7 manufacturing facility quite clearly against the
8 interest of U.S. utilities, workers, and
9 customers. And not in line with the spirit of
10 the U.S. policy to favor production in the U.S.

11 As a matter of fact, Sediver already
12 requires a higher price than our competitors
13 because of the higher cost to produce in the U.S.
14 and provide top notched quality products together
15 with a state of the art technology supported by
16 our lab.

17 This premium has already proven to be
18 very difficult to sustain. An even higher
19 premium would certainly not be accepted by our
20 customers and ultimately may force the plant to
21 shut down.

22 We are a small business. With this in

1 mind, we ask that the 301 tariffs not apply to
2 glass insulators, the metal parts used, or the
3 glass shelves.

4 At the very least, we ask for a tariff
5 exemption so that we can keep supporting our
6 valued U.S. customers. And be able to compete
7 fairly in the marketplace.

8 We believe that without this tariff
9 exemption the future of Sediver's West Memphis,
10 Arkansas plant will be in jeopardy. And the U.S.
11 electrical power utilities will lose their only
12 U.S. based glass insulator manufacturer.

13 Thank you.

14 MR. BISHOP: Thank you Mr. Duckstein.
15 Our next witness is Frank Katz with Cheetah
16 Chassis Corporation.

17 Mr. Katz, you have five minutes.

18 MR. KATZ: Thank you. Good afternoon.
19 I'm -- and thank you all for coming and taking
20 the time to listen to us.

21 I'm Frank Katz. I'm Chairman of
22 Cheetah Chassis. I'm here on behalf of myself

1 and also on behalf of my 180 employee owners.

2 In fact, these people who actually
3 build the chassis are the one who said they
4 really wanted me to come down here and express
5 for them what we can do to help keep their jobs,
6 and how tariffs play into this.

7 They also asked me to mention that
8 they would like me to speak for the two hundred
9 other employee owners who have been laid off,
10 unfortunately, by us. Against everything I ever
11 like to do, over the last four or five years as a
12 result of what is clearly unfair competition by a
13 Chinese company, China International Marine
14 Corporation. We call it CIMC. Or they call
15 themselves CIMC.

16 Our business is really very simple.
17 We build primarily container chassis. Container
18 chassis are big steel frames, they're trailers
19 actually that operate on America highways.

20 They carry containers. Which carry
21 domestic freight. Our company was actually
22 involved in pioneering both containers and

1 container chassis in the 1970s.

2 Today nobody builds containers in the
3 United States. They're all built by CIMC in
4 China.

5 Recently CIMC decided that they were
6 going to come after the container chassis
7 business. And they did so by offering to sell
8 customers our products at a significantly less
9 than our prices.

10 Kind of scratched our heads about how
11 this could happen. And eventually we learned the
12 hard way, that we were not going to be able to
13 compete on the basis of price.

14 Many of our competitors learned this
15 an even harder way, and they ended up going out
16 of business.

17 The way we survived is by continually
18 innovating to stay one step ahead of CIMC. We
19 target new markets with new products as they
20 emerge.

21 Well, every time we do this, every
22 time we design a new product, it suddenly shows

1 up coming in from China about six months later.

2 Sometimes they have other shenanigans
3 like they actually published a picture of our
4 picture of our chassis on their advertising
5 materials. But they forgot to take our mud flaps
6 off, so.

7 Anyhow, it's very unpleasant for me to
8 admit that with all this happening, we've had to
9 lay off half of our employee owners.

10 But I figure I've learned a couple of
11 lessons in this. It took me a while. But we
12 figured it out.

13 First of all, we realized we're not
14 competing with CIMC. We're actually competing
15 with China.

16 At the back of your testimony you'll
17 see a copy of some very complicated chart from
18 CIMC's annual report, which basically shows that
19 through a complex web, they and the company they
20 use to ship their chassis here are all owned by
21 the Chinese government.

22 Second, we realized this is not about

1 chassis. It's not just about chassis. It's also
2 about steel.

3 See chassis are these big steel
4 products. They're virtually all made out of
5 steel. Even the components like the axles and
6 the springs and the landing gears, they're all
7 made out of steel.

8 So by pricing this properly, what's
9 happening is that they're in effect getting
10 around, they're making an end run around any kind
11 of restrictions there are on steel.

12 There's also a third component of
13 this, which we are a little concerned about. And
14 I don't know exactly why.

15 But, the fact is, that if this isn't
16 stopped, all the containers and all the chassis
17 in the United States, which are moving an
18 increasing portion of our freight because of this
19 trend towards intermodal trade, are going to be
20 built and owned by the Chinese.

21 You're going to hear from a lot of
22 large American transportation companies who tell

1 you that they oppose these tariffs. They'll tell
2 you that the American chassis manufacturing
3 industry cannot supply their needs.

4 There really is no basis for asserting
5 that there's going to be a shortage. I mean, my
6 company only runs one shift. We used to run
7 three.

8 There are other American manufacturers
9 here perfectly willing to reenter the business if
10 they can just get a reasonable price.

11 Besides, CIMC's President recently
12 said, and I'm going to quote this on CNN, if we
13 are hurt by the so-called tariffs, we will find a
14 way to continue to manufacture chassis. And we
15 will still get the market share.

16 I think this means that they need the
17 business to keep their factories working and
18 their steel mills running. That's the reason
19 they subsidize the product.

20 We hope that when these large
21 companies tell you that they need CIMC to supply
22 their needs, you understand that what they really

1 mean is that they want to continue to buy chassis
2 at unfairly low prices.

3 Imposing chassis -- imposing chassis
4 on Chinese -- sorry, imposing tariffs on Chinese
5 chassis and chassis parts won't hurt the U.S.
6 economy.

7 We all know that the cost of
8 transportation in this are largely related to
9 other issues. The chassis is a very small part
10 compared to the drivers and the gas and the fuel.

11 And the darn things last 20 years
12 anyhow. So, it's pennies.

13 It's not too late to prevent the
14 American chassis industry from being driven to
15 extinction by these unfair trade practices. I
16 hope you will all give American manufacturers a
17 fair shot to help us protect our national
18 interest.

19 Thank you very much for listening.

20 MR. BISHOP: Thank you, Mr. Katz. Our
21 next witness is John Hoge with Sea Eagle Boats.
22 Mr. Hoge, you have five minutes.

1 MR. HOGE: Thank you for giving the
2 chance to speak. My name is John Hoge. I'm with
3 Sea Eagle Boats, which is a family business that
4 sells inflatable boats and kayaks in Fort
5 Jefferson, New York.

6 Since 1968, we have developed and sold
7 inflatable kayaks, boats, and standup paddle
8 boards for sale in the U.S., Canada, the United
9 Kingdom, Australia, and many other markets. We
10 have 30 employees whose jobs are threatened by
11 the proposed tariffs. Over half of our employees
12 have been with us for a decade or more, and we
13 offer all of our employees 100 percent health
14 coverage paid for by the company because our team
15 is the reason for our success.

16 I am opposed to the tariffs on
17 inflatable boats for these reasons: tariffs will
18 not save manufacturing jobs in this particular
19 industry. Inflatable boats are an industry that
20 tariffs can only hurt. There never was a
21 domestic manufacturing place for consumer
22 inflatable boats. Fifty years ago when we

1 started in this business, we were importing from
2 a factory in France. Production moved over the
3 decades to Italy, Korea, and now China. There
4 are no jobs to be saved by this tariff because
5 there is no industrial base for inflatable kayaks
6 in this country.

7 Tariffs will not create jobs that
8 don't exist now. The proposed tariffs will not
9 create a U.S. manufacturing industry because
10 domestic production is simply too expensive for a
11 recreational product intended for the middle
12 class family. Producing inflatable boats cannot
13 be automated and requires extensive manual labor.
14 If these boats were produced at U.S. wage rates,
15 prices would have to rise above that which a
16 middle class family can afford.

17 Moving production out of China is
18 difficult and time consuming. Inflatable boats
19 are not easy to make and require skilled labor to
20 produce. Safety is a very important issue for
21 vessels carrying people, and safety cannot be
22 rushed. Boats must meet exacting standards set

1 by the National Marine Manufacturers Association.
2 Shifting production in a safe and responsible way
3 will take two to three years to do at scale.

4 Tariffs will destroy jobs and
5 companies in the U.S.A. Applying the proposed 25
6 percent tariff on Chinese production would force
7 importers to raise their own prices by 25
8 percent. This will undoubtedly result in
9 declining unit sales and a large drop in revenue.

10 Fewer orders would mean that fewer
11 Americans would be employed in occupations from
12 warehouse work to web development. Marketing
13 budgets will have to be cut sharply, and that
14 would mean canceled orders for advertising,
15 catalogue printing, video production, and digital
16 marketing.

17 Fewer orders means less business for
18 carriers such as FedEx and UPS. Jobs that are
19 currently secure will be lost overnight. Having
20 to let employees go who have been with us for
21 many years would devastate our team. While the
22 industry is not large, the loss of employment is

1 huge to the people involved.

2 Job prospects for employees laid off
3 due to tariffs would not be responding, as many
4 of these employees have been working in this
5 industry for decades or more and it would not be
6 quick and easy for them to find employment.

7 Furthermore, the middle class quality
8 of life would be further eroded. Even with the
9 recent growth of the U.S. economy, American
10 consumers still have a limited budget. Wages
11 haven't risen much for many families, and most
12 people must watch what they spend on consumer
13 goods.

14 Inflatable boats have long been an
15 affordable way to enjoy America's waterways.
16 Safe family fun on the water should not be
17 exclusively for the one percent. The middle
18 class has long enjoyed boating and kayaking, and
19 it would be a shame if these tariffs and price
20 increases meant that they would further erode the
21 quality of life for the American family.

22 I ask the Committee to exclude

1 inflatable boats and associated boat parts -- the
2 tariff numbers are in the document -- from this
3 tariff. Failure to do so would inflict
4 tremendous and unnecessary harm, with no benefits
5 whatsoever. Thank you, and I welcome your
6 questions.

7 MR. BISHOP: Thank you, Mr. Hoge. Our
8 next witness is Jim Leishman with Pacific Asian
9 Enterprises, Incorporated. Mr. Leishman, you
10 have five minutes.

11 MR. LEISHMAN: Yes, thank you for the
12 opportunity to speak. I'm a co-founder and co-
13 owner of a company that we formed 40 years ago.
14 We manufacture yachts. In 40 years of business,
15 we've produced over 1,000 yachts, and we have
16 primarily built them in Asia, in Taiwan, and more
17 recently, over the past 15 years, in China. We
18 have active manufacturing in Taiwan at this time,
19 and about two-thirds of our production is in
20 China. The related subheadings that I'm
21 responding to are 8903.92 and 8903.99.90.

22 These yachts that we build, they're

1 big, they're expensive yachts, but they're
2 generally low-technology. It has nothing to do
3 with technology transfer, the intellectual
4 property, and innovation. It's not part of the
5 program of the Made In China 2025. The yachts
6 that are assembled in China are relatively
7 simple, low-speed yachts designed for long-range
8 cruising. The technology used in the design
9 assembly built of these yachts taking place in
10 China has been in place for many, many years.

11 Of the cost of the yacht, say, for
12 instance, a 10-million-dollar yacht, about 40
13 percent is paid to our vendor in China. That's
14 the yard cost. The remaining 60 percent is
15 comprised of thousands and thousands of
16 components that we supply, including engines,
17 generators, hydraulic systems, electronic
18 packages.

19 I've heard it once said that the best
20 thing for the economy is when a big wealthy guy
21 goes out and buys an yacht, because the amount of
22 people that benefit from that purchase, not only

1 at the time the boat is built and paid for, but
2 for years afterwards: the constant maintenance,
3 the crewing of the yacht, it employs a tremendous
4 amount of people downstream, aside from the
5 original purchase.

6 So, for us, with all of these yachts,
7 if you look back to the last three years, our net
8 pre-tax profit is running about four percent
9 after we pay our G&A and all of our costs and
10 insurance and shipping and all of the associated
11 costs of building these boats, that's about what
12 we end up with. And we're actually kind of proud
13 of that.

14 But to throw in a 25 percent tariff
15 into our program right now, it's just a wipe-out.
16 It would be just unsustainable. You could never
17 imagine, on the boats that we build, of trying to
18 aspire to a 25 percent margin. It would just
19 never happen. So, throwing a tariff like that at
20 us would just be terrible.

21 And while, over a period of years, we
22 could move our production that we have in China

1 back over to Taiwan, as many people have said
2 here, the cost of doing that is just exorbitant.
3 We have an infrastructure there, we have a
4 factory, we have employees, we have tooling. To
5 move all of that back from China over, say, to
6 Taiwan, would be very costly and would take a
7 lot, a lot of time.

8 This tariff is a disaster for us. I
9 think we can get through it, I guess, but what's
10 ultimately going to happen is that, right now,
11 most of our larger yachts are foreign-flagged, so
12 people don't even want to get involved in the
13 U.S. We currently have about 10 million dollars'
14 worth of yachts that are in production that are
15 contracted to go into the U.S. market, but what
16 people will do is they'll just simply foreign-
17 flag. It makes a lot of sense, with a large
18 yacht, to register, say, in the Cayman Islands or
19 the Marshall Islands or various other flags of
20 convenience. They can avoid a whole array of
21 taxes. I mean, the state sales taxes. They
22 don't have to pay the U.S. duty that is now

1 currently charged. It's been in place for 40
2 years. They won't get caught up in any personal
3 property tax from the various counties. They can
4 operate a foreign-flagged yacht and come into the
5 United States on a cruising permit and operate
6 freely. And that's what a lot of them do.
7 There's a lot of other benefits from a liability
8 standpoint.

9 But by enacting this, it's going to
10 hurt us greatly. But the people who ultimately
11 would have flagged the boats in the U.S. are
12 going to foreign-flag them, and it's just going
13 to be a loss for a lot of people involved. So I
14 oppose it, and I hope that that tariff can be
15 reconsidered. Thank you.

16 MR. BISHOP: Thank you, Mr. Leishman.
17 Our next witness is Harlan Stone with the
18 American Consumers and Workers Justice Coalition.

19 Mr. Stone, you have five minutes.

20 MR. STONE: Good afternoon. Thank you
21 very much for the opportunity to speak to you
22 today. My name is Harlan Stone, and I appear

1 before you today as the founder of the American
2 Consumers and Workers Justice Coalition, also as
3 the president of the Multilayer Flooring
4 Association, and as the president and CEO of
5 Halstead New England Corporation, and co-
6 chairman, along with my brother, of Metroflor
7 Corporation. I respectfully submit the following
8 comments on behalf of the coalition, the MFA, and
9 Halstead Metroflor in response to the U.S. Trade
10 Representative's request for comments on the
11 Section 301 tariffs.

12 On behalf of the organizations I
13 represent and the companies that I head, I
14 respectfully request that you remove from the
15 proposed list of imported goods from China
16 subject to additional punitive tariffs items
17 classified under HTS 3918.10.10.

18 The vinyl flooring industry represents
19 thousands, tens of thousands, of employees in
20 small-, medium-, and also large-scale businesses
21 across this country. Our industry sells quality
22 vinyl flooring products to big-box retail stores,

1 as well as mom and pop independent retail stores
2 throughout all 50 of these United States.

3 Imposition of a proposed tariff, 10
4 percent, or possibly 25 percent, would cause
5 disproportionate economic harm, particularly to
6 the small and medium American flooring
7 businesses, as well as to American workers and
8 American consumers.

9 Our primary product, luxury vinyl
10 tile, known as LVT, is a consumer product.
11 There's insufficient non-Chinese capacity to
12 replace the Chinese imports of LVT if the
13 proposed 25 percent tariffs are implemented.

14 In 2017, there was a total of 2.66
15 billion square feet of LVT imported from all
16 countries into the U.S. Of that, 2.22 billion
17 square feet, or 83 percent, was imported from
18 China.

19 Previous commentators have suggested
20 that, because there is excess capacity,
21 imposition of the additional duties would not
22 cause disproportionate harm to U.S. consumers.

