

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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THURSDAY

AUGUST 23, 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, Philip Butler, Megan Grimball, and Arthur Tsao, Co-Chairs, presiding.

PRESENT

WILLIAM BUSIS, Chair, U.S. Trade Representative  
 PHILIP BUTLER, Chair, U.S. Trade Representative  
 MEGAN GRIMBALL, Chair, U.S. Trade Representative  
 ARTHUR TSAO, Chair, U.S. Trade Representative  
 EVAN CONCEICAO, Department of Homeland Security  
 BON FLEMING, Department of State  
 JULIA HOWE, U.S. Trade Representative  
 BILL JACKSON, U.S. Trade Representative  
 SHELBI KNISLEY, U.S. Department of Agriculture  
 LAURIE MEASE, Department of Commerce  
 BRYAN O'BYRNE, Small Business Administration  
 MAUREEN PETTIS, Department of Labor  
 KATE PSILLOS, Department of Commerce  
 ANDREW STEPHENS, U.S. Department of Agriculture  
 KATHY YAO, U.S. Department of Agriculture

STAFF PRESENT

BILL BISHOP, International Trade Commission  
 SHARON BELLAMY, International Trade Commission

## WITNESSES PRESENT

KELVIN ADEE, American Honey Producers  
Association

WILLIAM BLANK, Air-Way Global Manufacturing  
MIKE BOBER, Pet Industry Joint Advisory Council

BRIAN BURKHART, Milliken & Company  
SCOTT BURNETT, Zurn Industries, LLC

BOB BURNS, Trek Bicycle Corporation  
JOE CALABRESE, Evenflo Company, Inc.

KENNETH CHRISTOPHER, Christopher Ranch, LLC  
ANTHONY CIEPIEL, Step2 Discovery, LLC

ROB COHEN, Display Supply & Lighting, Inc.  
GREGORY DOLAN, Methanol Institute

GORDON DUFF, RYCO Hydraulics, Inc.  
LINDA DUNCAN, Duncan Textile

TOM EISENMAN, AES Drilling Fluids, LLC  
KEVIN FEIG, Foreign Parts Distributor, Inc.  
REED FEIST, Ellison Educational Equipment, Inc.

JONATHAN GOLD, National Retail Federation  
JOSEPH GRUCHACZ, Longkou Keda Chemical USA

BILL HANVEY, Auto Care Association  
DEBORAH HARDESTY, Niche Chem Industries, Inc.

DAVID HENRICK, Newpark Drilling Fluids, LLC  
ROBERT HUBBARD, Team Three Group Limited, LLC

ELIZABETH HUFF, Anatomical Worldwide  
JULIA HUGHES, U.S. Fashion Industry Association

ARNOLD KAMLER, Kent International, Inc. And  
Reshoring Bicycle Production Team

THOMAS KRAFT, Norpac Fisheries Export  
FRANCINE LAMORIELLO, Personal Care Products  
Council

LILY LEE, Alpha Source, Inc.  
KELLY MARIOTTI, Juvenile Products Manufacturers  
Association

MARK MAROON, Maroon Group, LLC  
STEVEN MARTON, BreathableBaby, LLC

PHILIP McCARTER, Nation Ford Chemical  
VICTOR SHANON MICHAEL, Otsuka Chemical America

SHERRILL MOSEE, MinkeeBlue, LLC  
BARBARA NEGRON, North American Natural Casing  
Association

MICHAEL OCHS, RV Industry Association

JIM PIGOTT, Medline Industries  
JOHN PITTMAN, SNF Holding Company  
WYLIE ROYCE, Royce Associates  
PATRICK SEIDLER, Wilderness Trail Bikes, Inc.  
JOE SHAMIE, Delta Enterprise Corporation  
BILL SMITH, Huffy Corporation  
JILL SOLTAU, Jo-Ann Stores, LLC  
KELLY STACKPOLE, Plumbing Manufacturers  
International  
RICHARD STEIN, Illinois Auto Truck Co., Inc.  
JAMES STEINDECKER, Dragon Trading, Inc.  
MATTHEW STERSHIC, PMC Organometallics, Inc.  
JONATHAN STOEL, Chatsworth Tire, Inc. and DMC  
Consulting, Inc.  
RITCHIE STRAFF, Daikin America  
TIM TARPLEY, Petroleum Equipment and Services  
Association  
CHOON TEO, Zhejiang Medicine Co., Ltd.  
RUSS TORRES, Graco Children's Products, Inc.  
DENNIS TRICE, Mitsubishi Chemical America  
AMANDA WALKER, Trans-Texas Tire, LLC  
JOSH WERTHAISER, Downlite  
NANCY WILKINS, Grocery Manufacturers Association  
  
ANN WILSON, Motor & Equipment Manufacturers  
Association  
  
JAMES WISNOSKI, Arrowhead Engineered Products  
  
WANG YU, China Chamber of Commerce for Import  
and Export of Textiles  
  
MARK ZELNIKER, Econoco Corporation

T-A-B-L-E O-F C-O-N-T-E-N-T-S

OPENING STATEMENT FROM CHAIR . . . . . 7

PANEL 25 . . . . . .21

- 1. Mark Bradley, K2 Urethanes, LLC
- 2. Joseph Gruchacz, Longkou Keda Chemical USA
- 3. Francine Lamoriello, Personal Care Products Council
- 4. Kelly Mariotti, Juvenile Products Manufacturers Association
- 5. Mark Maroon, Maroon Group, LLC
- 6. Barbara Negron, North American Natural Casing Association
- 7. Dr. Matthew Stershic, PMC Organometallix, Inc.
- 8. Dennis Trice, Mitsubishi Chemical America