1 But that excess capacity is not of LVT. It's of
2 legacy products that have little or no demand in
3 this country.

4 The implication that either Korean,
5 European, or American unused capacity is
6 sufficient to replace the product supplied by
7 Chinese manufacturers is not correct. They are
8 not able to produce products that the consumers
9 want. They are only able to produce things that
10 the market has already chosen not to purchase.
11 It would be a great disservice to the American
12 consumer if we did not incorporate their demand
13 and desires for their choices in flooring
14 products.

15 Implementation of the proposed duty on
16 LVT will aggravate and amplify pressure to
17 increase prices on LVT, particularly given the
18 dramatic growing demand for these products.

19 Our analysis shows that the proposed
20 punitive tariffs will materially and unfairly
21 increase costs of LVT products to the American
22 consumer. Since the tariffs cannot be fully

1 absorbed by the vinyl flooring supply chain, the
2 10 or 25 percent tariffs must be passed on, at
3 least in part, to the American consumer,
4 effectively resulting in an unfair indirect tax
5 on LVT products to American consumers. American
6 families will therefore be required to pay higher
7 prices for LVT products.

8 Higher tariffs will also lead to
9 higher costs and fewer and less innovative
10 choices for the American consumer, reducing
11 consumers' access to the latest technology, such
12 as waterproof flooring and other developments,
13 including superior performance, easier
14 installation, greater product safety, and
15 increased sustainability.

16 In addition, our companies are deeply
17 concerned that the proposed tariffs will result
18 in American job losses and thousands of layoffs
19 would occur throughout the supply chain,
20 including hundreds of small- and medium-sized
21 businesses, flooring distributors, retailers, and
22 installers in all 50 of these United States.

1 Finally, our companies do not believe
2 there is any danger of any sensitive U.S.
3 technology falling into the hands of the Chinese
4 government. Although we are an innovative
5 industry, this is simply innovation in home
6 decoration. There is no high-tech or cutting-
7 edge technology that is in any way at risk of
8 being stolen by the Chinese government or Chinese
9 companies.

10 The imposition of a duty on these
11 items will not effectively eliminate any acts,
12 policies, or practices of the Chinese government
13 that are negative for the U.S. economy. We
14 believe we have to stand here for the American
15 worker, consumer, and businesses. Thank you very
16 much for your attention, and I look forward to
17 your questions.

18 MR. BISHOP: Thank you, Mr. Stone.
19 Our next witness is Robert Unnerstall, Jr., with
20 the National Cart Company. Mr. Unnerstall, you
21 have five minutes.

22 MR. UNNERSTALL: Thank you. My name

1 is Rob Unnerstall. I'm president and CEO of our
2 family owned and operated company based in St.
3 Charles, Missouri. I'm here to voice my
4 opposition to the proposed increase of 25 percent
5 pursuant to Section 301. There are several
6 subsections that we mentioned in our letter.

7 Our company, as I mentioned, is a
8 family owned and operated Midwestern company, and
9 we're a leader in material handling design,
10 manufacturing, distribution, and servicing in the
11 store fixture and material handling industries.
12 Our main campus is in St. Charles, Missouri; we
13 have a second U.S. location, located in Reno,
14 Nevada. Total square footage is approximately
15 350,000 square feet today; about 75 percent of it
16 is manufacturing, 25 percent of it is warehouse.
17 And we are in the process, today, of breaking
18 ground on an additional 60,000 square feet and
19 about a \$5 million capital investment back into
20 our business.

21 Our customer base ranges from single-
22 unit retailers to Fortune 100 companies. We

1 serve many industries, a great deal these days,
2 on the logistics side of the world, with the
3 explosion of e-commerce. Our current customer
4 base includes folks like Amazon, Walmart, Target,
5 Kroger, as well as mom and pop supermarkets.

6 National Cart, our company, prides
7 itself on the fact that we are able to support
8 our customers' needs by being able to both
9 domestically manufacture goods, as well as import
10 commodity products, and then, additionally, we
11 call it a hybrid manufacture, when we take
12 imported components and translate them into
13 produced goods here in the United States.

14 We adopted this policy and method of
15 manufacturing distribution back in 2001 when our
16 industry was targeted by Chinese imports. And it
17 was one of those situations where you can either
18 get on the game or you can die a slow death. We
19 chose to get into the import game.

20 Since then, we've grown from 80
21 associates and approximately \$17 million in
22 revenue to approximately 300 associates and \$80

1 million in revenue. So we've grown a great deal
2 by adopting that policy, and I'm very, very proud
3 of it. We fueled this growth by continuously
4 innovating new products in this country with the
5 customer in mind, increasing our domestic
6 manufacturing capabilities, as well as partnering
7 with Chinese organizations that help produce some
8 of these commodities and sub-components.

9 In keeping with this partnership
10 mindset, we continuously groom our overseas
11 vendors to produce high quality parts at a fair
12 cost while not compromising any of our
13 intellectual property rights. We ensure that we
14 work closely with these partners, customers,
15 employees, and vendors alike, to build
16 relationships that provide a value proposition
17 for our retailers. These tariff increases would
18 only serve to jeopardize this customer and
19 supplier relationship that we have painstakingly
20 built over the last 39 years, and it would slow
21 our pace of growth, thereby reducing jobs and
22 reducing customer demand.

1 We do firmly believe that this policy
2 would also lead to an additional reduction in raw
3 materials of both aluminum and steel, which was
4 what something these original tariffs were poised
5 to protect. Over the last year, National Cart,
6 as well as the rest of our country's metal users,
7 have faced increased costs in domestic steel and
8 aluminum. As a result of these recent tariffs on
9 steel, our aluminum steel costs have risen
10 approximately 46 percent in steel, and
11 approximately 31 percent in aluminum. It's led
12 to a great deal of uncertainty, exposing our
13 organization to a high variability in material
14 costs, while undergoing long-term pricing
15 contracts with our customers has led to some
16 significant challenges.

17 The recent tariffs on the raw steel
18 and aluminum have already taken a toll on our
19 business. This uncertainty is now only
20 compounded by the latest proposal to increase and
21 expand the codes.

22 To illustrate, over the last 12

1 months, we've worked very diligently to partner
2 with a U.S. retailer to innovate and develop a
3 new material handling process for their
4 organization. We have sampled and sent many,
5 many products to many stores, tested, changed,
6 innovated, and have secured a very large purchase
7 order with this U.S. retailer. We have issued
8 purchase orders with our Asian partners. These
9 products are currently on the water with all raw
10 materials currently purchased.

11 This job, so to speak, this rollout,
12 which is very significant to our organization and
13 our employee base, has the ability to turn from a
14 profit to a significant loss based on this 25
15 percent tariff, basically wasting a year of our
16 capital and time and development costs to develop
17 this solution for our retailer.

18 These tariffs do not appear to be
19 strategically targeted. they seem to be based on
20 dollars aimed on imports and mostly directed in
21 terms of the harmful actions identified in the
22 USTR's investigation. Not only will these

1 additional tariffs restrict free trade, but they
2 would ultimately lead to the government picking
3 winners and losers.

4 Additionally, the potential for
5 implementation of these new levels of tariffs
6 will essentially have an immediate, chaotic
7 impact on all the affected parties. It's that --

8 CHAIR BUTLER: You have 20 more
9 seconds.

10 MR. UNNERSTALL: I'm sorry. It seems
11 as though the immediate action of this tariff has
12 the ability to leave somebody standing in a
13 musical chairs type of example.

14 That being said, I apologize for
15 running over. I thank you for your time, and I
16 absolutely welcome any questions that you may
17 have on the impacts of this proposed tariff.
18 Thank you.

19 MR. BISHOP: Thank you, Mr.
20 Unnerstall. Our final witness on this panel is
21 Steve Williams with Elberta Crate & Box Company.
22 Mr. Williams, you have five minutes.

1 MR. WILLIAMS: Thank you, and thanks
2 for having me. My name is Steve Williams. I'm
3 the CEO of Elberta Crate & Box Company. We use
4 certain types of imported softwood plywood to
5 manufacture fruit and vegetable crates or boxes.
6 I would say it's probably safe to say that almost
7 everyone in this room has eaten vegetables, corn,
8 beans, maybe leafy vegetables that have been
9 packed and shipped in our crates. So, thank you.

10 We employ approximately 400 people and
11 have two plants that manufacture in the U.S. One
12 is in Bainbridge, Georgia, southwest corner
13 there; and in Warrenton, South Carolina, not to
14 far south from here.

15 We have been in business since 1905.
16 There used to be quite a few wire-bound
17 manufacturers. We are one of two survivors.
18 There are only two American companies who are
19 making wooden, wire-bound crates for our nation's
20 farmers and fishermen in the U.S.A. today.

21 Cutting off Elberta from its supply of
22 softwood plywood, which is one of areas that is

1 targeted, would result in a transfer or the
2 potential consideration of moving jobs to survive
3 to other locations, possibly Mexico, maybe even
4 China, because of the way the tariffs fall out.

5 We already compete against foreign
6 crates that are made in Honduras. It's not to a
7 big extent, because we are a very niche industry.
8 They are made in Honduras, Mexico, and then a
9 couple other places.

10 Tariffs on softwood plywood would
11 further harm Elberta's ability to retain American
12 manufacturing jobs in the face of some of this
13 competition. And we've listed some of the HTS
14 codes that we believe should be removed from this
15 retaliation list. These products are plywood
16 with a face and back of various kinds of softwood
17 species, such as radiata pine.

18 We also bring or import a component of
19 the crate. We try to do as little as we can or
20 have to, but most of these components in these
21 tariffs all fall into areas that are really not -
22 - they're like the kitchen sink; there's nowhere

1 to put them. It's like other wood, things like
2 that. We just happen to be a niche industry that
3 just falls into a place where we have to even
4 look for a code to put things.

5 We import some of these pieces from
6 China today to help support and supply our
7 American production. We basically make our
8 crates, plywood being one of the components.
9 There are four main components, and it's one of
10 them; it's probably 10 or 12 percent of the total
11 of the crate. Eighty-five percent of the
12 materials that we use in our crates, or 75 to 85
13 percent, are domestic products. We source and
14 try to do as much as we can. Most of our
15 employees are non-skilled labor, and we mainly
16 import the plywood component because it is not
17 available in the United States.

18 Now, most plywood is, but we use a --
19 it's actually not a kind of decorative plywood
20 that Columbia Forest Products and others in the
21 domestic hardwood plywood industry have
22 encouraged keeping these on the list. The

1 component that we use is very thin, almost a
2 trash type of plywood. It works just enough to
3 be able to make the crate work to support putting
4 corn in or beans or vegetables like that.

5 For many years, we have used this type
6 of plywood. Probably about 10 years that we've
7 imported from China, because we were just having
8 trouble sourcing material in the U.S. It wasn't
9 because it was cheaper. It's just that the
10 component or material that we use, we use this
11 plywood to make fruit and vegetable boxes that
12 are exposed to the elements. It's not an
13 interior, decorative plywood. It's a far cry
14 from the beautiful kinds of plywood that you see
15 mainly being imported from these other countries
16 or from these other companies.

17 Imposing duties on these would not
18 achieve an objective related to enhancing the
19 enforcement of intellectual property rights. I
20 mean, it's mainly done by manual labor, and
21 that's why the component is almost a trash
22 product, but yet it supports the crate well

1 enough for the farmer to want it.

2 This kind of plywood we use is the
3 most basic, unfinished, non-decorative, non-
4 intellectual plywood you can imagine. It's not
5 subject to any patent or trademarks. These items
6 are not available here. As I mentioned, we've
7 never had a company calling us to sell us this
8 product. No one has ever come by, no one has
9 ever said anything to us. It's like, what do you
10 do?

11 Our foreign competition will continue
12 to have access to it. It's the way they it works
13 around and how they move product --

14 CHAIR BUTLER: Mr. Williams, please
15 conclude.

16 MR. WILLIAMS: Okay. We just would
17 like to be able to have this excluded because we
18 would have problems sourcing it anywhere else.
19 Thank you.

20 MR. BISHOP: Thank you, Mr. Williams.
21 Mr. Chairman, that concludes direct testimony
22 from this panel.

1 MS. M. SMITH: Thanks very much. I'd
2 like to address my question, please, to Mr.
3 Duckstein. In your statement, you explained that
4 there are, in fact, other manufacturers of
5 insulators in Russia and in India. Would they be
6 able to supply the metal parts and glass shells
7 that you currently import from China?

8 MR. DUCKSTEIN: Thank you for your
9 question. And, no, they would not be able to
10 supply those. Those manufacturers that I
11 referenced do get their parts from China.

12 MS. M. SMITH: So can I please probe
13 a little more deeply into that?

14 MR. DUCKSTEIN: Sure.

15 MS. M. SMITH: So they incorporate
16 components from China in their manufacturing.
17 But would that preclude their being responsive to
18 your requirement for their product?

19 MR. DUCKSTEIN: Well, those
20 manufacturers compete against us, not necessarily
21 our component suppliers. They compete against us
22 with fully-assembled insulators. So they get

1 their components from their sources, and some of
2 those sources are China.

3 MS. M. SMITH: Thank you. And the
4 other sources that you just referred to, would
5 they be able to use those components in meeting
6 the requirement?

7 MR. DUCKSTEIN: There are three basic
8 components to our insulator. They're relatively
9 simple. We have a cap, a pin, and a glass shell.
10 The glass shells we manufacture in our own
11 facility in Shanghai, China. We can't
12 manufacture with somebody else's glass shell,
13 because it's our own technology and it works as a
14 system, so we would be unable to source that from
15 anywhere. Other manufacturers also make their
16 own glass shells. So that's sort of the basic
17 component.

18 The metal parts, the cap and the pin,
19 are what would be sourced from a third party.
20 And there are locations outside of China that
21 could manufacture those, technically. But from a
22 cost perspective, it could double and triple the

1 cost of those metal parts, and ultimately
2 increase the final cost of the product 20 to 30
3 percent.

4 MS. M. SMITH: Thank you.

5 MS. BONNER: Mr. Katz, I have a two-
6 part question. How long would it take for
7 Cheetah to expand production to meet current
8 domestic demand for imported chassis? And
9 second, would there be a price increase for those
10 chassis to trucking companies?

11 MR. KATZ: Okay. So, to answer the
12 first question, I'll give you a little bit of
13 background. Cheetah generally produced about 30
14 to maybe 50 percent of the chassis that were
15 needed in this country, historically. There were
16 other manufacturers that were very active in this
17 business, and they all changed around.

18 As I told you, some of them have gone
19 out of business, but there are three or four
20 remaining that are very anxious to ramp up. You
21 have people like Stoughton, Hercules, who make
22 chassis, and all these people have scaled back as

1 we have scaled back. So, there's no question
2 that there's enough physical capacity for us to
3 serve the entire market.

4 Obviously, there's learning curves and
5 hiring curves and so on and so forth, but if you
6 take all of us, and we all suddenly go to second
7 shifts, I think it would be pretty close to being
8 able to serve the market. In terms of time, it
9 is difficult to hire these days, but probably in
10 90, 180 days, you could see some increases.

11 It's not our goal to put the Chinese
12 out of this business. Our goal is simply to
13 establish a level playing field. And I believe
14 that, ultimately, the way this would work out --
15 and again, as I told you, they're not inclined to
16 leave. They've taken this business away, so I'm
17 not sure we have to go to 100 percent.

18 In terms of the price increase, I can
19 really only talk about cost, because the price
20 right now is determined by the Chinese. The
21 business that we get is determined by them and
22 how close we can get to their prices.

1 But when we increase the size, the
2 scaling that people know benefits the Chinese,
3 would certainly benefit us. And we go back to
4 having two shifts a day, we're running more
5 product through the factory with the same
6 overhead and paying off the capital equipment
7 faster, so on and so forth, so there's no reason
8 why our cost would increase.

9 MS. BONNER: Thank you.

10 MR. KATZ: Does that answer your
11 question?

12 MS. BONNER: Yes, thank you very much.

13 CHAIR BUTLER: Sorry, just as a
14 follow-up, Mr. Katz, could you address their
15 country sources?

16 MR. KATZ: So, it's interesting about
17 chassis, because they're long. They're about 40
18 feet long. Until the Chinese decided to use
19 their sister shipping company to move them,
20 nobody ever moved these things around on ships.
21 But there are very vital industries, both in
22 Canada and in Mexico. In Mexico, it's actually a

1 Korean company that operates a very large
2 facility in Mexico. And that would almost
3 certainly -- thank you for asking that question,
4 because they both just moved away from the market
5 because they couldn't compete with the Chinese
6 pricing. But if the pricing was back to a
7 realistic level, that would more than satisfy the
8 needs of the market.

9 MR. SULBY: My question is for Mr.
10 Hoge with Sea Eagle. Are your former suppliers
11 in Italy, France, and Korea still viable
12 suppliers for inflatable boats, or are they no
13 longer in the market?

14 MR. HOGE: No, they haven't been
15 viable for decades in Italy and France. Korea is
16 borderline right now, but in a few years they
17 will not be competitive. The Korean minimum wage
18 is higher than the U.S. now, so it's something
19 where there's almost no industry left in Korea at
20 this point.

21 MR. CONCEICAO: Great. My question is
22 for Mr. Leishman. Mr. Leishman, first, do we in

1 the United States manufacture yachts similar to
2 those that you produce overseas?

3 MR. LEISHMAN: Very limited. We,
4 ourselves, have tried to build in California, and
5 did for about six years. But environmental
6 issues and labor, and then the facility, the cost
7 of the land -- the boats are so big, they can't
8 be trucked. So it was not really a viable option
9 for us.

10 Although the yacht building is huge in
11 the United States -- in fact, I think U.S.
12 production takes care of about 95 percent of the
13 U.S. market. These are just very large, very
14 unique expedition yachts that we build, so
15 there's really not much going on in the U.S.
16 aside from single-builds. There's no real
17 production facilities that are available to us.

18 MR. CONCEICAO: Okay. And as a
19 follow-up question, in your testimony you said
20 about 40 percent of the price of a finished yacht
21 is based on the assembly that takes place
22 overseas, and 60 percent are components that I

1 presume your company is supplying. Are those
2 components of U.S. origin, for the most part?

3 MR. LEISHMAN: Most of them are. They
4 would be Caterpillar, Cummins, John Deere,
5 hydraulic components. Some European products,
6 some of the electronics, their origin is Japan.
7 So it's a big basket. But the major components
8 that make up the lion's share of the cost would
9 be U.S.-manufactured components, heavy machinery,
10 steering gears, things of that nature.

11 MR. CONCEICAO: And you source those
12 here and supply them to the manufacturer?

13 MR. LEISHMAN: We supply a big portion
14 of the bill of materials to our partner in China
15 for installation into the boats.

16 MR. CONCEICAO: Thank you very much.

17 MS. PETTIS: This is Maureen Pettis,
18 Department of Labor. This is a question for Mr.
19 Stone. You testify that Korean, European, and
20 U.S. unused capacity would not be sufficient to
21 replace Chinese production. Could you explain to
22 the Committee the basis for your view?

1 MR. STONE: Thank you for the
2 question. Yes, so, the vinyl flooring industry
3 encompasses a lot of different products. And
4 recently there has been a great shift away from
5 old, traditional sheet vinyl products towards
6 modular products, which would be called luxury
7 vinyl tile; and more specifically within luxury
8 vinyl tile is a product of which I am the
9 president of the association, multilayer
10 flooring.

11 So, today, multilayer flooring is in
12 its third or fourth year, and it currently has a
13 very large share of the market and over 100
14 percent of the growth in the vinyl flooring
15 market. And the only manufacturing facilities
16 that are making this product today are in China
17 and a very small amount coming out of Europe.

18 The ramp-up to create this innovative
19 new process of manufacturing has been slow in the
20 markets outside of China: Korea, Europe, and
21 America. Whereas in China the speed at which
22 they've come to market has been very rapid, both

1 in terms of the innovation and the actual output.
2 So we see it as actually a speed game, and the
3 speed simply isn't there in those markets.

4 CHAIR BUTLER: All right. Just as a
5 follow-up, I think you're speaking about the
6 multilayered, but what about the LVT? Isn't
7 production in the U.S. quite large now?

8 MR. STONE: LVT is kind of the mother
9 and multilayer is the daughter. LVT production
10 in the United States, there's been over a billion
11 dollars invested, and, with that, they've been
12 unable to increase the percentage that they can
13 serve, because the market has grown so quickly.

14 So, whereas there's been a lot of
15 investment in United States, the amount that's
16 being imported, percentage-wise, is increasing
17 because they're not able to get the machines
18 going fast enough to meet the demand. We have
19 close to a 30 percent growth compounded right now
20 in our category.

21 CHAIR BUTLER: Thank you.

22 MR. STONE: You're welcome.

1 MS. ZUCKERMAN: This question is for
2 Mr. Unnerstall. Can you please clarify what
3 exact HTS numbers you are proposing be removed
4 from the proposed action? And then, separately,
5 what other sources of supply exist for those
6 products?

7 MR. UNNERSTALL: Certainly, I
8 understand. Thanks for the question. The actual
9 codes that we're impacted by are 8716.80.50,
10 .50.90, 8716.90.50, and then .50.60, 9403.20.00,
11 and then .003, and then 9403.20.00.20.

12 In terms of the opportunity to develop
13 alternative sources, as many folks have
14 explained, the timeframe and the capital
15 investment involved in shifting production from
16 one country to another country is extensive.
17 These vendor-partners that we have developed have
18 been done so over the last 15, 18 years. And
19 they've invested heavily in terms of robotics and
20 tube lasers, sheet lasers, things of that nature,
21 and these relationships and partnerships just
22 don't happen overnight. So it would be years to

1 develop alternative sources. And it certainly can
2 be done so.

3 And then, to expand upon that, again,
4 the timeframe that this tariff/tax can be
5 implemented in is going to leave somebody short.
6 Again, we have an opportunity to make a fair
7 profit on a significant capital investment, and
8 with this proposed tariff, if our customer
9 doesn't step up to the plate and share some of
10 this burden, which they contractually do not have
11 to do, we could lose millions of dollars,
12 quickly.

13 MS. ZUCKERMAN: Thank you.

14 MR. UNNERSTALL: Thank you for your
15 time.

16 MR. WINELAND: Mr. Williams, you
17 indicated that you're unable to source your
18 materials from domestic plywood manufacturers
19 here in the U.S. What other countries
20 manufacture plywood, and are there prospective
21 sources of the waste material from such
22 countries?

1 MR. WILLIAMS: Right now I'm not aware
2 of any. And it was unique in how this was
3 developed. I had a friend who went to church
4 with me who went over to China to be a
5 missionary. He had been there about 10 years,
6 and then, all of a sudden, it's like we began to
7 develop something to fit into the crate, because
8 we were struggling with sourcing here in the
9 U.S., the components for it. So we're not aware
10 of it.

11 Could we go somewhere else? He
12 actually helped to develop -- he has since moved
13 back to the U.S. recently. He has traveled to
14 Vietnam. We've looked at other places, but as of
15 right now, there is not another place. We're not
16 aware of it, and we certainly can't source it
17 domestically.

18 Now, 10 years ago we used to make a
19 component that has become harder and harder to
20 source in the U.S., so we would have to go back
21 to that. It would be very, very difficult to
22 even begin to source it from the raw material,

1 which is from the forest.

2 MR. BISHOP: We release this panel
3 with our thanks. And we invite the members of
4 Panel 23 to come forward and be seated, and the
5 members of Panel 24 to be seated in our waiting
6 area. Thank you.

7 MR. BISHOP: Mr. Chairman, our first
8 witness on this panel is Heidi Allen-Carr with
9 MacLean Power, LLC.

10 Ms. Allen-Carr, you have five minutes.

11 MS. ALLEN-CARR: Hello. I am Heidi
12 Allen-Carr with MacLean Power, LLC.

13 MacLean's products are used to support
14 the electrical transmission and communication
15 network infrastructure. MacLean has over 10
16 offices and manufacturing facilities within the
17 United States and employs thousands of U.S.
18 citizens.

19 As a company built on American
20 entrepreneurial principles, MacLean recognizes
21 the Trump Administration's efforts to address
22 China's policies that negatively impact U.S.

1 commerce, including forced technology transfers
2 and unenforced intellectual property rights.

3 As a manufacturing hub and important
4 source of low-cost imported products, China is
5 also a critical trading partner in supply basic
6 components that are used in many products that
7 MacLean manufactures. We are concerned with the
8 Administration's recent proposed action to impose
9 an additional duty of 25 percent on certain
10 components and subcomponents imported from China.
11 The HTS codes on the proposed tariff list, and
12 noted in the Appendix 1, impact many products
13 manufactured by MacLean and support U.S. jobs
14 downstream through the supply chain. MacLean
15 believes that many of the proposed tariffs would
16 undermine the competitiveness of the company,
17 resulting in the damage of industries in which
18 its products are sold, and American interests.

19 MacLean products are used within the
20 electrical transmission and communication network
21 infrastructure. The ability of MacLean to supply
22 these products is key to the continued growth of

1 the American economy. Electricity transported on
2 the network built with MacLean products is
3 required to support the American electrical grid,
4 supplying power to millions of businesses and
5 homes.

6 Additionally, communication outlets
7 rely on products manufactured by MacLean to hold
8 key hardware in place, supporting the face-paced
9 and free flow of information critical to the
10 business and citizens. The strength and growth
11 of American electrical communications network is
12 a keystone to the continued growth of the
13 American economy.

14 Additionally, MacLean's products
15 support people in U.S. and abroad in times of
16 need by protection of critical products that are
17 needed to restore the electrical and
18 communication network infrastructure when they
19 are destroyed by hurricanes and wildfires. For
20 example, MacLean continues to manufacture
21 products that are instrumental in power
22 restoration efforts in post-hurricane Maria

1 Puerto Rico. The upcoming hurricane season will
2 undoubtedly destroy hardware with the electrical
3 and communication network and create the need for
4 these products from the Northeast to the
5 Southeast regions of the U.S. As well, MacLean
6 manufactured products continue shipping to the
7 western U.S. regions, where annual wildfires are
8 destroying electric power lines and network
9 communication towers.

10 Without affordable access to basic
11 components impacted by the HTS listing in
12 Appendix 1, waiting for repairs and being without
13 electricity and communication will be commonplace
14 for millions of U.S. citizens.

15 MacLean-Fogg employs many U.S.
16 citizens in manufacturing and supporting
17 administrative jobs. The additional 25 percent
18 tariffs on the HTS codes in Appendix 1 would
19 prohibit MacLean from manufacturing profitable
20 products, resulting in a reduction of employees
21 and increased U.S. unemployment rates. The loss
22 of jobs would occur not only at MacLean, but also

1 at MacLean's customers who, likewise, would be
2 unable to purchase and install the higher-cost
3 products available within the electrical and
4 communication networks.

5 The impact of tariffs on these HTS
6 codes would negatively impact the entire supply
7 chain. The HTS codes listed within the Appendix
8 1 of this letter relate to the components and the
9 subcomponents that cannot be sourced from other
10 American companies. Minimal sourcing
11 alternatives exist, as China is the primary
12 supplier to the world of many of these
13 components. Therefore, we do not see any
14 benefits to the U.S. economy or U.S.-based
15 manufacturers when imposing tariffs on these
16 products, as sourcing would just shift to low-
17 cost manufacturing countries and not alleviate
18 the overall U.S. trade imbalance. Further,
19 developing factories and methods of manufacturing
20 of these components requires significant capital
21 investment and time before production could begin
22 in the United States.

1 The HTS codes listed within this
2 testimony are for components that do not support
3 the Made in China 2025 sectors. These components
4 do not include new materials or unique
5 technologies that support automation, biopharma,
6 or aerospace, maritime, rail, agricultural
7 equipment. The components covered by the HTS
8 code list in Appendix 1 are simple and
9 nontechnical to produce. The U.S. has moved
10 away --

11 CHAIR BUTLER: I'm going to need you
12 to conclude, please.

13 MS. ALLEN-CARR: Certainly. The U.S.
14 has moved away from producing these, as they have
15 limited value and low complexity and are
16 prevalent within many of the manufactured
17 products. China's ability to source these items
18 at a low cost does not provide a competitive
19 advantage within the Made in China 2025
20 Initiative.

21 I appreciate your time. Thank you.

22 MR. BISHOP: Thank you, Ms. Carr.

1 Our next witness is Brad Kautzer of
2 Banner Engineering.

3 Mr. Kautzer, you have five minutes.

4 MR. KAUTZER: Good afternoon, Mr.
5 Chairman and Members of the Committee. My name
6 is Brad Kautzer. I'm the Chief Operating Officer
7 of Banner Engineering, headquartered in
8 Minneapolis, Minnesota. Thank you for the
9 opportunity to participate before this Committee
10 in a matter of urgent and critical importance to
11 our company.

12 As a global leader in industrial
13 automation, Banner Engineering is a true American
14 success story. From humble beginnings, Banner
15 grew its industrial sensor manufacturing business
16 from three people to now over 1400 employees
17 worldwide, including 900-plus jobs based in the
18 United States. Banner is the industrial sensor
19 market leader in the United States, and we export
20 products to over 75 countries worldwide,
21 including China being our second largest market
22 outside the U.S.

1 To support domestic and international
2 growth, Banner has expanded its operations to
3 include three factories in the United States, a
4 plant in Mexico, and a wholly-foreign-owned
5 enterprise in China. Our strategy to enhance our
6 U.S. market position and expand internationally
7 in China and other international markets has
8 resulted in a 56 percent growth of U.S.
9 manufacturing jobs in Minnesota and South Dakota
10 since 2003. Our corporate campus has seen a 62
11 percent increase in high-technology positions,
12 including disciplines such as engineering,
13 technical, and other professional positions to
14 support our global growth.

15 Banner's U.S. sites play a critical
16 role in providing high-technology sensors that
17 are designed and manufactured in the U.S. for
18 domestic consumption and also exported to China
19 and worldwide markets. Banner's products are key
20 components that provide intelligence to form the
21 core of powering the industrial internet of
22 things which is so prevalent in driving

1 productivity and efficiency for U.S. industry.

2 Banner had the opportunity to
3 participate in the July hearings related to list
4 2 to relay our concerns about how the wave of
5 tariffs negatively impacted cost and competitive
6 position for commodity sensors exported from our
7 China factory and electronic components sourced
8 from U.S.-based suppliers -- or from China-based
9 suppliers. I am here today to discuss how
10 current proposed tariffs affect negatively our
11 business in another area; namely, how it supports
12 our U.S. factories.

13 The List 3 tariffs further compound an
14 already-challenging situation because the new
15 costs now directly and significantly impact all
16 of our high-technology products produced by
17 Banner's U.S. operations. Our high-technology
18 products compete directly with foreign suppliers,
19 primarily Asian and European companies, who do
20 not have the same constraints. This places
21 Banner in a significantly cost disadvantage
22 position and creates an uneven playing field,

1 even within our home markets, but also globally.

2 While we understand the rationale and
3 impetus for negotiating with China regarding
4 certain business practices, Banner has been doing
5 business in China successfully since the 1990s
6 and has not experienced the pressures of IP
7 transfer or other onerous challenges that may
8 have impacted other industries, as outlined in
9 the 301 findings. We do, however, see and agree
10 with areas for improvement, such as having more
11 transparency with business processes, including
12 custom clearance, inspections, trademarks, agency
13 approvals that create barriers for doing business
14 with China. Banner supports constructive
15 engagement with China to address these concerns,
16 but we view the tariffs as a dangerous tool that
17 will only cause unintended consequences.

18 Imposing tariffs identified in List 3
19 poses a twofold problem for our company. First,
20 the top tariff code related to printed circuit
21 boards, 8534-00-00, is used across virtually
22 every product made by Banner in our U.S.