PANEL 26 . . . . . .70

- 1. Kevin Feig, Foreign Parts Distributor, Inc.
- 2. Bill Hanvey, Auto Care Association
- 3. Dennis Mangola, Chatsworth Tire, Inc. and DMC Consulting, Inc.
- 4. Amanda Walker, Trans Texas Tire, LLC
- 5. Michael Ochs, RV Industry Association
- 6. Richard Stein, Illinois Auto Truck Co. Inc.
- 7. Ann Wilson, Motor & Equipment Manufacturers Association
- 8. James Wisnoski, Arrowhead Engineered Products

PANEL 27 . . . . . 145

- 1. William Blank, Air-Way Global Manufacturing
- 2. Rob Cohen, Display Supply & Lighting, Inc.
- 3. Gordon Duff, RYCO Hydraulics, Inc.
- 4. Tom Eisenman, AES Drilling Fluids Holdings, LLC
- 5. David Henrick, Newpark Drilling Fluids, LLC
- 6. Kerry Stackpole, Plumbing Manufacturers International
- 7. Tim Tarpley, Petroleum Equipment and Services Association
- 8. Scott Burnett, Zurn Industries, LLC

PANEL 28 . . . . . 201

1. Joe Calabrese, Evenflo Company, Inc.
2. Anthony Ciepiel, Step2 Discovery, LLC
3. Reed Feist, Ellison Educational Equipment, Inc.
4. Steven Marton, Breathable Baby, LLC
5. Joe Shamie, Delta Enterprise Corporation
6. James Steindecker, Dragon Trading, Inc.
7. Mike Tucker, Office Furniture Dealers Alliance
8. Russ Torres, Graco Children's Products, Inc.

PANEL 29 . . . . . 248

1. Peter Duncan, Duncan Textile
2. Jonathan Gold, National Retail Federation
3. Louis Hornick III, LHSC, Inc.
4. Julia Hughes, U.S. Fashion Industry Association
5. Sherrill Mosee, MinkeeBlue, LLC
6. Jill Soltau, Jo-Ann Stores, LLC
7. Josh Werthaiser, Downlite
8. Wang Yu, China Chamber of Commerce for Import and Export of Textiles

PANEL 30 . . . . . 296

1. Bob Burns, Trek Bicycle Corporation
2. Elizabeth Huff, Anatomical Worldwide
3. Arnold Kamler, Kent International, Inc. and

Reshoring Bicycle Production Team

4. Lily Lee, Alpha Source, Inc.
5. Jim Pigott, Medline Industries
6. Patrick Seidler, Wilderness Trail Bikes, Inc.
7. Bill Smith, Huffy Corporation
8. Choon Teo, Zhejiang Medicine Co. Ltd.

PANEL 31 . . . . . 356

- 1. Brian Burkhart, Milliken & Company
- 2. Gregory Dolan, Methanol Institute
- 3. Deborah Hardesty, Niche Chem Industries, Inc.
- 4. Phillip McCarter, Nation Ford Chemical
- 5. John Pittman, SNF Holding Company
- 6. Wylie Royce, Royce Associates
- 7. Ritchie Straff, Daikin America
- 8. Mark Zelniker, Econoco Corporation

PANEL 32 . . . . . 412

- 1. Kelvin Adee, American Honey Producers Association
- 2. Mike Bober, Pet Industry Joint Advisory Council
- 3. Kenneth Christopher, Christopher Ranch, LLC
- 4. Victor Shanon Michael, Otsuka Chemical America
- 5. Robert Hubbard, Team Three Group Limited, LLC
- 6. Thomas Kraft, Norpac Fisheries Export
- 7. Nancy Wilkins, Grocery Manufacturers Association

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

9:29 a.m.

CHAIR BUSIS: Good morning and welcome.

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

The United States Trade Representative initiated the investigation on August 18, 2017. Since that time the Trade Representative has determined to take two actions in the investigation: On June 20, 2018 USTR published a Federal Register notice imposing an additional duty of 25 percent on products from China with an annual trade value of approximately \$34 billion effective July 6, 2018.

On July 16, USTR published a Federal Register notice imposing an additional duty of 25 percent on products from China with an annual

1 trade value of approximately \$16 billion  
2 effective today, August 23.

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

9 Accordingly, on July 17 USTR published  
10 a Federal Register notice seeking public comment  
11 on a proposed supplemental action to be taken in  
12 the investigation. The proposed supplemental  
13 action in an additional duty on a list of tariff  
14 subheadings covering products from China with an  
15 annual trade value of approximately \$200 billion.  
16 The proposed rate of duty for the supplemental  
17 action initially was 10 percent. On August 7,  
18 USTR published a Federal Register notice  
19 announcing that the Trade Representative was  
20 considering a 25 percent rate of additional duty  
21 for the supplemental action.

22 The purpose of this hearing is to



1 receive public comments and testimony regarding  
2 the proposed supplemental action described in the  
3 July 17 and August 7 notices. Written  
4 submissions including post-hearing comments  
5 should be submitted by no later than September 6,  
6 2018. The Section 301 Committee will carefully  
7 consider the testimony and the written comments.  
8 The 301 Committee will then make a recommendation  
9 to the Trade Representative on supplemental  
10 action to be taken in the investigation.

11 We are honored to have a Senator here  
12 today, and I would like to start by welcoming our  
13 first witness Senator Sullivan.