1 factories. China possess virtually all of the
2 world's capacity for these simple printed circuit
3 boards that Banner consumes. Volume capacity
4 does not exist anywhere else in the world, and
5 moving or establishing this supply chain is
6 impractical due to capacity and cost. While it
7 is possible that production might migrate to
8 other countries over time, it would take
9 significant investment in time and dollars. Due
10 to cost alone, it is highly unlikely that these
11 boards would ever return to the U.S. market.
12 Similar challenges exist for another two codes
13 related to plastic molding and metal parts.

14 Secondly, our company has invested
15 millions of dollars to develop capable and global
16 highly-integrated supply chains for these lower-
17 level components. And even if a source of supply
18 could be identified, it would take years to
19 create capacity, qualify parts, and work with our
20 customers to approve these changes.

21 There's also a significant opportunity
22 cost in not being able to develop innovative new

1 designs. Banner produces and assembles millions
2 of sensors annually in our U.S. facilities.
3 These products all would use these components and
4 would be affected.

5 In summary, our experience in China
6 has not done to Banner what has been outlined in
7 the 301 docket. We have successfully established
8 strong local presence in China to grow our
9 business without providing competitive
10 technology. The above-referenced tariffs which
11 we would source in China our important component
12 parts do not develop or support the critical mass
13 or the secret sauce, if you will, of our products
14 where we would compete and keep that technology
15 in the U.S.

16 This would ultimately lead to a loss
17 of U.S.-based employment. Now Banner can compete
18 with anybody in the world. We do compete
19 primarily with large global companies. But this
20 would only make it more difficult. And we
21 compete and win because of technology
22 advancement, not what we would do for sourcing

1 basic components that go inside of our
2 components.

3 I look forward to answering your
4 questions.

5 MR. BISHOP: Thank you, Mr. Kautzer.

6 Our next witness is Jeff Busch with
7 Enerco Group, Incorporated.

8 Mr. Busch, you have five minutes.

9 MR. BUSCH: Good afternoon, Mr.
10 Chairman and Members of the Committee. My name
11 is Jeff Busch, President of Enerco Group, a
12 family-owned business headquartered in Cleveland,
13 Ohio. Founded in 1957 as the first radiant
14 heating company in the United States, Enerco has
15 grown over the past 61 years to become one of the
16 largest portable heating suppliers to consumers
17 and contractors in the United States.

18 Our company employs associates in five
19 states to design, engineer, manufacture, and
20 distribute gas heating products to most every
21 retailer in the country under our Mr. Heater
22 brand. Our heaters provide comfort to Americans

1 on construction sites, campsites, and hunting
2 blinds, and even indoors during power outages.

3 We strongly support the effort to
4 eliminate policies and practices of China related
5 to technology transfer, intellectual property and
6 innovation detrimental to the U.S. economy.

7 Since Enerco manufactures heaters in both the
8 U.S. and China, we are constantly analyzing the
9 economics of producing in both locations and have
10 as recently as this year launched new products
11 manufactured in Cleveland, Ohio. As of today,
12 our current studies show manufacturing gas
13 forced-air heaters specific to Code 7322900015 in
14 the U.S. for sale to mass retail is not
15 economically feasible, which is why Enerco
16 heaters in this code for both retail and
17 commercial use are currently being produced by
18 our partners in China.

19 It should be of particular importance
20 to the Committee, while Enerco manufactures
21 certain gas forced-air heaters in China, there's
22 no proven U.S. manufacturing source able to meet

1 the requirements of the U.S. market. In this
2 manner, the tariffs would only serve to increase
3 the price to U.S. consumers as well as to
4 contractors on construction sites, as we head
5 into the upcoming winter season. In fact, a 10
6 or 25 percent tariff would significantly add to
7 winter jobsite construction cost and could be a
8 contributing factor to a slowdown in fourth and
9 first quarter growth.

10 While we currently invest 100 percent
11 of our profits back in our business, and have
12 been adding U.S. employees with double-digit
13 growth, this economic slowdown caused by less
14 investment in winter heat would drive the need
15 for workforce reduction at our company, and would
16 yield far less investment in innovation relating
17 to our products as well as our infrastructure.

18 Heaters within this code do not
19 contain industrially-significant technology, nor
20 do we believe this code includes technology or
21 products related to China's Made in 2025
22 industrial program. In fact, the portable Mr.

1 Heater Buddy Gas Heater has been lauded by the
2 CPSC for its unique and patented ability to
3 operate safely indoors; thus, saving lives
4 compared to alternative heaters. This technology
5 was developed by Enerco and has been manufactured
6 by a Chinese business partner for 18 years, and
7 during that period we have felt no pressure
8 regarding forced technology transfer, nor have an
9 IP issues of concern. Said simply, gas forced-
10 air heaters have been keeping U.S. consumers
11 comfortable for many decades, and there is no
12 real technology or gain to be had by China in
13 this category of goods.

14 Our true competitive edge is here in
15 the United States, where we employ a U.S.
16 workforce to produce heaters in other codes and
17 to delight our customers with world-class design,
18 innovation, and service. While we feel, for all
19 the reasons mentioned, that this code does not
20 meet the criteria for inclusion in the tariffs,
21 to further complicate this code, there are two
22 major manufacturing regions in the world, home to

1 a component supply chain able to support the
2 cost-effective production of gas forced-air
3 heaters. These manufacturing regions reside in
4 China and to a lesser extent South Korea. We do
5 not believe it's the Committee's intent to levy
6 tariffs against Enerco's heaters imported from
7 China while similar products could be imported
8 from South Korea with no U.S. tariff; thus,
9 granting an unfair economic advantage to
10 production in South Korea. As a point of matter,
11 the proposed tariff on this code provides
12 incentive for production of gas heating products
13 to be moved from China to South Korea.

14 Mr. Chairman and Committee Members, we
15 know that trade analysts were acting in good
16 faith when reviewing all the codes to determine
17 which would least affect U.S. consumers and cause
18 minimal disruption to the economy while still
19 meeting the previously-mentioned goals. This was
20 certainly a daunting task.

21 We appreciate the time you granted us
22 to share specific details within the code

1 developed for gas forced-air heaters and how a
2 tariff on goods imported from China would,
3 indeed, hurt U.S. consumers and winter
4 construction, would certainly hurt our Enerco
5 employees, and would actually encourage
6 production moves from China to South Korea due to
7 the lack of a U.S. supply chain within these
8 products.

9 I share these thoughts on behalf of
10 our entire workforce as well as our U.S. retail
11 partners, and appreciate your consideration of
12 our testimony to remove Code 732290 from the
13 proposed tariff list. Thank you.

14 MR. BISHOP: Thank you, Mr. Busch.

15 Our next witness is Jennifer Dolin
16 with LEDVANCE, LLC.

17 Ms. Dolin, you have five minutes.

18 MS. DOLIN: Thank you. I appreciate
19 the opportunity to speak with you today.

20 My name is Jennifer Dolin. Before
21 entering the lighting industry 14 years ago, I
22 spent 10 years at the U.S. Environmental

1 Protection Agency here in Washington, D.C. But
2 today I'm here in my role as Government Affairs
3 Manager at LEDVANCE.

4 We make Sylvania brand light bulbs in
5 our factories in Pennsylvania and Kentucky. We
6 also operate distribution centers in those states
7 as well as in California to serve our U.S.
8 customers.

9 Simply put, if enacted, the proposed
10 tariffs would harm our U.S. manufacturing. Seven
11 of the proposed tariff codes are on components
12 that are necessary to manufacture LED,
13 fluorescent, and halogen light bulbs, and these
14 all come from China. China is by far the world's
15 primary supplier of these components, and there
16 are very few options to obtain them from any
17 other countries.

18 At the same time, there is no tariff
19 proposed on finished LED light bulbs produced in
20 China, imported to the United States. Under the
21 proposed tariff scheme, it would be cheaper to
22 buy finished LED light bulbs from China than it

1 would be to manufacture them in our U.S.
2 factories. In short, the proposed supplemental
3 action puts U.S. manufacturing at risk.

4 To address these unintended
5 consequences and level the playing field for U.S.
6 manufacturers like LEDVANCE, we suggest either of
7 these two simple remedies: eliminate seven
8 tariff codes from the list, and I have those in
9 my written testimony, or add finished LED light
10 bulbs to the list, also in my testimony. These
11 two steps would help protect U.S. manufacturing.

12 For context, I'd like to provide a bit
13 of history about our U.S. production. Sylvania
14 light bulbs have been a household name in America
15 since 1901. Our U.S. headquarters is in
16 Massachusetts, and we employ more than a thousand
17 U.S. workers nationwide, over 650 of whom are in
18 our manufacturing plants and distribution
19 centers. Our factories in St Marys,
20 Pennsylvania, and Versailles, Kentucky, both
21 rural areas, carry on our long tradition of
22 producing high-quality light bulbs using

1 components from both the U.S. and abroad. In
2 many cases, our U.S. workers represent multiple
3 generations of local families.

4 When federal legislation mandated a
5 phase-out of traditional incandescent light
6 bulbs, the lighting industry turned to energy-
7 efficient LED technology. Instead of taking the
8 easy route and sourcing all of our light bulbs
9 from China, LEDVANCE invested \$10 million to re-
10 engineer and retrofit our production lines. We
11 enabled high-speed manufacturing of LED light
12 bulbs right here in the U.S. Our factory in
13 Pennsylvania now manufactures LED light bulbs
14 four times faster than the Chinese.

15 I understand you're looking for
16 answers to very specific questions. So, I would
17 like to address some of them. Can we move our
18 products out of China and, if so, where can we
19 source them? The answer is, yes, we can make
20 them here. That was our plan before the tariffs.
21 This fiscal year that ends at the end of
22 September, 31 percent of the finished LED light

1 bulbs that we sold to customers were produced at
2 our U.S. plants. The remaining 69 percent were
3 sourced from China. Our plan for next fiscal
4 year, starting in October, is to reverse that
5 ratio. We plan to produce 70 percent of our LED
6 light bulbs here and purchase just 30 percent
7 from China. We had not counted on the tariffs
8 that would prevent this from being economically
9 feasible.

10 The second question, how long would it
11 take? Our U.S. factories could quickly scale-up
12 to meet 100 percent of customer demand. It would
13 take just 120 days to add employees and schedule
14 additional shifts.

15 What are the impediments? The only
16 impediment is the tariff proposal. With the
17 tariffs as proposed, purchasing components would
18 be more expensive than buying finished light
19 bulbs straight from China. The proposed tariffs
20 would put our U.S. production at a significant
21 disadvantage.

22 To summarize and reiterate, it

1 enacted, the supplemental action would harm U.S.
2 manufacturing, which we know is not the
3 Administration's intent. To avoid unintended
4 consequences, we recommend either of these two
5 simple steps: eliminate seven tariff codes from
6 the list or add finished LED light bulbs to the
7 list. Either of those two actions would level
8 the playing field for U.S. manufacturers and help
9 protect American workers.

10 Thank you again for your time and
11 consideration.

12 MR. BISHOP: Thank you, Ms. Dolin.

13 Our next witness is Eric Jacobson with
14 American Lighting Association.

15 Mr. Jacobson, you have five minutes.

16 MR. JACOBSON: Mr. Chairman and the
17 Committee, thanks for the opportunity to be here
18 today. My name is Eric Jacobson, and I'm
19 President and CEO of the American Lighting
20 Association, known as ALA.

21 ALA is a Dallas-based trade
22 association representing 3,000 members in

1 residential lighting, mainly fixtures, ceiling
2 fan and control industries in the United States.
3 The membership is comprised of manufacturers,
4 manufacturer reps, retail lighting showrooms, and
5 lighting designers. We represent family-owned
6 and operated businesses, and those are American
7 family-owned and small businesses.

8 Imposing 10 or 25 percent tariffs on
9 the products of the lighting industry would
10 likely cause great harm to the American-owned
11 companies and their workers. The lighting
12 industry has been transformed with the advent of
13 the LED, and allowing tariffs would stifle
14 innovation and disrupt energy efficiency
15 developments.

16 ALA believes the need to protect a
17 company or country's collective IP is a just
18 cause. The threat China imposes on our
19 sovereignty is real, but while the lighting
20 industry takes issue with IP protection very
21 seriously, we do not have any severe cases of IP
22 theft for which tariff protection is warranted.

1 The lighting industry has experienced
2 a significant growth curve. Manufacturing
3 companies are desperate for workers, seeking
4 highly-skilled labor to bolster their ranks and
5 support their customers. However, the proposed
6 tariffs would threaten to alter that course.
7 Additionally, the imposition of tariffs would
8 cause a disruption in supply chains, resulting in
9 job losses as well as higher prices and upset
10 consumers.

11 Manufacturers have indicated they will
12 curb domestic research and development and focus
13 on resourcing and negotiated concessions with
14 their current sources. These supply chains have
15 been built over 30 years, and these are proven
16 and established sources of materials and
17 components needed for lighting products. Ninety-
18 seven percent of the residential lighting
19 products, particularly fixtures, manufactured for
20 sale in the U.S. are made by U.S. manufacturers
21 who do import from China, but they employ more
22 high-paying U.S. jobs than ever before. These

1 are not Chinese imports flooding the marketplace
2 in the fixture market.

3 Production-related jobs would not
4 transition to the U.S., and tariffs are not
5 encouragement to bring jobs ashore. They would
6 significantly harm current workforces and stall
7 employment.

8 Allowing the proposed tariffs on
9 lighting products to take effect would hurt job
10 growth and increase prices. Lighting retailers
11 are facing new challenges. They are surviving
12 competition from multiple channels of
13 distribution, are navigating a web of challenging
14 sales tax policies. Our retail stores are the
15 face of the lighting industry to the general
16 public, and the tariffs and the related price
17 increases will leave the consumer with less
18 discretionary spending. Bottom line, if a 10 or
19 25 percent tariff is put in place, the burden
20 will be on small businesses and, ultimately, the
21 U.S. consumer.

22 Additionally, lighting retailers work

1 with large and small homebuilders across the
2 country. Lighting tends to be on the end or one
3 of the final finishing products installed in a
4 home and, as such, is often at the end of the
5 purchasing chain. If tariffs are implemented,
6 lighting products will be hit doubly hard as
7 consumers will have already spent considerable
8 dollars on other items associated with the
9 homebuilding process.

10 In conclusion, lighting is unique in
11 that it touches everyone's life every day. Very
12 few industries can make that bold claim. In
13 fact, cutting-edge scientific research is
14 happening today that is proving that lighting
15 affects one's health, one's mood, and one's
16 general well-being.

17 On behalf of the ALA, the voice of
18 lighting fixture manufacturers and retailers in
19 residential lighting products, I request that the
20 Committee review the 13 HTS codes that are in my
21 written testimony and remove them when you make
22 your final determination.

1 Our members appreciate the urgency to
2 protect IP and our national interests, but in the
3 case of the residential lighting market, it is
4 only the American consumer that will be hurt by
5 this 10 or 25 percent tariff.

6 Since early this year, tax reform has
7 made a very positive impact on the economy. ALA
8 encourages President Trump, Ambassador
9 Lighthizer, and the USTR, and the members of this
10 Committee to look at other alternatives to tariff
11 that will support tax reform, not counteract it.

12 Again, thank you for my time today.

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

14 Our next witness is Spencer Stock with
15 Lester Electrical.

16 Mr. Stock, you have five minutes.

17 MR. STOCK: Thank you for the
18 opportunity to testify. My name is Spencer
19 Stock. I'm the President and CEO of Lester
20 Electrical.

21 Lester Electrical is a manufacturer of
22 electrical power conversion and monitoring

1 products located in Lincoln, Nebraska. We have
2 been designing and manufacturing battery chargers
3 and related products for industrial and
4 commercial electric vehicles, battery chargers
5 for mission-critical industrial and commercial
6 battery backup applications, and professional
7 lighting power and control products in Lincoln,
8 Nebraska since 1963. Our company's motto is:
9 high tech meets the heartland. And we are out on
10 the silicon prairie competing with other
11 companies from around the world in the high-tech
12 space of electrification.

13 Because of the highly-competitive
14 nature of the markets that we serve, we've had to
15 develop both a global supply chain and a global
16 manufacturing footprint. Like the vast majority
17 of U.S. manufacturers of electronics, we source
18 products from China because the manufacturing of
19 a great number of electronic components is
20 primarily and in many cases solely located within
21 China. As such, we use electronic components
22 that we source from China in products that we

1 manufacture in our factory in Lincoln, Nebraska,
2 and we also manufacture select products in China.

3 For a highly-engineered product such
4 a complex piece of electronics, it can take years
5 and a great deal of financial resources to
6 establish a global supply chain because of the
7 number and type of qualification activities
8 required, from component identification to
9 engineering testing, to quality assurance
10 auditing. A few months' notice is nowhere near
11 enough time to up-end the supply chain for a
12 single highly-engineered product, let alone many
13 highly-engineered products, especially for a
14 small business such as Lester Electrical with
15 limited resources.

16 Even if the notice created were more
17 reasonable, redesigning products to eliminate
18 electronic components manufactured in China would
19 essentially require us to take all of our
20 resources away from designing new products,
21 putting us at a significant competitive
22 disadvantage. This would, then, flow downhill to

1 our customers, many of which are small and
2 medium-sized businesses themselves that have
3 qualified our products for use within their own
4 highly-engineered products. If we change the
5 electronic components used in our products, they
6 must re-qualify them all, at great expense as
7 well.

8 As such, it is the strong belief of
9 Lester Electrical that imposing additional duties
10 on electronic components in general would cause
11 disproportionate economic harms to U.S.
12 manufacturers of electronics and other U.S.
13 manufacturers that utilize those electronics with
14 or within their equipment, especially small and
15 medium-sized businesses.

16 In our particular case, we
17 respectfully request that tariff subheadings
18 8504.40.95 and 8534.00.00 be removed from the
19 list of additional duties. Moreover, for the
20 products we manufacture in China, currently, we
21 still bring many of these units to the U.S. that
22 will ultimately be exported to other countries,

1 so that we can perform final assembly on the
2 units, warehouse them for quick shipment, et
3 cetera, which results in U.S. jobs. Even with
4 the potential for duty drawback, the additional
5 duties would result in us shipping more products
6 directly from China to our customers in other
7 countries, resulting in us not adding new U.S.
8 jobs or potentially reducing U.S. jobs.

9 Finally, in our particular situation,
10 Lester Electrical does not see how increasing
11 duties would be an effective method of obtaining
12 the elimination of China's acts, policies, and
13 practices related to technology transfer,
14 intellectual property, and innovation. We
15 strongly believe that it would only result in
16 disproportionate economic harm and have an
17 adverse effect on U.S. jobs. As such, Lester
18 Electrical again respectfully requests that
19 tariff subheadings 8504.40.95 and 8534.00.00 be
20 removed from the list of additional duties.

21 As a U.S. manufacturer, the initial
22 round of Section 301 tariffs area already

1 affecting our business. When those tariffs were
2 originally proposed, we did not participate in
3 the process to give testimony or submit comments
4 because we were certain that the Administration
5 would see that additional duties on the
6 subheadings for electronic components would
7 negatively impact U.S. manufacturers of
8 electronics, the primary importers of these
9 subheadings. As such, we are participating to
10 the full extent possible this round, hoping to
11 shed light on this major issue facing U.S.
12 manufacturing.

13 Thank you for the opportunity to
14 appear and testify.

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

16 Our final witness on this panel is
17 Mark Werner of Lamplight Farms, Incorporated.

18 Mr. Werner, you have five minutes.

19 MR. WERNER: Thank you, and good
20 afternoon. My name is Mark Werner. I'm the
21 President and CEO of Lamplight Farms,
22 Incorporated.

1 Lamplight is a leading producer of
2 consumer products for outdoor living,
3 particularly natural flame torches, tabletop
4 vessels, and citronella candles. We are the
5 makers of Tiki brand torches, fuel, and candles.

6 I'm here today to testify in
7 opposition to the Section 301 tariffs that have
8 been proposed for imposition against numerous
9 products, including Tiki torches and Tiki
10 citronella candles.

11 We understand and appreciate the
12 objectives of the Section 301 proceeding. The
13 United States need to ensure that other countries
14 are trading with us on fair terms. We accept
15 that the grievances against China identified in
16 the Section 301 determination require a response.
17 However, the fact that I am testifying here today
18 illustrates just how far removed the current
19 proposed remedy is from addressing the harm that
20 has been identified.

21 The Section 301 determination includes
22 detailed findings about China's acts, policies,

1 and practices related to forced technology
2 transfer and IP theft. Given that, it seems odd
3 that Lamplight's goods have been included on the
4 proposed list for supplemental tariffs. It is
5 hard to imagine products less vulnerable to
6 forced technology transfer and IP theft than Tiki
7 torches and citronella candles.

8 The Section 301 determination also
9 focuses on the industry where China aims to
10 promote through its industrial policies, such as
11 Made in China 2025. In that industry policy, the
12 Government of China has made clear its intent to
13 promote and develop strategic high-tech
14 manufacturing industries. Again, it is hard to
15 imagine products which benefit less from these
16 industrial products than Tiki torches and
17 citronella candles.

18 China is aiming to become a leader in
19 advanced robotics, biotechnology products, and
20 cutting-edge technologies like self-driving cars.
21 China has no apparent state-sponsored strategy
22 for becoming a world leader in outdoor lighting

1 and decor products. We've been sourcing products
2 in China for several decades, and have never seen
3 indications of such a state strategy, if one
4 exists.

5 From a sourcing perspective, bamboo
6 torches represent a significant percentage of our
7 product portfolio. We manufacture bamboo and
8 metal Tiki brand torches in China in large part
9 because the raw bamboo used to make bamboo
10 torches is not available in the U.S. This bamboo
11 cannot be grown effectively in the U.S. But, as
12 you may have heard, bamboo is a resource that
13 China has in abundance. This has driven our
14 sourcing decisions.

15 Although Tiki torches are manufactured
16 outside of the U.S., our Wisconsin facility
17 employs many workers who package torches before
18 shipment to customers. We also run a significant
19 U.S.-based filling operation for torch fuel,
20 which will be adversely affected, should these
21 tariffs come into effect. A decrease in demand
22 for Tiki torches will mean a decrease in demand

1 for Tiki fuel.

2 We are glad that the U.S. Government
3 is taking steps to position the United States as
4 a global leader in cutting-edge 21st century
5 technologies. We even support in the abstract
6 this Administration's efforts to take appropriate
7 steps to ensure that U.S. companies continue to
8 be globally-competitive and leaders in technology
9 innovation. But we question in the strongest
10 terms how a reduction on U.S. imports of Tiki
11 torches and citronella candles can be a key part
12 of that strategy.

13 The proposed tariffs will have a
14 massive adverse impact on our company. Lightlamp
15 Farms is a medium-sized business with 70 full-
16 time and 70 part-time employees. Many of these
17 jobs stand to be affected if these tariffs are
18 imposed as planned.

19 We are concerned that the intention to
20 impose tariffs on a range of non-technology
21 goods, if these duties are imposed, they will
22 effectively prevent U.S. consumers from being

1 able to buy backyard decorative lighting,
2 torches, and tabletop candles that have been
3 beloved by U.S. families for generations.

4 We respectfully request that you spare
5 our company from being drawn into this dispute to
6 which we are utterly foreign. Thank you for your
7 consideration.

8 MR. BISHOP: Thank you, Mr. Werner.

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

11 MS. M. SMITH: Thank you very much.

12 I'd like to direct my question,
13 please, to Ms. Allen-Carr of MacLean Lighting.
14 In your statement you say that "minimum sourcing
15 alternatives exist," as China is the major or the
16 primary supplier to the world of many of these
17 components. I was wondering perhaps if you could
18 provide us with some additional detail regarding
19 other countries that might be suppliers of the
20 components in question other than China.

21 MS. ALLEN-CARR: Sure. I'd like to
22 talk to specifically the 7326908688. We purchase

1 some forgings and we purchase some ductile iron
2 castings from China. Globally, ductile iron
3 casting foundries, there is a global constraint
4 on capacity. In the United States, many of the
5 foundries over the last five years have gone out
6 of business and consolidated. So, the
7 availability in the United States is limited.

8 Some of this has to do with capital as
9 tooling for some of that equipment is quite
10 expensive. And our industry in general is very
11 antiquated. Not a lot of changes have happened
12 to the power and the product lines that you see.

13 So, when we buy a ductile iron
14 casting, it's a very small, lower or less part-
15 weight item. It is not very technically-savvy.
16 It doesn't have tons of machining. And so, not
17 everybody wants to make it.

18 For example, in North America, if you
19 were to go to Mexico and look at foundries, most
20 of the Mexico foundries will not quote it. And
21 the reason they won't is because most people want
22 ductile iron castings that are larger-weight or

1 more technical-savvy. A lot of people don't want
2 to make a small part that doesn't add any pizzazz
3 to what they're producing.

4 So, around the world, one of the
5 constraints that I'm having is that our
6 particular product style that we have is not
7 something most people want to get into.

8 Also, I wanted to say that we are a
9 manufacturer in the United States. And so, part
10 of what we do is we buy from lower-cost
11 countries, so we can keep the manufacturing here
12 in the United States. So, our plants
13 manufacture.

14 For example, in Pelham and Alabaster,
15 we have aluminum casting foundry, but you'll
16 notice on here you'll also see that we buy some
17 die-casting, 7616995160. Not only were we hit by
18 Section 232, now this is another proposal for
19 that. What we do, or I think our company does
20 well, is we try to make the components that we
21 can do cost-effectively, but we want to be able
22 to supply our customer with everything they need

1 when a storm comes, when a disaster happens. And
2 so, to do that, we have to source some things
3 outside of the United States to be able to
4 continue to supply to our customer.

5 Did that answer your question?

6 MS. M. SMITH: It did in part.

7 MS. ALLEN-CARR: Okay.

8 MS. M. SMITH: But you devoted your
9 comments, admittedly, as an example to really one
10 of the items.

11 MS. ALLEN-CARR: I can elaborate on
12 the others.

13 MS. M. SMITH: I was going to suggest,
14 if I may, in the interest of time, that you
15 submit answers regarding all of the items that
16 you have on the list --

17 MS. ALLEN-CARR: Sure.

18 MS. M. SMITH: -- for the record,
19 indicating where there are alternative sources
20 that might exist and/or reasons why you don't
21 think these alternatives are viable.

22 MS. ALLEN-CARR: Sure.

1 MS. M. SMITH: Thank you very much.

2 MR. MULLIS: Good afternoon.

3 My question is for Mr. Kautzer. In
4 your testimony, you highlighted some of the
5 challenges of sourcing these products from other
6 countries outside of China, but could you
7 elaborate on what countries that are
8 possibilities and what are some of their
9 capacities at the moment?

10 MR. KAUTZER: Thank you.

11 It's actually a multi-level question.
12 But the core answer to our issue is we are a
13 high-mix, low-volume business. So, we literally
14 buy thousands of these boards. And we've created
15 a supply chain that not only our supplier, but
16 our supplier's suppliers, who we've worked with
17 for many years, developed a very high-quality
18 supply base. We've looked at and tried to find
19 other capabilities in countries like Malaysia,
20 Vietnam, and India. The capacity doesn't exist,
21 and the ability to have a high-quality supply
22 chain just simply isn't there right now.

1 There is some very limited capacity in
2 the U.S., but it's mostly supporting our
3 prototype in fast response on new products. So,
4 what we will use is the U.S. manufacturers to get
5 the boards prototyped and work through the
6 various iterations. And then, ultimately,
7 because of cost, we have to move that to a
8 higher-volume, optimized facility.

9 MR. MULLIS: Thank you.

10 MR. SULBY: My question is for Mr.
11 Busch. You talk about the potential that, if the
12 tariffs were imposed, it would incentivize the
13 shifting of production from China to South Korea.
14 Could you shift your production from China to
15 South Korea if the tariffs were imposed?

16 MR. BUSCH: Thanks for the question.
17 It's a very good one.

18 But, then, I guess I'm the only heater
19 guy among lighting and electronics on this panel.

20 Within the heater world, it's a very
21 risky category. So, we're dealing with propane
22 gas, kerosene, obviously flammable liquids. And

1 in our world, risk is huge. So, delivering these
2 type of products to the U.S. consumer, we have to
3 make, also within our competitor base, that we
4 deliver safe products.

5 While, theoretically, South Korea does
6 have a small base of manufacturing today, yes,
7 production could be moved there, there's not
8 enough capacity there. And certainly, from a
9 timeframe, it would take quite a while to feel
10 comfortable that the production there would be
11 safe.

12 So, you know, in a quick word, yes,
13 but it would take quite a while and it would be
14 somewhat risky.

15 MS. ZUCKERMAN: This question is for
16 Ms. Dolin. In your testimony, you note that
17 tariffs on LED driver housing assemblies will
18 have the greatest impact on your business.

19 MS. DOLIN: Yes.

20 MS. ZUCKERMAN: Are there other
21 producers of LED driver housing assemblies other
22 than China?

1 MS. DOLIN: Thank you for the
2 question.

3 When we talk about the driver housing
4 -- I brought a little show and tell. This
5 electronic is the driver or the electronics,
6 basically, and it goes into the base. So, this
7 total right now does come from China. The only
8 option is to buy the base separately. The
9 electronics can only come from China,
10 unfortunately. So, we could purchase them from
11 China via perhaps Mexico, have our facility down
12 in Mexico put them together, and then, import
13 those directly to the U.S. It's, essentially,
14 ultimately, the same thing, but that's the only
15 way to avoid the tariffs. There's no one else
16 who makes these or the LEDs, which are these
17 strips here.

18 MS. PETTIS: Mr. Jacobson, you claim
19 that Vietnam, Malaysia, South Korea, and Taiwan
20 are already-established sources of the materials
21 and components needed for lighting products. In
22 your view, could U.S. businesses source their

1 components from these countries instead of China?

2 MR. JACOBSON: It's not likely. There
3 is some small lighting being manufactured there,
4 but they don't have the facilities; they don't
5 have the infrastructure. Our manufacturers have
6 spent 30 years of tooling, developing the
7 relationships. All the designs are created here
8 in the U.S., and they have those relationships
9 there in China. So, yes, there is some in those
10 countries, but they're just not prepared to
11 handle that. And just to move all those
12 operations of what they have built -- some of our
13 companies are their employees over in China; some
14 of them are the factory employees. But it would
15 be very difficult.

16 MS. PETTIS: Thank you.

17 MR. CONCEICAO: My question is for Mr.
18 Stock. In your testimony, you said it can take
19 several years to alter a given supply chain to
20 make use of other suppliers, other providers
21 outside of China. I was wondering if you can
22 give us an idea of what's involved in such an

1 action that would cause it to take that amount of
2 time.

3 MR. STOCK: Sure. Happy to.

4 So, again, with our products, and
5 electronics in general, especially complex
6 electronics, there's a lot of things that go into
7 it, right? So, the first thing is component
8 selection, right? And so, when you have a
9 product that has thousands of components in it,
10 you have to go through and select all those
11 components, which involves, first, finding them,
12 then testing them. Once you've selected it, then
13 all the components need to go into the design,
14 right? And all these components, it may seem
15 like they're interchangeable, but they're not,
16 right? And so, then the design takes place.
17 Once you find your source for them, then your
18 quality group needs to audit the facilities that
19 are involved. And so, it takes a lot of time for
20 a simple product, but it takes even more time for
21 a complex product, electronics.

22 There's a lot of moving parts. And

1 so, it takes year for a complex piece of
2 electronics to go through the whole process. And
3 so, to move that, first of all, like I tried to
4 point out, for us as the manufacturer, takes a
5 long time. But, then, we're selling all of our
6 products to people that are, then, integrating
7 our products as a component within their machine,
8 whether it be a golf car, a forklift, whatever
9 that may be. Now they've got to go through the
10 same process and re-qualify, too, because we've
11 changed on them. So, it's just not reasonable to
12 move electronic supply chains within a couple of
13 months. It takes a couple of years to do it.