14 SEN. SULLIVAN: Well, thank you, Madam  
15 Chairman, and I want to thank the Committee.

16 I'll begin by an acknowledgment of the  
17 significant and important work that the USTR and  
18 all the agencies, ITC and other agencies do here  
19 for our Government.

20 As some of you know, I've had the  
21 opportunity to work with many of the agencies  
22 represented here throughout my career, even

1 before becoming a member of the U.S. Senate. I  
2 won't give you my whole bio, but I was actually  
3 an intern for USTR about, geez, 30-plus years ago  
4 when I was a law student at Georgetown. I worked  
5 at the National Security Council staff of  
6 President Bush under Condoleeza Rice on  
7 international economic issues and often worked  
8 with all the agencies here. I was an assistant  
9 secretary of state later for Secretary Rice in  
10 charge of the EB Bureau, which was essentially  
11 all of you and the State Department counterpart.  
12 And as a commissioner of natural resources in  
13 Alaska, where we're a big trading state, again I  
14 worked with a number of the agencies here. So I  
15 want to thank you for all the great work that you  
16 do.

17 I'm also, as a Senator, someone who's  
18 been supportive of the administration's focus on  
19 the significant challenges to America and the  
20 global trading system that we have led for over  
21 70 years presented by China's continual unfair  
22 and non-reciprocal trading practices. I've been

1       supportive in my Senate capacity of the  
2       administration's overall goal to address this  
3       very significant challenge to American families  
4       and American workers.

5               I commend you and the President and the  
6       rest of the team on this, but sometimes the  
7       tactics are misguided or can have unintended  
8       consequences on the very Americans that the  
9       administration is actually trying to help. And  
10      that's what I'd like to talk to -- about to the  
11      Committee about this morning, particularly as it  
12      relates to seafood.

13              Now the seafood industry is the life  
14      blood of many communities in my great state of  
15      Alaska. It is a top three economic driver in  
16      Alaska and one of the leading employers  
17      contributing to more than 60,000 jobs in the  
18      great state of Alaska alone. We have a  
19      population of only 730,000 people, so you can see  
20      that's a very significant part.

21              Alaska accounts for approximately 60  
22      percent of the total U.S. commercial fishery

1 harvest in volume. That's six, zero. And we are  
2 also the top exporter in the country of fish and  
3 seafood products. In 2017 Alaska exported  
4 roughly \$2.4 billion in fish and seafood. And it  
5 is because of all these numbers I frequently, on  
6 the Commerce Committee on which I sit, and I  
7 chair the subcommittee in charge of fisheries,  
8 NOAA, the Coast Guard -- I frequently refer to my  
9 state as the super power of seafood for America,  
10 which we are.

11 And again I appreciate the  
12 administration's focus. Secretary Ross in  
13 particular has been working with us to increase  
14 seafood exports. I've talked to the President  
15 about this. Some of you may have noted in the  
16 Trade Promotion Authority Act from a couple of  
17 years ago I inserted a provision there on making  
18 sure seafood and seafood exports and unfair  
19 trading practices were always now considered part  
20 of our trade negotiations. That's a new chapter  
21 that my team and I authored. So very important  
22 to America, very important to Alaska.

1           But I want to mention of the \$2.4  
2 billion of fish and seafood exports annually the  
3 bulk of Alaska's harvest goes to China briefly  
4 for reprocessing before they are sent back to  
5 consumers in the United States and around the  
6 world for consumption.

7           So what does this mean exactly? Alaskan  
8 seafood including wild Alaska pollock, Pacific  
9 cod, salmon and certain flat fish species is  
10 sustainably harvested from Alaskan waters by  
11 hardworking American fishermen on U.S.-flagged  
12 vessels; our energy, our labor, our people, and  
13 then sent to domestic processing lines in Alaska,  
14 for the fishermen here who understand, to be  
15 headed and gutted. So that's all done in  
16 America.

17           The product is raised here. It's our  
18 product, our waters, our ships, our people.  
19 Headed and gutted here and frozen. And then  
20 significant quantities are shipped briefly to  
21 China where they are deboned and filleted in  
22 order to be cost-competitive in a globalized

1 seafood market. Then they're -- this reprocessed  
2 fish is then imported by American companies back  
3 to American consumers and customers.

4 So as I mentioned, I share the  
5 objectives, overall strategic objectives of what  
6 this Committee and what the Trump Administration  
7 is trying to do, however, the administration's  
8 July 10 proposal to pursue proposed duties of 10  
9 percent to 25 percent on approximately \$200  
10 billion worth of products imported from China,  
11 Chinese products coming to America, is  
12 problematic for a number of reasons. And let me  
13 be more specific as it relates to Alaska seafood.  
14 Hopefully you can see where I'm going with this.

15 I don't think this is a Chinese product.  
16 Of the products targeted by this proposal over  
17 \$900 million is what I just described. American  
18 seafood caught in American waters by Alaska  
19 fishermen with their energy and their boats,  
20 destined ultimately for the America market, but  
21 these tariffs, in my view, wrongly target this  
22 American product.

1           Again made in America with American  
2 labor on American ships. Alaskan fishermen in  
3 many ways are the ultimate small businesses. I  
4 know we have the SBA here. They work hard. It's  
5 oftentimes families who own these ships. They  
6 take enormous risks; if you've ever watched The  
7 Deadliest Catch or other shows on TV, and they  
8 produce the beet product in the world, period.  
9 Wild Alaska seafood is the best product on the  
10 planet.