14 MR. CONCEICAO: All right. Thank you
15 very much.

16 MR. STOCK: You're welcome.

17 MR. WINELAND: And, Mr. Werner, you
18 indicated that the United States is not a viable
19 supplier of raw bamboo, and that, of course,
20 China has an abundant supply. Are there other
21 countries that have the sorts of raw bamboo that
22 you could use in your production?

1 MR. WERNER: There are other countries
2 we've looked at that could grow this type of
3 bamboo. None of them have the infrastructure to
4 cut and weave 7 million bamboo torches.
5 Furthermore, we've attempted to find folks that
6 would be willing to look to build that
7 infrastructure, and the interest has been
8 limited. So, our efforts to date, we really
9 haven't found any alternative.

10 CHAIR BUTLER: Sorry. As a follow-up,
11 what about alternative materials instead of
12 bamboo?

13 MR. WERNER: Bamboo is about half of
14 our torch material. We also do a lot of other
15 torches, particularly metal. So, we've looked at
16 other countries that we could source metal from,
17 and we've tried to do that. It is possible.
18 Some of the challenges are that they use some of
19 the same components as the bamboo. So, there's
20 some inefficiencies of splitting the bamboo from
21 the other product. Costs have been higher. And
22 maybe most importantly, in those locations, the

1 supply chain, particularly transportation, has
2 not been as fast or as dependable, and we're a
3 very seasonal business. So, having a dependable,
4 fast supply chain is absolutely critical.

5 MS. BONNER: Mr. Stock, you testified
6 that your business could also choose to shift
7 production to China and ship directly to global
8 customers. In such a shift, would that also
9 require you to re-qualify your goods or have your
10 customers re-qualify the goods?

11 MR. STOCK: No. I was referring --
12 not the products we make in the U.S., but the
13 ones that we are making complete in China right
14 now. We still bring most of those products into
15 Lincoln to do final configuration on or to
16 warehouse for quick shipment, and then, ship back
17 out domestically as well as internationally.

18 For the international customers, those
19 are the ones we would direct-ship from China.
20 The same product, we just would not bring it to
21 the United States because we wouldn't want to
22 deal with the tariff bringing those in. Even

1 with the opportunity for duty drawback, it just
2 wouldn't be worth it to us. And so, we would
3 direct-ship the stuff that the ultimate
4 destination is outside of the United States, the
5 same manufacturer, the same product.

6 MS. BONNER: And to follow up on
7 that --

8 MR. STOCK: Sure.

9 MS. BONNER: -- what would be the
10 percentage of that change? Like how much would
11 you potentially, then, be shifting to direct
12 shipments?

13 MR. STOCK: It would probably be
14 around 30 percent.

15 MS. BONNER: Okay. Thank you.

16 MR. BISHOP: We release this panel
17 with our thanks.

18 And we invite the members of Panel 24,
19 our final panel this evening, to come forward and
20 be seated.

21 Mr. Chairman, our first witness on
22 this panel is Jake Colvin with the National

1 Foreign Trade Council.

2 Mr. Colvin, you have five minutes.

3 MR. COLVIN: Thank you very much.

4 My name is Jake Colvin, Vice President
5 for Global Trade and Innovation at the National
6 Foreign Trade Council. Thank you for the
7 opportunity to testify again.

8 We believe that imposing tariffs on
9 \$200 billion worth of Chinese goods is unlikely
10 to change China's behavior. We believe these
11 tariffs will simply create a new status quo of
12 higher trade barriers.

13 I submitted written testimony which
14 outlines in more detail the concerns that we have
15 with a variety of products on USTR's list. I
16 want to spend the remainder of my testimony here
17 summarizing the harm that the tariffs would cause
18 to U.S. businesses and consumers for several
19 priority subheadings for us.

20 The proposed list includes a massive
21 range of consumer products. Tariffs will lead to
22 consumers paying more for everyday products as

1 well as a reduction of retail margins. Examples
2 of these products include apple and other
3 imported juices; babies' and children's items,
4 including toddler seats, highchairs, and car
5 seats; bikes and bicycle parts, and inputs to
6 electronics, internet of things, and connected
7 media devices, which will raise the cost of a
8 wide range of technology products, including game
9 consoles, voice assistance, and connected-home
10 products, as well as furniture, home appliances,
11 and homewares, including air conditioners, vacuum
12 cleaners, gas grills, and luggage. Tariffs also
13 threaten to diminish U.S. competitiveness in
14 technology innovation, including innovating
15 around cloud technology, artificial intelligence,
16 and internet-connected devices.

17 Our member companies import components
18 from China which are used in American
19 manufacturing facilities from Wisconsin to Texas
20 to manufacture innovative American-made
21 technology products. Tariff on a variety of key
22 components which are listed in my written

1 testimony would directly increase the cost and
2 difficulty of building data centers in the United
3 States and would move manufacturing and jobs
4 outside of the United States. These tariffs will
5 also raise the cost for American small businesses
6 and farmers who rely on internet connectivity and
7 connected technologies.

8 In particular, HTS 85176200 is a
9 critical tariff line for enabling internet
10 connectivity. Products covered by this
11 subheading enable devices to connect with one
12 another. Tariffs on this subheading would
13 negatively impact the competitiveness of American
14 technology companies.

15 Items that fall under HTS 84733911
16 cover most of the core inputs to data centers and
17 other U.S. digital infrastructure, including
18 memory modules and other printed circuit board
19 assemblies. If tariffs are imposed, companies
20 will be incentivized to move manufacturing and
21 final assembly of servers and other cloud
22 infrastructure overseas.

1 Tariffs will also negatively impact a
2 host of American industries that employ hundreds
3 of thousands of Americans and are a critical part
4 of the U.S. industrial and export base.

5 Increased cost due to tariffs on apple juice
6 would have significant adverse effects on the
7 competitiveness of U.S. food and beverage
8 companies. Imposing tariffs on barite threatens
9 to undermine U.S. oil and natural gas production.

10 Tariffs on parts in the U.S. manufacture of wind
11 turbines would affect the cost and
12 competitiveness of U.S. wind turbine
13 manufacturers.

14 As I already noted, imposing tariffs
15 will harm U.S. technology and cloud companies and
16 would ultimately help their Chinese competitors.

17 And tariffs on postage meters and parts and
18 accessories would harm U.S. businesses against
19 their European competitors as well as more than
20 700,000 small and medium-sized businesses who use
21 these products, as well as the U.S. Postal
22 Service.

1 We believe that damage to American
2 businesses and consumers would be even greater if
3 the Administration decides to impose a 25 percent
4 tariff instead of 10 percent tariffs. Tariffs
5 are also slowing down decision-making and will
6 harm U.S. growth, as businesses grapple with
7 uncertainty, as well as retaliatory tariffs in
8 key export markets, while consumers contend with
9 higher prices.

10 In conclusion, we ask USTR to remove
11 the HTS subheadings referenced in my written
12 testimony from the list of products subject to
13 tariffs, and we continue to urge the U.S.
14 Government to seek to resolve outstanding
15 concerns through direct consultations with the
16 Chinese Government while working with its allies
17 to apply pressure jointly on China to reform its
18 practices and policies.

19 Thank you for the opportunity to
20 testify.

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

22 Our next witness is Jian Tan with the

1 China Chamber of International Commerce.

2 Mr. Tan, you have five minutes.

3 MR. TAN: Good afternoon. My name is
4 Tan Jian, Director General of the Legal Service
5 Department of the China Chamber of International
6 Commerce.

7 CCOIC represents 167 enterprises
8 across all industries and sectors in China.
9 CCOIC would like to express serious concerns on
10 USTR's proposed supplemental action to impose an
11 additional 10 percent or 25 percent duty on
12 Chinese products in its entirety.

13 The proposed action is neither in the
14 interest of China nor in the interest of the U.S.
15 According to the vast majority of the written
16 comments submitted to the USTR and the
17 testimonies made by the witnesses during the past
18 three days, raising tariffs will not only hurt
19 the U.S. importers, retailers, and industrial
20 industries, but also result in a high cost of
21 living for ordinary Americans and put at risk
22 millions of American jobs that are tied to trade

1 with China.

2 The U.S. and China should resolve
3 differences through negotiation. CCOIC considers
4 that the aggregate level of trade, that is, \$200
5 billion, and the level of the increase in the
6 rate of duty, that is, 10 percent or 25 percent.
7 If approved, American people, Chinese people, and
8 the people of many third countries all will
9 suffer. This action will cause serious harm to
10 U.S. interests as well as the interests of the
11 global community.

12 In particular, CCOIC doesn't agree
13 with the U.S. comment on the additional duties on
14 the products which are not involved in the
15 alleged, but, in fact, nonexistent unreasonable
16 Chinese acts, policies, and practices, and
17 comments on the workers in these industries have
18 obtained no benefit from the alleged acts,
19 policies, and practices. It is unfair for them to
20 be victims of the trade war.

21 After intensive discussions with our
22 members' companies, CCOIC requests that all the

1 subheadings under the following HTS U.S. Chapter
2 should be removed from USTR's proposed list. The
3 products include, but are not limited to animal
4 products, vegetable products, animal or vegetable
5 fats and oils, et cetera; prepared food stuffs
6 and beverages, et cetera; mirror products; raw
7 hides and the skins and leather, et cetera; wood
8 and articles of wood, et cetera; pulp of wood and
9 paper or paperboard, et cetera; textile and
10 textile articles; headgear and parts thereof;
11 ceramic products and glass and glassware, et
12 cetera; base metals and articles of base metal;
13 furniture, bedding, and lamps and lighting
14 fittings, et cetera.

15 For most of these products, imports
16 from China significantly lower the living cost of
17 ordinary American people. Result: sacrificing
18 the quality of life of reduced cost of imports
19 for U.S. industry and manufacturers, and thus,
20 make them more competitive in the international
21 market. It is very difficult, if not impossible
22 at all, for U.S. importers to establish a

1 comparable supply chain as well.

2 To impose additional duties will cause
3 harm to the American companies that make efforts
4 to optimize allocation of resources globally and
5 to the American consumers who purchase cost-
6 effective Chinese products, including millions of
7 low-income families.

8 Thank you.

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

10 Our next witness is Aaron Levin with
11 Beijing DHH Law Firm.

12 Mr. Levin, you have five minutes.

13 MR. LEVIN: Good afternoon. My name
14 is Aaron Levin, and I am --

15 MR. BISHOP: Pull your mic a little
16 closer, if you would, please.

17 MR. LEVIN: Okay, sir. Okay.

18 I am Mr. John Tang's associate. He's
19 the original speaker. I'm just standing in for
20 now.

21 So, he has asked me to read a
22 statement on his behalf. I will also convey any

1 questions this Committee may have for him, which
2 he will respond in the post-hearing process.

3 Mr. Tang writes, "Thank you once again
4 to this Committee for the opportunity to provide
5 our testimony in opposition to this new round of
6 tariffs on Chinese imports to the United States.

7 "DHH Law Firm is a global business law
8 firm that represents the interests of its clients
9 in the U.S. as well as in China.

10 "This new round of proposed tariffs
11 and the ongoing trade disputes with China are
12 causing significant hardships for our clients,
13 and we ask this Committee once again to seriously
14 consider the consequences of this policy before
15 making any decisions on these new tariffs.

16 "First, I would like to point to the
17 detrimental impacts that the previous tariffs
18 have had on global business. Many of our clients
19 are in the automotive and manufacturing
20 industries. As we warned in our previous
21 testimonies before this Committee, the \$34
22 billion and the subsequent \$15 billion in tariffs

1 have caused our clients to readjust their
2 businesses and hurt their bottom lines.

3 "These past tariffs hurt our clients
4 in two ways. No. 1, the incoming tariffs raised
5 cost 25 percent. If you are in the steel
6 industry, then, in addition to the Section 232
7 tariffs and other, those companies are facing
8 around 50 percent or more in new costs. And No.
9 2, the retaliatory measures already taken by
10 China in response to these last two rounds of
11 tariffs are making it harder for U.S. businesses
12 in the Chinese market.

13 "Many of these harmed businesses are
14 not Chinese businesses nor are they Chinese-
15 owned. Many are U.S. businesses that have had to
16 make tough decisions as a result of these
17 tariffs, decisions such as, one, holding off on
18 making capital or strategic investments that
19 would have helped these U.S. businesses, getting
20 global market share, and be more competitive.

21 "No. 2, cutting costs that threaten
22 jobs and product quality.

1 "And No. 3, passing costs to end-
2 consumers that increases the cost of living for
3 average U.S. citizens.

4 "Our larger clients may be less
5 profitable this year due to tariffs, which would
6 hurt the confidence of their shareholders and the
7 confidence of the economy at large. However, it
8 is those small businesses and mid-sized companies
9 that we represent that have suffered the most.
10 For some of these SMEs, these tariffs could mean
11 the difference between staying open or closing
12 down. The negative effects of the impact of
13 these tariffs to the U.S. economy may not be
14 readily apparent, but, given time, I'm sure all
15 the statistics and economic numbers will reflect
16 what we already see from servicing our clients.
17 Again, these are U.S. businesses that contribute
18 jobs, pay taxes, and make investments.

19 "Second, this new round of proposed
20 tariffs on \$200 billion worth of Chinese imports
21 covers nearly half of everything imported from
22 China, including everything, as was mentioned,

1 from food products, meat, fish, vegetables, et
2 cetera; to textiles for clothing; to furniture;
3 to parts for commercial and consumer vehicles.
4 These will all affect the U.S. consumer.

5 "For example, one of our clients has
6 already been hurt by the 25 percent additional
7 import tariffs from HTS Code 85443000, which
8 affects the automotive industry. In these new
9 proposed tariffs, their home appliances division,
10 which accounts for nearly \$40 million in sales in
11 China, will again be hurt by the 25 percent
12 proposed tariffs on HTS Code 85444290. This is a
13 U.S.-owned, U.S.-based company that happens to be
14 in China because, one, most home appliances are
15 made in China, so their customers are in China;
16 and No. 2, China is the largest market for home
17 appliances, such as washing machines, stovetops,
18 vacuums, and so on.

19 "On the other side of the coin, this
20 company exports many raw materials from the U.S.
21 to China to make their product, and these raw
22 materials have been taxed as China's way of

1 retaliating against these Section 301 tariffs.
2 Everything, including electrical wires,
3 couplings, and lights, as was also mentioned,
4 have been taxed by the Chinese anywhere from 10
5 to 25 percent. This back-and-forth taxation is
6 not sustainable for companies such as my clients,
7 and it is not sustainable for the U.S. economy.

8 "In our previous testimonies, we have
9 made arguments against these tariffs, which
10 included, first, it is bad for U.S. businesses;
11 bad for U.S. consumers, and bad for the U.S.
12 economy. Second, it will decrease foreign direct
13 investment from China, which accounts for a major
14 portion of FDI in the U.S. Three, it does not
15 address the issue of intellectual property
16 protection, which these 301 hearings
17 supposedly are resolving. Four, it is not an
18 effective deterrence to the Chinese. And five,
19 the retaliatory measures from China and the
20 negative light it sheds on the U.S. From a
21 global perspective, it's detrimental to U.S.
22 businesses.

1 "We ask this Committee to further
2 consider the impact of these tariffs and the
3 Chinese countermeasures will have on U.S.
4 businesses, especially if, because of these
5 actions, U.S. businesses, whether automotive,
6 such as GM, Ford, or Chrysler; or others such as
7 Apple, Nike, 3M, Corning, Starbucks, Amazon will
8 start to lose market share in China to their
9 international competitors or Chinese domestic
10 brands. These losses could damage the U.S.
11 economy on a great scale and have longer, if not
12 permanent, effects than any tariff placed.

13 "We, again, respectively urge this
14 Committee to consider all of the consequences of
15 these new tariffs and what it would mean to the
16 U.S. economy. And we would be happy to answer
17 any questions or provide further details on what
18 we have presented today.

19 "Thank you," on behalf of John Tang.