11           The mere proposal of these tariffs is  
12 already engendered uncertainty by seafood  
13 companies and caused cancellations and delays.  
14 Bolstered by this uncertainty and compounded by  
15 current tariffs on certain seafood already head  
16 for consumption in the Chinese market, Russian  
17 and other foreign-sourced products are becoming  
18 increasingly more appealing, more appealing in  
19 the U.S. market from a cost perspective. This is  
20 very ironic because as some of you know Russia,  
21 because of our sanctions against them, which I've  
22 supported, continues to have a total embargo on

1 U.S. seafood. We can't export any seafood to  
2 Russia. Embargoed.

3 So let me provide you a rough analogy  
4 that I want you to really think about here on  
5 what I just described from the manufacturing  
6 sector which I know the Trump Administration is  
7 focused on and cares about.

8 Let's take a car. Let's take a car  
9 privately built in the U.S. with American parts,  
10 American labor, American energy from a factory.  
11 So the vast, vast majority of this car is built  
12 here. It is shipped to China for detailing and a  
13 final paint job and then is sent back to the U.S.  
14 to be imported into the U.S. I'm pretty sure the  
15 Trump Administration would not even consider  
16 imposing tariffs on such a product because you're  
17 hurting Americans, not the Chinese, because the  
18 vast majority of the total value of that car  
19 would be made in America by Americans.

20 Well, Alaskan seafood, the example I'm  
21 giving you, is completely and entirely analogous.  
22 And if any of you commissioners can poke a hole



1 in what I'm saying, I'd love to hear it because I  
2 think that analogy is quite strong. Because  
3 again, caught in America, it's an American fish,  
4 it's in our waters, by hardworking fishermen on  
5 their boats with American gas powering these  
6 boats, headed and gutted in America, frozen here,  
7 sent briefly to China to be deboned and filleted  
8 and then resent. The vast, vast, vast, vast  
9 majority of this product is American. It is an  
10 American product. And yet we're going to  
11 penalize this with almost a billion dollars of  
12 value of tariffs on our own products by our own  
13 people. I don't think that's what the President  
14 or his team has intended.

15 So, Mr. Chairman and members of the  
16 Committee, with these facts before you I ask the  
17 administration to consider removing Chapter 3 and  
18 Chapter 16 tariff lines from the proposed \$200  
19 billion trade action against products of China  
20 because these are not products of China. They're  
21 products of America. They're products of Alaska.

22 Again, while I know there is much work

1 to be done to remedy deficits and hold countries  
2 like China accountable for their non-reciprocal  
3 and unfair trade practices, which I fully support  
4 -- had a conversation not too long ago with the  
5 President about this. Had a conversation with  
6 the Secretary of the Treasury just a couple days  
7 ago about this. I compel the administration that  
8 in putting America first that you put the  
9 American fishermen and women first to pursue a  
10 trade agenda that champions American fishermen,  
11 which Secretary Ross and others; I believe them  
12 when they say it, are fully committed to, and the  
13 processors and seafood consumers rather than  
14 penalize them.

15 The real irony is your current proposal  
16 not only disadvantages American fishermen, it  
17 actually advantages Chinese and Russian fishermen  
18 over Alaskans and others. And I'm sure that  
19 that's not your intent, so I respectfully request  
20 this Committee to remove that \$900 million in  
21 value. Don't penalize them because that is an  
22 American product made by Americans in American

1 waters with American labor and American energy,  
2 some of the greatest small businesses in the  
3 country. And I don't think that's the intention  
4 of the President or his administration or this  
5 Committee to penalize Americans and advantage the  
6 Chinese and Russians.

7 Thank you, Mr. Chairman. And I'd be  
8 glad to take any questions. Normally it's me  
9 who's up there asking questions, but that's fine.

10 (Laughter.)

11 CHAIR BUSIS: Senator Sullivan, thank  
12 you very much for taking your time to speak  
13 directly to this Committee.

14 Mr. Bishop, we'll take a short break  
15 while today's first panel is seated. Thank you.

16 MR. BISHOP: Would the members of Panel  
17 25 please come forward and be seated?

18 CHAIR BUSIS: Before we proceed with the  
19 rest of the session I will provide some  
20 procedural and administrative instructions.

21 The hearing is scheduled for six days  
22 concluding Monday, August 27. This is the fourth

1 day of the hearing. We have 46 panels of  
2 witnesses with approximately 350 individuals  
3 scheduled to testify. The provisional schedule  
4 has been posted on the USTR web site. We have  
5 eight panels of witnesses scheduled to testify  
6 today. We will have a brief break between panels  
7 and a 30-minute break for lunch.

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

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

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

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

9           No cameras or video or audio recording  
10          will be allowed during the hearing.

11          A written transcript of this hearing  
12          will be posted on the USTR web site and on the  
13          Federal Register docket as soon as possible after  
14          conclusion of this hearing.

15          We are pleased to have international  
16          trade and economic experts from a range of U.S.  
17          Government agencies participating on the 301  
18          Committee today.

19          If you could identify yourselves,  
20          please?

21          MR. CONCEICAO: Good morning. My name  
22          is Evan Conceicao with U.S. Customs and Border

1 Protection.

2 MS. PSILLOS: My name is Kate Psillos  
3 with the U.S. Department of Commerce.

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

6 MR. FLEMING: I'm Bon Fleming with the  
7 Department of State.

8 MR. STEPHENS: Andrew Stephens, U.S.  
9 Department of Agriculture.

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

12 MR. O'BYRNE: And Bryan O'Byrne, SBA.

13 CHAIR BUSIS: And I'm Bill Busis, USTR  
14 Chair of the Section 301 Committee.

15 Mr. Bishop, we can call our first  
16 witness and if this other witness appears, he'll  
17 fill in.

18 MR. BISHOP: Okay. Our first witness on  
19 this panel is Joseph Gruchacz with the Longkou  
20 Keda Chemical USA.

21 Mr. Gruchacz, you have five minutes.

22 MR. GRUCHACZ: Hello, my name is Joe

1 Gruchacz and I serve as President of Longkou Keda  
2 Chemical USA in Kennesaw, Georgia, a small  
3 operation. We import and distribute a bromine  
4 product known as BCDMH. I also spoke Monday  
5 morning representing my company which is a  
6 separate entity involving a totally different  
7 chemical with different business characteristics.  
8 Today we respectfully request that HTS 2933.21.00  
9 be exempt from the 25 percent proposed tariff.

10 Keda USA's parent company is Longkou  
11 Keda Chemical Company LTD located in Longkou  
12 City, China. It produces BCDMH. BCDMH is used  
13 as a chemical disinfectant for killing bacteria  
14 in recreational water and drinking water  
15 purification activities, hence contributes to  
16 America's healthiness. BCDMH is more skin-  
17 sensitive, softer, less odor -- has less odor and  
18 more effective at higher temperatures than other  
19 water treatment chemicals. Also used in cooling  
20 towers involving buildings. BCDMH requires EPA  
21 registrations and compliance.

22 BCDMH is a compound of bromine. It is

1 imported in a granular form and then converted to  
2 tablets packaged by U.S. manufacturers. It also  
3 arrives as bulk tablets then packaged into  
4 consumer packaging. Some product does arrive as  
5 finished goods. Overall a significant portion of  
6 the value of the final product is added by  
7 American workers during domestic processing and  
8 all needed packaging is purchased from domestic  
9 suppliers. No Chinese BCDMH is sold directly to  
10 U.S. consumers. All is distributed and sold  
11 through U.S. companies. The domestic retail  
12 market is approximately \$67 million for BCDMH.  
13 There is currently a 6.5 percent duty on this  
14 HTS.

15 Global production of BCDMH is limited to  
16 one domestic producer and four Chinese producers  
17 of which Longkou Keda is one. The domestic  
18 producer is Swiss-owned. The four Chinese  
19 producers shipped a total of 3,800 metric tons,  
20 8.4 million pounds to the U.S. in 2017.

21 Based on our extensive research of  
22 public information discussions with the



1 industry's leadership and our daily participation  
2 in the market we conclude that the one domestic  
3 facility cannot supply the volume the U.S. market  
4 requires. Our estimate is the sole domestic  
5 producer can only supply 25 to 30 percent of the  
6 domestic requirements and that the domestic  
7 producer primarily uses its BCDMH capacity for  
8 its own consumer brands which it distributes.

9 The lack of non-Chinese alternatives to  
10 meet domestic demand is the cause of our request  
11 to be exempt from the 25 percent tariff. Water  
12 sanitization is a requirement, not a  
13 discretionary consumption.

14 Could additional non-Chinese plants be  
15 constructed? Yes, but the projects would take  
16 years. Also, the four Chinese manufacturers  
17 cumulative relative -- cumulative revenue from  
18 sales to U.S. distributors and repackers is  
19 approximately \$20 million. It is unlikely one  
20 would invest in the construction of a capital-  
21 intensive chemical plant in order to pursue \$20  
22 million of gross revenues in an effort to replace

1 the current Chinese activity.

2 A final note: This HTS covers a  
3 substantial range of products that are not  
4 involved in water sanitization and have  
5 significantly different chemistry and  
6 manufacturing processes. An example is one known  
7 as DMDMH which is used in cosmetics in the  
8 cosmetics industry and found in products like  
9 shampoos, hair conditioners and hair gels. We  
10 believe water sanitization is a societal need and  
11 unfortunately there are some negatives of having  
12 this HTS also mixed in with those that are used  
13 in discretionary consumer products.

14 With that I just want to say thank you  
15 very much for allowing me to be heard.

16 MR. BISHOP: Thank you, Mr. Gruchacz.

17 Our next witness is Francine Lamoriello  
18 with Personal Care Products Council.

19 Ms. Lamoriello, you have five minutes.

20 MS. LAMORIELLO: Thank you and good  
21 morning. On behalf of the Personal Care Products  
22 Council I appreciate the opportunity to testify

1 today.

2 Our industry recognizes the importance  
3 of fair and reciprocal trade and appreciates the  
4 administration's efforts to combat unfair  
5 practices by China. At the same time in our view  
6 the proposed list of tariffs as it currently  
7 stands will severely undermine U.S. interests and  
8 do nothing to advance the administration's policy  
9 goals. This is particularly true for the  
10 cosmetic and personal care products industry.

11 The proposed list includes a significant  
12 number, over 170 items, of consumer and personal  
13 care products such as soap, shampoo, deodorant,  
14 nail products, lipstick and fragrance, as well as  
15 some of their key inputs such as chemical  
16 substances and packaging. These products are an  
17 essential part of the daily lives of millions of  
18 America consumers.

19 Our members appreciated the  
20 administration's efforts to not include goods  
21 commonly purchased by American consumers in the  
22 previous rounds of proposed Section 301 tariffs.

1 We similarly welcome the fact that in inviting  
2 comments on this third list USTR indicated that  
3 it would consider whether the proposed tariffs  
4 would cause disproportionate economic harm to  
5 U.S. interests including consumers.