20 MR. BISHOP: Thank you, Mr. Levin.

21 Our next witness is Peter Tompa with
22 the Global Heritage Alliance, Incorporated.

1 Mr. Tompa, you have five minutes.

2 MR. TOMPA: Thank you, Mr. Chairman
3 and Committee.

4 The Global Heritage Alliance and the
5 Committee for Cultural Policy oppose tariffs on
6 collections and collectors' pieces classified
7 under HTS heading 9705 and antiques classified
8 under HTS heading 9706. Imposing duties on art
9 objects that have been previously exempt from
10 customs duties will cause disproportionate harm
11 to the small and medium-sized businesses of the
12 U.S. art trade, as well as to museums and
13 collectors.

14 Moreover, the proposed tariffs will
15 only benefit China's mercantilist approach to art
16 that has already been facilitated by the State
17 Department's controversial 2009 decision to
18 embargo cultural goods, at the Chinese
19 Government's request.

20 Tariffs on cultural goods listed in
21 these headings would be unprecedented. Such
22 artifacts are unlike most manufactured goods.

1 Art is not typically subject to customs duties
2 because our government has generally sought to
3 encourage cultural exchange. Moreover, many
4 cultural goods that fall within HTS heading 9705
5 and all cultural goods that fall under HTS
6 heading 9706 are not of recent Chinese
7 manufacture, but were produced long ago and have
8 been collected for decades, if not hundreds of
9 years, not only in China itself, but elsewhere in
10 the Far East, the United States, and Europe.

11 Simply placing duties on such objects
12 will not, quote/unquote, "hurt" Chinese industry,
13 but place further disincentives on Americans from
14 importing Chinese cultural artifacts long held in
15 third countries, including our allies in Europe
16 and Japan.

17 Almost 90 years ago, Congress exempted
18 antiques in order to encourage the free flow of
19 artistic and cultural materials into the U.S.
20 The Harmonized Tariff Schedule for the U.S.
21 Tariff Act of 1930 establishes the concept of an
22 antique as a handcrafted object 100 years or

1 older. Thus, the U.S. exempted antiques from
2 duty even before the UNESCO Florence Agreement of
3 1952, which was intended to, quote, "facilitate
4 the free flow of educational, scientific, and
5 cultural materials by removal of barriers that
6 impede the international movement of such
7 materials."

8 The 100-year definition of antique
9 used in the Tariff Act of 1930 was formalized in
10 the Educational, Scientific, and Cultural
11 Materials Importation Act of 1966, which made
12 importation of antiques made prior to 100 years
13 before their date of entry duty-free. The same
14 Act enabled duty-free importation of ethnographic
15 objects made in traditional aboriginal styles and
16 made at least 50 years prior to date of entry.

17 Therefore, imposing 10 percent, or now
18 25 percent, tariff on cultural goods that fall
19 under HTS Codes No. 2705 and 2706 would change
20 the longstanding precedent allowing entry of such
21 goods duty-free and may, in fact, even be
22 inconsistent and contrary to congressional

1 authority.

2 Perversely, new import duties would
3 also only further play into the hands of the PRC
4 and the auction houses associated with its
5 governing elite, like Poly Group, a company
6 associated with a major Chinese weapons producer,
7 controlled by the family of the former leader
8 Deng Xiaoping, and China Garden Auctions, run by
9 Chen Dongsheng, the grandson-in-law of the PRC's
10 founder Mao Zedong.

11 China is now the world's largest
12 market for art and antiquities. Yet, incredibly,
13 rather than helping U.S. businesses to compete,
14 our own State Department has, instead, severely
15 damaged the ability of U.S. auction houses and
16 dealers to import Chinese art from third
17 countries for resell.

18 In 2009, China first asked the U.S. to
19 impose import barriers on Chinese art and
20 antiques. A U.S.-China Bilateral Agreement under
21 the Cultural Property Implementation Act was
22 signed in 2009 and renewed in 2014. The

1 Bilateral Agreement is expected to be renewed
2 again this year. This U.S.-Chinese Bilateral
3 Agreement already covers virtually all Chinese
4 art and artifacts from the Paleolithic period
5 through the Tang period that ends around 976, as
6 well as monumental sculpture and wall art over
7 250 years old.

8 The Government of China itself has set
9 a renewal of the 2009 U.S. import restrictions
10 again in 2018. Why? It's because U.S. import
11 barriers facilitate the movement of the global
12 market for Chinese art to China itself. After
13 the enactment of the original Bilateral Agreement
14 in 2009, the auction market for art and antiques
15 in mainland China experienced a 500 percent
16 growth between 2009 and 2011, and by 2011, the
17 Chinese auction market surpassed all other
18 countries of the world with \$9.3 billion in total
19 sales value.

20 Imposing high tariffs on the limited
21 universe of artifacts that may still be imported
22 under current CBP procedures, i.e., artifacts

1 documented as being outside of China as of the
2 2009 effective date of import restrictions, will
3 do absolutely nothing to achieve the purported
4 aims of the proposed tariffs. Instead, such
5 tariffs will further damage the ability of small
6 businesses of the art and antiquities trade to
7 import Chinese art from third countries, as well
8 as make it even more difficult for collectors and
9 museums to acquire such art.

10 Thank you for your consideration of
11 these issues that are so important to the
12 American museums, collectors, and small
13 businesses of the art and antiquities and
14 numismatic trade. I'd be happy to answer any
15 questions.

16 MR. BISHOP: Thank you, Mr. Tompa.

17 Our next witness is Russell Western
18 with Transdesic International, Incorporated.

19 Mr. Western, you have five minutes.

20 MR. WESTERN: Thank you. Thank you
21 for the opportunity to testify today.

22 I am Russell Western, the Managing

1 Director and CEO of Transdesic International,
2 Incorporated. Our company is based in Leroy, New
3 York, with two warehouses in the United States
4 and one in China. We are a company employing
5 people in the United States and in China. We
6 import millions of dollars of natural stone
7 products, and our company supports many thousands
8 of American manufacturing and construction jobs,
9 primarily based in the Northeast, but extending
10 to nearly half of the United States.

11 We sell natural resources into the
12 U.S. markets from mountain quarries, no IP, no
13 manmade products, and nothing that holds
14 technology or any patents. Our products are
15 specifically used for the construction of outdoor
16 living spaces. An example of our products would
17 be 1-and-a-quarter-inch-thick purple sandstone
18 pavers that are used to construct a patio or
19 96x16x6 super black sandstone step used at the
20 entrance to a home or a courtyard or a garden.
21 All of these products require additional U.S.
22 fabrication, customization, and installation.

1 The HTS U.S. subheadings into which
2 our products fall, are greatest concerns are
3 6802.92.00, 6802.93.00, 6802.99.00. Per the
4 Department of Commerce USITC data web, the 2017
5 import value of the product imported from China
6 under these three subheadings were approximately
7 \$274 million.

8 Our products can only be found in
9 China. The earth was formed how the earth was
10 formed. It is something that cannot be changed
11 or altered. Our products are unique and cannot
12 be sourced outside the United States or in any
13 third country. For example, there is no purple
14 sandstone or super black sandstones anywhere
15 other than China.

16 You may hear testimony during these
17 hearings that stone quarries in the United States
18 will benefit from tariffs on these HTS codes.
19 This argument is like saying apples from the U.S.
20 apple orchards will benefit from tariffs on
21 imported bananas, which almost entirely come from
22 overseas. In our example, people may eat more

1 apples, but they will surely eat a lot less
2 fruit. This is the definition of protectionism
3 and economically detrimental.

4 We feel confident that this is not
5 what the tariff action is supposed to do. These
6 tariffs will be harmful to hundreds of
7 manufacturing and thousands of construction jobs
8 in western New York alone. Transdesic imports
9 these materials to support downstream U.S.
10 distribution companies, U.S. manufacturing
11 operations, and U.S. construction jobs.

12 A single mid-sized stone distributor
13 in our area made the following estimates of how
14 the tariff action would affect their business and
15 downstream clients. They estimated a decrease in
16 revenue of \$5.1 million; an estimated layoff of
17 36 in their workforce; 67 dealers decreasing
18 their offering, losing revenue, job retention,
19 and job creation abilities; more than 720
20 contractors unable to sell and use these
21 products, resulting in loss and breakage of
22 contracts; 8,460 retail consumers not able to

1 complete projects in 2019. These are estimates
2 of one company.

3 Please remember that, with regards to
4 the above-referenced \$274 million imported under
5 our three HTS U.S. subheadings from China, the
6 above distributed buys a tiny fraction of total
7 imports. In fact, the U.S. natural stone
8 industry has more than 85,000 employees, and
9 industrywide the annual total natural stones'
10 imported value from all countries across all HTS
11 codes is about \$3 billion. The comparable point-
12 of-first-sale value of domestic stone is only
13 about \$500 million. So, imported stones support
14 a lot of jobs.

15 These products are literally Stone Age
16 technology. Made in China 2025 is promoting
17 breakthrough in 10 key sectors. This is
18 definitely not one of those. There can be no
19 benefit these products will have towards this
20 initiative. It is worth taking note that the
21 People's Republic of China and their central
22 government fundamentally dislike the domestic

1 stone business.

2 In fact, they do the opposite of
3 supporting it. They demand ever-increasing
4 environmental and labor safety standards. We've
5 even witnessed in our company unannounced
6 surprise visits to small factories where
7 government officials simply bulldoze factories to
8 the ground with no notice in preparation for
9 central government environmental inspections, a
10 nice surprise for factory owners, indeed.

11 A tariff on a product made by an
12 industry that China is discouraging is not
13 practicable or effective to obtain the
14 elimination of China's inappropriate acts,
15 policies, or practices.

16 Finally --

17 CHAIR BUSIS: Mr. Western, if you
18 could conclude, please?

19 MR. WESTERN: Sorry?

20 CHAIR BUSIS: Your tired has expired.
21 If you could please wrap up?

22 MR. WESTERN: Yes. Yes.

1 Finally, these tariffs will be
2 severely harmful to our business. In fact, if
3 this tariff takes effect, we are out of business.
4 We just don't have the margins to support it. We
5 may not be the largest company in the Northeast,
6 but the cascading effect of destroying our
7 business will hurt a lot of people. Our services
8 and products strongly support American jobs.
9 This also applies to similar companies in our
10 industry. The proposed tariffs will severely
11 damage the entire industry. Our profits, our
12 customers' profits --

13 CHAIR BUSIS: Thank you. Thank you,
14 Mr. Western. We'll be happy to read the rest of
15 the testimony in your written submission. Thank
16 you.

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

18 Our next witness is Bo Yi with the
19 Southeastern University Law School.

20 Mr. Yi, you have five minutes.

21 MR. YI: Good afternoon, Distinguished
22 Chairperson and the Members of this 301

1 Committee.

2 My name is Bo Yi, Associate Professor
3 of International Trade from Southeast University.
4 I would like to express my warmest thanks to the
5 301 Committee for the opportunity to offer
6 comments.

7 I urge the United States Trade
8 Representative not to impose 25 percent tariffs
9 on the below-mentioned subheading of 6,031 tariff
10 lines forming 81 chapters of the HTS U.S. codes.

11 China's retaliation has an
12 international legal basis. On July 6th, 2018,
13 China responded by imposing increased tariffs on
14 goods of the United States, in light of what
15 Ambassador Lighthizer has quoted China's
16 retaliations and a failure to change its
17 practices. And China has since retaliated
18 against the United States by imposing tariffs on
19 34 billion U.S. dollars in U.S. exports to China
20 and is threatening tariffs on another 16 billion
21 U.S. dollars. It didn't resolve any
22 international legal basis; all just friction.

1 However, as an international trade law
2 scholar from China, in my testimony I make
3 testimony to why China's retaliations has
4 international legal basis or justification from
5 the way of international law. Both China and the
6 United States are members of WTO and bounded by
7 the agreement establishing the World Trade
8 Organization and its analyses.

9 However, in the recent period, the
10 United States, firstly, announced the imposition
11 of tariffs on goods worth 15 billion U.S. dollars
12 from China, and has, then, released its action
13 prepared to impose tariffs on goods imported from
14 China worth 200 billion U.S. dollars. According
15 to Article XXI, Security Exceptions, of GATT
16 1994, which established that "Nothing in this
17 Agreement should be construed" "(b) to prevent
18 any contracting party from taking any action
19 which it considers necessary for the protection
20 of its essential security interests;" "(iii)
21 taken in time of war or other emergency in
22 international relations".

1 In my opinion, the United States
2 really constitutes a significant breach of
3 established agreements, because of Most Favored
4 National Treatment and the bounding tariffs are
5 the cornerstone of the WTO modern-age trading
6 system. Unless this approach clearly relates to
7 obligations and to the international relationship
8 by and between the United States and China are in
9 emergency law, it can be followed within the
10 paragraph (b)(iii) of Article XXI of GATT 1994,
11 which rules that "taken in time of war or other
12 emergency in international relations".

13 Under such questions, China also has
14 the international legal basis to suspend the
15 implementation of WTO obligations in whole or in
16 part, and implement retaliation against the
17 imposition of Section 301 tariffs by the United
18 States.

19 China's retaliation has justification,
20 according to our China domestic law. In
21 accordance with Article 7 of the Foreign Trade
22 Law of the People's Republic of China, which is

1 established that the People's Republic of China
2 may adopt countermeasures against any country or
3 region which impairments are discriminatory by a
4 restriction or other similar matter against the
5 trade of the People's Republic of China, in
6 accordance with actual significance, and Article
7 14 of regulations of the People's Republic of
8 China on import and export duties, which was more
9 information. So, China has its domestic
10 justification to take countermeasures against the
11 Section 301 tariffs.

12 Conclusions: the United States is
13 placing its domestic law above international
14 laws. In order to safeguard its legitimate
15 rights and interests and the modern-age trading
16 system, China has to make necessary
17 countermeasures. China's retaliations have
18 international legal basis or justification from
19 review of international law and our China
20 domestic law.

21 China has always worked to the
22 settlement of differences through dialog, but on

1 the basis that China and the United States must
2 treat each other equally and keep promises to
3 each other.

4 That's all. Thanks for your
5 consideration, and I am very happy to answer your
6 questions.

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

8 Our final witness on this panel is
9 Haicheng Zhu with the Zhejiang Chession Law Firm.

10 Mr. Zhu, you have five minutes.

11 MR. ZHU: Thank you.

12 As the last witness here, I'm here to
13 look at everyone's eyes, and I'm not going to
14 read through the scripts. I think you have
15 plenty of time there. I'm going to tell you some
16 stories and try to remind you of the heavy
17 responsibility that lies in your hands.

18 First, without WTO authorization, the
19 current 301 investigation is like a lynch against
20 normal business between Chinese and the U.S.
21 businessman. Why? Let me tell you. Currently,
22 USTR 301 Committee is playing the role of,

1 please, prosecutor, judge, juries at the same
2 time during the whole investigation. Can you
3 imagine what kind of results would come out of
4 such kind of investigation? Actually, the
5 outcome is doomed at the very beginning.

6 Even though some products, they are
7 lucky to get excluded, maybe we are glad for
8 them. But the total damage is already out there.
9 Indeed, today we hear the words quite often
10 that's the ecosystem, the kind of supply chain,
11 that's broken; that's broken already.

12 So, what's going to happen? During my
13 flight to the U.S., I watched a movie called "A
14 Few Good Men". I'm sure most people have seen
15 that. Can you imagine when Kaffee, the role
16 played by Tom Cruise, went to the courtroom and
17 everyone is on the side of the Colonel Jessup?
18 Can you imagine that? No, that would definitely
19 not be fair.

20 So, it's like here. WTO members,
21 China and the U.S. are both WTO members. So, the
22 U.S. should really challenge that, the kind of

1 challenges, the problems you thought that China
2 has in WTO panel firstly. That's very natural.
3 That's a very basic rule. But the U.S. side is
4 not really following that, and all these
5 investigations are unilateral. So, that's not
6 fair at the very beginning.