6 As currently drafted the proposed list  
7 would do exactly that. It would effectively  
8 constitute a tax on cosmetic and personal care  
9 products and the burden will unmistakably be felt  
10 by American families. The price increases on  
11 these products will also curtail consumer choices  
12 relating to hygiene and health.

13 The U.S. cosmetic and personal care  
14 products industry plays a significant role in our  
15 economy. A study conducted by  
16 PriceWaterhouseCoopers found that our industry is  
17 one of the most dynamic and innovative industries  
18 driving the U.S. economy, adding nearly \$240  
19 billion to U.S. GDP and supporting nearly 4  
20 million domestic jobs.

21 Our companies invest nearly \$3 billion  
22 each year in research and development that

1 continues to provide consumers with an array of  
2 innovative high-quality products. Our industry  
3 also employs approximately 6,000 scientific and  
4 technical professionals in the United States.

5 We are deeply concerned that the  
6 proposed tariffs would jeopardize this strong  
7 contribution to the U.S. economy by compromising  
8 our company's competitiveness especially vis-à-  
9 vis products and companies from the E.U., Japan  
10 and Korea.

11 It should be noted that small local  
12 businesses with fewer than 50 employees comprise  
13 the majority of companies in the U.S. personal  
14 care product sector. In fact two-thirds of the  
15 total employment in our industry lies within  
16 small businesses. These companies are the  
17 backbone of our nation's economy creating jobs  
18 and paying wages for residents in local  
19 communities, but these businesses are exactly the  
20 ones that would likely be hit hardest by the  
21 proposed tariffs.

22 Small businesses have limited supplier

1 options and smaller reserves to draw on. They  
2 often lack the ability to absorb significant cost  
3 increases or to shift production to other  
4 locations. As such, the burden of the tariffs  
5 would cause significant economic harm to this  
6 important segment of our industry.

7 I should also point out that our  
8 industry is not a high-tech industry that is a  
9 direct concern under the current Section 301  
10 action. Our members have not experienced the  
11 types of harms cataloged in the Section 301  
12 investigation such as forced technology  
13 transfers, nor is our industry a priority of the  
14 Made in China 2025 initiative.

15 Further, many suppliers of key inputs  
16 and other services in China are non-Chinese  
17 foreign entities which suggests that the tariffs  
18 would not have the intended impact on Chinese  
19 suppliers who are being supported by Chinese  
20 government policies. If anything, the tariffs  
21 would impede our ongoing efforts to encourage  
22 reform to make the Chinese market more open and

1 transparent. We have witnessed some progress on  
2 this front.

3 We look forward to working with the  
4 administration to improving opportunities for  
5 China in our industry, but we urgently request  
6 that USTR exclude those tariff subheadings that  
7 adversely affect the U.S. cosmetic and personal  
8 care products industry as well as our workers and  
9 consumers. We will provide a full list of those  
10 tariff subheadings in our written comments.

11 For now we appreciate this opportunity  
12 to testify and present our views, and I'd be  
13 pleased to respond to any questions. Thank you.

14 MR. BISHOP: Thank you, Ms. Lamoriello.

15 Our next witness is Kelly Mariotti with  
16 the Juvenile Products Manufacturers Association.

17 Ms. Mariotti, you have five minutes.

18 MS. MARIOTTI: Good morning. I'm Kelly  
19 Mariotti and I am first and foremost a mom. I  
20 also founded and own a small baby products  
21 manufacturing company for nearly 20 years. I've  
22 worked in the non-profit sector for organizations

1 dedicated to SIDS risk reduction and safe sleep.  
2 I'm here today in my role as Executive Director  
3 for the Juvenile Products Manufacturers  
4 Association, a national not-for-profit trade  
5 association representing 95 percent of the  
6 prenatal to preschool industry including the  
7 producers, importers and distributors of a broad  
8 range of child care articles that provide  
9 protection to infants and assistance to their  
10 caregivers. Promoting baby safety is a key  
11 mission of our association.

12 Products specifically identified in the  
13 Federal Register notice could negatively impact  
14 baby products unless such schedules are qualified  
15 to exempt child care and protective child safety  
16 products.

17 The imposition of tariffs on juvenile  
18 products specifically is especially unlikely to  
19 advance the administration's objectives. The  
20 tariffs would cause disproportionate harm to U.S.  
21 juvenile products manufacturers, particularly  
22 small businesses which represent 90 percent of



1 our members. These are entrepreneurial moms and  
2 dads with sales of less than \$10 million per  
3 year.

4 President Trump has made it clear that  
5 he wishes to protect U.S. jobs particularly those  
6 in small business manufacturing. A broad tariff  
7 imposition will negatively impact this goal since  
8 it forces U.S. manufacturers to pay more for sub-  
9 component inputs which are not generally  
10 available in the United States.

11 The products I'm speaking about are  
12 designed in the U.S.A. exclusively for the United  
13 States market, however, since many juvenile  
14 products have traditionally been sourced overseas  
15 for decades there does not exist a comparable  
16 U.S. manufacturing base for products such as  
17 strollers, play yards, cribs, changing tables,  
18 feeding and hygiene products. With other product  
19 categories such as child restraint seats, or car  
20 seats, which are molded and tested in the U.S.,  
21 component parts and pads are generally foreign-  
22 sourced. For a variety of reasons including

1 unique safety and testing requirements alternate  
2 domestic sourcing is generally not available in  
3 the supply chain.

4 Juvenile products are uniquely required  
5 under U.S. law to be pre-market tested and  
6 certified as meeting an extensive array of  
7 mandatory U.S. safety requirements. According to  
8 the National Traffic Safety Administration car  
9 seats and boosters provide the best protection  
10 for infants and children in automobile crashes,  
11 and for that reason they are required by law in  
12 all 50 states.

13 Preventing accidental deaths related to  
14 the care of infants, SIDS and sleep-related  
15 causes of infant death will not be enhanced by  
16 increasing costs to the American consumer of  
17 lifesaving products such as cribs and play yards.  
18 Increasing the cost through this 25 percent  
19 tariff will only prevent the average American  
20 family from obtaining safe certified juvenile  
21 products that are necessary for the care and  
22 protection of their children.

1           The use of tariffs does not adequately  
2 account for the role of required testing and  
3 certified materials, components and global supply  
4 chains in product production and assembly. These  
5 complex supply chains can take years to establish  
6 and it cannot be shifted to different countries  
7 or facilities without compromising contracts,  
8 legal compliance, quality, value to the consumer  
9 and safety for infants and children.

10           Based on the foregoing we estimate that  
11 the net effect of imposition of such tariffs  
12 without adjustment or exclusion would result in a  
13 significant increase in retail prices for the  
14 impacted juvenile products. JPMA submits that  
15 any tariff imposition that increases the cost of  
16 products which provide for the care and safety of  
17 our most vulnerable populations must be avoided.  
18 The vast majority of baby products are  
19 distributed via mass retail channels and  
20 imposition of tariffs will significantly impact  
21 the affordability of such products.

22           For these reasons and the fact that

1 child care products have traditionally had low  
2 tariffs globally JPMA respectfully requests that  
3 child care and protective child safety products  
4 imported under the scheduled HTS subheadings in  
5 our submitted comments not be subjected to the  
6 proposed additional tariffs.

7 Thank you for the opportunity to provide  
8 this testimony and I welcome any questions.

9 MR. BISHOP: Thank you, Ms. Mariotti.

10 Our next witness is Mark Maroon with the  
11 Maroon Group, LLC.

12 Mr. Maroon, you have five minutes.

13 MR. MAROON: Thank you. Members of the  
14 Committee, thank you for allowing me to once  
15 again testify before you. My name is Mark  
16 Maroon, Chief Technology Officer of Maroon Group,  
17 LLC. My appearance at all three hearings  
18 highlights the seriousness of the imposition of  
19 these tariffs on Maroon Group. The sheer number  
20 of HTS subheadings in the July 17th list that  
21 will negatively impact us brings me back before  
22 you today.

1           In total included on this list are 47  
2           HTS subheadings which cover 76 of our specialty  
3           chemical products that would be subject to the  
4           additional tariffs which will directly impact our  
5           company and our ability to provide products to  
6           our U.S. manufacturing customers. These products  
7           are valuable ingredients for a wide range of  
8           paint, coating, plastic and rubber goods.

9           Annualized the sales of these products will total  
10          over \$35 million on our fiscal year 2018. Not  
11          including any customs duties already being  
12          assessed upon import of these products the  
13          additional 10 percent duty rate would total over  
14          \$3 million this year along. If a 25 percent duty  
15          is implemented, the duty rate would total over  
16          \$7.5 million.

17                 Please allow me to be blunt: A 10  
18                 percent tariff on these HTS subheadings not only  
19                 halts our company growth, but will cause loss of  
20                 revenue and subsequently loss of jobs. Further,  
21                 it removes a much needed raw material stream from  
22                 our domestic landscape and removes needed

1 competition from the U.S. market eventually  
2 driving up the cost of end products for our  
3 customers and the eventual consumer.

4 A 25 percent tariff on these products  
5 will have significant financial impact and long  
6 term will eliminate key product lines of our  
7 business and remove critical specialty chemicals  
8 from the U.S. market landscape.

9 There are too many HTS subheadings for  
10 me to speak about in five minutes, thus I  
11 respectfully direct you to our forthcoming  
12 written submission for more detail.

13 In my remaining time today I wish to  
14 highlight the uniqueness of the specialty  
15 chemical industry and the lack of adequate U.S.  
16 supply.

17 We engage in the sourcing and supply of  
18 complex and highly formulated chemicals. Our  
19 manufacturing partners in China consistently  
20 provide high-quality products that are not  
21 commodities which can easily be replaced -- which  
22 -- by other manufacturers. Which are not easily

1 replaced; excuse me, by other manufacturers.

2 Customer relationships are established  
3 over decades and the sales cycle and approval  
4 process involves anywhere from one to two years  
5 of laboratory and pilot plan evaluations. If we  
6 remove China as our source, Maroon Group and our  
7 customers would take years to find new qualified  
8 sources that are capable of providing products of  
9 sufficient quality and quantity. Even then there  
10 is no guarantee that the suppliers from countries  
11 outside of China have the capacity to meet the  
12 demand of our customers.

13 Further, the imposition of these tariffs  
14 will increase prices for our customers and the  
15 ultimate consumer regardless of whether Maroon  
16 Group is able to source outside of China.

17 Currently the demand for our product is  
18 high and growing. If the supply from China was  
19 to be decreased in any meaningful way without an  
20 equal -- without a similar and equal decrease in  
21 demand by our customers, prices will inevitably  
22 rise from the suppliers that remain as U.S.

1 demand will immediately outweigh the available  
2 supply to support the production of our U.S.  
3 factories. In fact, for over two-thirds of the  
4 products we must import from China on the latest  
5 proposed HTS list there is no U.S. production  
6 whatsoever.