7 And can you imagine, also, according
8 to domestic laws, the legitimacy is still in
9 doubt. In the case of WT/DS152/1, that's the
10 applicable case. People can look into that. And
11 there, the U.S. promised through statements of
12 administrative acts that they are not going to
13 act unilaterally. But here again, can you
14 imagine in such a common ABCD case there would be
15 very complicated procedures, but here everything
16 is so simple and so fast, and the results are so
17 devastating for so many enterprises in the U.S.
18 And I'm not sure in China what it's like; still,
19 very big.

20 Secondly, the equations in 301 event
21 reportings, a lot of them are very vague and
22 they're not very precise. A lot of entities,

1 their entities are not clearly stated. So, we
2 don't know who they are. They just are overbroad
3 and vague.

4 And also, I wrote on the page, on my
5 script, that on page 26, they said the effect of
6 technology transfer as market access, 3 percent
7 says it's dropping. So, it's 60 percent it's
8 growing; 27 percent, it's stabilizing, not
9 changing. So, in total, it's 66 percent. What
10 about the remaining 34 percent? Who are they?
11 Do they have any comments, normal comments, at
12 all?

13 So, we would like to say there are a
14 lot of problems that we would like to really
15 solve. And also, we would like to especially ask
16 for the exclusion for textile products. You can
17 see, textile products, they have nothing to do
18 with the kind of mandatory technology/IP theft.
19 They have nothing to do. Even in China, in the
20 province that I'm from, Sichuan Province, it's
21 also transferring the manufacturing factories to
22 the other parts of China. We are not saying the

1 jobs are being stolen by the other parts of China
2 or even around China to tie into the other
3 countries. So, it's a very natural process of
4 the economy.

5 So, we really think that it's very
6 important for everyone to see the kind of heavy
7 burdens in your hands that you should really pay
8 attention to, to make sure that the kind of
9 tragedy in Code Red in the film did not happen
10 again.

11 Thank you.

12 MR. BURCH: Thank you, Mr. Zhu.

13 Mr. Chairman, this concludes this
14 panel's testimonies.

15 CHAIR BUSIS: Before we start the
16 questioning, Mr. Burch, we have an eighth person
17 at the table. Is this a witness? Do you know?
18 Your assistant? Oh, okay. That's fine.

19 MR. SULBY: My first question is for
20 Mr. Tompa. Given that the price of art and each
21 piece of art is unique, one might assume that art
22 is not particularly sensitive to price increases

1 via tariffs. Do you understand otherwise and, if
2 so, what is the basis for that understanding?

3 MR. TOMPA: Well, I think you have to
4 look at the perspective of a dealer. So, you
5 have to keep in mind that there is not a high
6 turnover of art. It doesn't come in and go out.
7 So, by putting these tariffs on there, it will
8 impose a very, very large burden on a dealer
9 buying a piece of art who may have to hold it for
10 six months or a year. And that's assuming people
11 can go -- I mean, there's other aspects of Asian
12 art people could collect, too. So, presumably,
13 people who would otherwise collect Chinese art
14 might move to some other type of art.

15 But the main problem is actually the
16 fact that the dealer has to hold these items for
17 quite some time before they sell it. And so,
18 they pay upfront the large duty, and they would
19 have to sit on it for even longer. This is at
20 the same time that the U.S. Supreme Court has had
21 that recent decision on sales tax. So, they're
22 going to get the double-whammy. They're going to

1 get the sales tax from the states, and then,
2 also, this. So, that's the concern. That's the
3 major concern there.

4 MS. ZUCKERMAN: This question is for
5 Mr. Western. You say in your testimony that your
6 products can only be found in China. Just to
7 confirm, are all the products you use imported
8 from China or only certain specialty stones that
9 exist only in China? And is there a way to
10 distinguish those stone products that are only
11 geologically available in China from other
12 products in the HTS code?

13 Thanks.

14 MR. WESTERN: So, the United States
15 offers a small number of stones in its own
16 domestic market. We try to bring stones to our
17 customer bases for them to review and market
18 research and determine the salability in the U.S.
19 market to contractors, homeowners, et cetera.

20 The stones that we have been asked to
21 supply from outsourcing have happened to all be
22 Chinese stones, and they are only available in

1 China. So, for us, it's do or die. There's
2 nothing for us to do.

3 MS. ZUCKERMAN: And the second part of
4 that question was whether or not there's a way to
5 distinguish those stone products that are only
6 geologically available in China from other stones
7 under that HTS code.

8 MR. WESTERN: I don't really
9 understand the question.

10 MS. ZUCKERMAN: Under the product
11 list, is there a way to separate out the stones
12 you need or somehow distinguish the stones you
13 need from China from all the other stones
14 included in that list?

15 MR. WESTERN: I don't believe so.

16 MS. ZUCKERMAN: Thank you.

17 CHAIR BUSIS: Mr. Western, could you
18 clarify for the Committee, is your concern that
19 -- well, put it this way: if the consumer is not
20 going to install Chinese stone because of this
21 tariff, which I presume is your -- is the concern
22 that the consumer will use other products that

1 aren't stone or that they will continue to use
2 stone, but a stone that your company does not
3 source?

4 MR. WESTERN: I believe that if the
5 tariffs came in on the Chinese stones, that the
6 U.S. consumers would have the choice to continue
7 buying them at a higher price, but other products
8 which are not stone products would replace those
9 in the marketplace, concrete or metal, or
10 something else, as price for homeowners becomes a
11 big issue. And the concern is that not only
12 would they have the stones that they want, but
13 that the entire industry would disintegrate.

14 CHAIR BUSIS: So, the entire stone
15 industry depends on Chinese stone, not stone from
16 Italy or the United States or?

17 MR. WESTERN: No, I think that stones
18 from Italy would continue in the marketplace as
19 the percentage that they represent and maybe grow
20 a little bit. The U.S. stones would continue at
21 \$500 million of the \$3 billion. But a lot of
22 stone comes from China. The natural resources in

1 the mountains and selection capabilities of
2 granites, limestones, sandstones are in China.
3 It's a very plentiful natural resource in China.

4 CHAIR BUSIS: Okay. In your post-
5 hearing testimony, it would be helpful to get
6 sort of a breakdown of the various sources of
7 stone.

8 Okay. Next is, yes, Maureen. Thank
9 you.

10 MS. M. SMITH: Thank you very much.

11 I'd like to direct my question to Mr.
12 Colvin from NFTC. The preponderance of your
13 statement points to products that you feel should
14 not be included in a list that would be
15 detrimental to various groups in the American
16 economy. Query: is there a category or a list
17 of products that actually might be added to the
18 proposed tariff list that you feel would actually
19 enhance the effectiveness of the overall tariff
20 action?

21 MR. COLVIN: Thank you. Thank you for
22 the question.

1 We don't believe that imposing tariffs
2 at large is the right way to approach resolving
3 our differences with China. As I mentioned in my
4 written testimony, we're concerned that what this
5 action will lead to will be the United States
6 imposing long-term trade barriers on imports from
7 China. We would prefer to see the United States
8 continue to negotiate directly with China as well
9 as work with our allies through other venues to
10 put pressure on China in order to change their
11 behavior.

12 CHAIR BUSIS: Excuse me for the
13 obvious follow-up, but I will ask it. You may be
14 aware that the United States has been talking to
15 China for years on this, certainly well over a
16 decade, and with allies. Is there some time
17 limit or would you advocate the United States
18 take this position for another five years, ten
19 years, twenty years, a hundred years? What is
20 your plan here?

21 MR. COLVIN: We understand that there
22 are no easy answers here and also understand that

1 there are talks going on this week between the
2 two sides. We do believe that there are forums
3 like the Trilateral Forum, for which I understand
4 that there are also talks going on this week
5 between the United States, Europe, and Japan to
6 try to address market barriers like this with
7 respect to China. We think that those are the
8 proper avenues in order to pursue our
9 differences. I can't put a time limit on it.

10 MR. MULLIS: Hi. My question is for
11 Mr. Tan Jian. In your testimony you specify
12 whole HS chapters that you argue should be
13 removed from the tariff list. What products are
14 you recommending remain on the list?

15 MR. TAN: I would like to let my
16 assistant, Mr. Ren Qing, to answer this question.
17 Thank you.

18 MR. REN: Thank you very much for your
19 question.

20 Actually, since the USTR published the
21 notice to propose this supplemental action to
22 impose additional duties on more than 6,000

1 tariff subheadings of Chinese products, CCOIC has
2 sought comments from our members. And our
3 members consult with their American trading
4 partners, their clients. After that, the
5 members, hundreds of members came back to CCOIC
6 and expressed their concerns regarding the
7 proposed action.

8 As we made it clear at the very
9 beginning of the testimony, CCIOC and its members
10 have concerns with the proposed action in
11 entirety. That means we believe that no
12 additional duties should be imposed. That is the
13 first point.

14 The second, why we identify those
15 products, those chapters, why we identified?
16 That is from our members. The basic reasons are,
17 the main reasons include, first, these chapters,
18 the products under these chapters are not
19 involved in the --

20 CHAIR BUSIS: Mr. Ren, maybe you could
21 wrap this up. And we have further questions.
22 So, if you can maybe wrap this answer up?

1 MR. REN: Yes, yes. Thank you. Thank
2 you.

3 I'm coming directly to answer that
4 question.

5 CHAIR BUSIS: Okay.

6 MR. REN: The first reason is that the
7 member companies, the CCOIC members believe that
8 these chapters are not involved in the alleged
9 Chinese acts, practices such as forced technology
10 transfer and other policies and acts.

11 And second, they consult with our
12 American clients. They believe that, if the
13 additional duties are imposed on these products,
14 it will cause severe harm to American consumers
15 and the downstream industries.

16 Thank you.

17 CHAIR BUSIS: Yes, our follow-up
18 question is, so the Chinese Chamber advocates a
19 negotiated solution. As you know, a negotiated
20 solution requires two parties. Have you
21 expressed your concerns directly to the
22 Government of China as well as to the U.S.

1 Government?

2 MR. TAN: Yes, of course.

3 CHAIR BUSIS: Mr. Levin, before we ask
4 you a question, in your testimony you cite -- in
5 your law firm, correct?

6 MR. LEVIN: Yes.

7 CHAIR BUSIS: Yes. In your testimony,
8 you cite GM, Ford, Chrysler, Apple, Nike,
9 Corning, Starbucks, Amazon. Are those companies
10 the clients of your law firm?

11 MR. LEVIN: So, I can't speak wholly
12 for Mr. Tang. They may be clients. They may
13 simply be comparisons.

14 CHAIR BUSIS: All right. Okay. Well,
15 that's not helpful really. Okay.

16 MR. LEVIN: Okay.

17 CHAIR BUSIS: So, normally, a law firm
18 speaks on behalf of clients.

19 MR. LEVIN: Right.

20 CHAIR BUSIS: So, what I would ask you
21 to do is for you to put in your post-hearing
22 testimony which of your clients have approved

1 this statement, because it's really rather odd to
2 cite a bunch of firms that are not your client.
3 Maybe if you could understand --

4 MR. LEVIN: I understand that.

5 CHAIR BUSIS: Okay.

6 MR. LEVIN: Yes.

7 MS. BONNER: Thank you.

8 Mr. Levin, why do you specifically
9 cite food products, furniture, textiles, and auto
10 parts as having a detrimental impact as proposed
11 tariffs, rather than any other products? Why
12 were those selected?

13 MR. LEVIN: So, again, I'm simply
14 reading the statement on behalf of my associate.
15 I can only confer the statement and have him
16 respond in the post-hearing process.

17 MS. BONNER: Thank you.

18 CHAIR BUSIS: Professor, I feel like
19 we're old friends. So, you have testified how
20 many times before this Committee?

21 MR. YI: Three.

22 CHAIR BUSIS: Three times? It's very

1 interesting. So, could you clarify, you're a
2 professor. Are you speaking on behalf of any
3 interest or are you just here as a citizen of the
4 world who wants to talk about international law?

5 MR. YI: So, can you repeat your
6 question?

7 CHAIR BUSIS: Are you here -- you're
8 a professor. Are you here on behalf of anyone
9 else? Or you're just here as a professor who
10 wants to talk about law?

11 MR. YI: Okay. Thanks for your
12 question. That is my third time to come to --
13 you asked these two previous testimonies onsite.
14 The reason why I come here, because I am an
15 international trade law scholar. My research is
16 focused on WTO law. So, then, I represent myself
17 and also represent my knowledge. I want to
18 express it to the 301 Committees who sit here to
19 know the international legal basis for this
20 example and the reason why the United States
21 Trade Representative initiates additional 200
22 billion U.S. dollars tariffs.

1 CHAIR BUSIS: Okay. I understand.
2 Okay.

3 MR. YI: Yes.

4 CHAIR BUSIS: So, Professor, when
5 China imposed its two rounds of duties on U.S.
6 goods, are you aware did the Government of China
7 hold a public hearing like this?

8 MR. YI: You know that we --

9 CHAIR BUSIS: Could you please answer
10 my question?

11 MR. YI: Yes, yes. I understand.

12 As you know, that --

13 CHAIR BUSIS: I just want like a yes-
14 or-no answer. Did the Government of China hold a
15 hearing like this?

16 MR. YI: According to our domestic
17 law, we can do -- according to my domestic law,
18 we -- yes, and according to China domestic law,
19 and I have explained it in my testimony, yes.

20 CHAIR BUSIS: So, is the answer yes or
21 no? Did China hold a hearing? I'm just trying
22 to get an answer here.

1 MR. YI: I understand, but you can
2 reference to my --

3 CHAIR BUSIS: No, I want -- you're
4 here to testify. So, it's fair to ask you the
5 question. Did China hold a hearing?

6 MR. YI: I understand, but --

7 CHAIR BUSIS: You won't answer? Okay,
8 that's fine.

9 Let's go to the next witness. That's
10 fine.

11 MR. YI: I understand.

12 CHAIR BUSIS: Yes. That's fine.

13 MS. PETTIS: Okay. I have a question
14 for Mr. Zhu.

15 MR. ZHU: Okay.

16 MS. PETTIS: Why do you see textiles
17 as particularly important for removal as compared
18 to other products on the proposed product list?
19 Are there any particular textiles that are
20 particular priorities for you within that sector?

21 MR. ZHU: Okay. Thanks for the
22 question.

1 The textile industry, as you know,
2 particularly in China, and even such as in the
3 markets such as Target, we can see a lot of
4 Chinese-made products here. And in our opinions,
5 in our knowledge, it's like a domino card. I
6 mean, when the textile industry is influenced,
7 gradually, I mean, the other products, they will
8 also be influenced. So, we specifically raise
9 that to try to remind you the importance to
10 actually exclude as many products as possible.
11 But textiles is of priority, I think, because
12 that's also going to be a big hit to U.S.
13 customers and the U.S. market. So, that's why I
14 think we should remind that at the very beginning
15 to take that out, to let you know the importance.

16 Thank you.

17 MR. YI: So, Mr. Busis, can I add my
18 reply to your second question? Only in one
19 sense, because China and the United States are a
20 different legal system, the second answer to your
21 question is not simply to suggest all -- yes.

22 MR. ZHU: Sorry. What I am saying,

1 textiles, it's not just textile products, but
2 also textile-related, such as the machineries,
3 because they are all in the same business zone.
4 It's not just the kind of products such as
5 blankets or these, but also the machineries, they
6 should also be excluded because they are going to
7 affect each other very tightly.

8 Thank you.

9 CHAIR BUSIS: Mr. Burch, we can
10 release this panel?

11 MR. BURCH: Yes, Mr. Chairman, we
12 release this panel with our thanks.

13 CHAIR BUSIS: So, this is our last
14 panel for today, correct?

15 MR. BURCH: That's correct.

16 CHAIR BUSIS: So, we will be in recess
17 until 9:30 tomorrow morning.

18 Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 5:49 p.m.)
21
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Section 301 Tariffs Public Hearing

Before: United States Trade Representative
301 Committee

Date: 08-22-18

Place: Washington, DC

was duly recorded and accurately transcribed under
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Court Reporter

NEAL R. GROSS

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