7           The United States needs the supply that  
8 Maroon Group and others import from China. Even  
9 where there is U.S. production, sufficient  
10 capacity and supply remains a problem. U.S.  
11 specialty chemical producers simply cannot fill  
12 current demand, nor do they desire or intend to  
13 do so. U.S. producers want to invest in  
14 downstream finished goods that are more complex  
15 and involve highly-skilled labor, not on the  
16 inputs that China produces.

17           Finally, these materials do not benefit  
18 from Chinese industrial policies, nor do they  
19 advance the Made in China 2025 program. Thus,  
20 the harm done will fall on U.S. companies alone  
21 and the ability to obtain quality specialty  
22 chemicals in the United States. If excluded from



1 the U.S. market China will find other means to  
2 support this loss of business with likely  
3 subsidies on sales directed to other countries  
4 putting further distance between our U.S.  
5 manufacturers and their global competition.

6 In closing I ask you that you please  
7 carefully consider my testimony today and the  
8 more detailed written submission. The potential  
9 impact on Maroon Group if tariffs are implemented  
10 would be drastic and I respectfully request that  
11 you exclude the HTS subheadings we identify in  
12 our submission from your final list. Thank you  
13 for your time.

14 MR. BISHOP: Thank you, Mr. Maroon.

15 Our next witness is Barbara Negron with  
16 the North American Natural Casing Association.  
17 Ms. Negron, you have five minutes.

18 MS. NEGRON: Distinguished members of  
19 Section 301 Committee, my name is Barbara Negron  
20 and I am here today on behalf of the North  
21 American Natural Casing Association, also known  
22 as NANCA.

1           I am here to explain that natural  
2 casings which fall under HTSUS Subheading  
3 0504.00.00, covering guts, bladder, stomach of  
4 animals other than fish, whole or in pieces,  
5 therefore should be removed from the list of  
6 products subject to an additional 10 or 25  
7 percent tariff.

8           We are much like that of the Alaskan  
9 fishermen. In short, imported natural casings  
10 from China are a crucial component to the U.S.  
11 producers of natural casing sausages. Tariffs  
12 will not influence Chinese practice with respect  
13 to tech transfer of IP protection, but will  
14 harm the U.S. economy because of imported  
15 products is not available by any U.S. supplier.

16           NANCA is an association of U.S.  
17 companies that are involved in one or more steps  
18 of producing natural casings including cleaning,  
19 salting, packing in U.S. slaughterhouse  
20 operations, and our members, small and medium  
21 privately-owned family businesses, employ over  
22 1,000 people in states like California, Colorado,

1 Illinois, Iowa, North Carolina, New York, North  
2 Dakota, just to name a few. NANCA promotes the  
3 trade of North American casings around the world  
4 exporting to numbers of countries and estimated  
5 sales of NANCA members in \$475 million.

6 Natural casings are animals' small  
7 intestines that are harvested during the  
8 slaughter of hog, lamb and sheep in the United  
9 States used by U.S. producers of natural  
10 sausages. However, it should be of use in the  
11 U.S. hog sausage maker -- the raw material must  
12 be first sorted according to size. Critical  
13 sizings and finishing of the process is not  
14 performed in commercial scale in the United  
15 States, rather imported natural casings from  
16 China, mostly of re-imported U.S. products, have  
17 sized in China as part of the process of -- for  
18 our members. Importantly the hog, lamb and sheep  
19 casing industry is unusual and the import into  
20 the United States from China are driven mostly by  
21 exports from the United States.

22 In 2017 U.S. exports to China of natural

1 hog products for the sausage casing totaled over  
2 \$173 million, while imports of the same products  
3 after sizing in China was only \$128 million.  
4 Because there is no commercial scale operation in  
5 the United States there is no existing potential  
6 for U.S. industry that will be benefitted from  
7 the proposed additional 10, let alone 25 percent  
8 tariff.

9 U.S. products and consumer sausage that  
10 are made with natural casings would suffer as  
11 well. Faced with additional tariffs on sized  
12 natural casing NANCA members and customers would  
13 not size the natural casings in the United States  
14 due to high labor costs, tooling, real estate.  
15 Instead the natural casings would be continued to  
16 be sized in China. And applying the tariff on  
17 natural casing exports to the United States would  
18 now be given an unfair advantage to European  
19 importers of sized natural casings as they would  
20 not face the same increased cost. European  
21 natural casing sausage makers are the only other  
22 major producers of natural sausages globally and

1 proceed to the tariff.

2 Hog, lamb and sheep casing are low-tech  
3 products and have been produced for thousands of  
4 years. There is no evidence in China has  
5 misappropriated IP to those products and those  
6 products benefits of Chinese industry policy in  
7 the 10 favored economic sections Made in China  
8 2025.

9 In conclusion, the proposed tariffs are  
10 detrimental to NANCA members, its customers and  
11 ultimately the consumer. Thank you very much for  
12 your attention. I look forward to any questions.

13 MR. BISHOP: Thank you, Ms. Negron.

14 Our next witness is Dr. Matthew Stershic  
15 with PMC Organometallix, Incorporated.

16 Dr. Stershic, you have five minutes.

17 DR. STERSHIC: Good morning. My name is  
18 Matthew Stershic and I'm the Vice President and  
19 General Manager of PMC Organometallix. I wish to  
20 thank the Section 301 Committee for giving me the  
21 opportunity to appear today and discuss an issue  
22 that is of critical importance to our company,

1       namely the absolute need for our company and  
2       indeed our industry to have access to a chemical  
3       known as EHMA.

4               EHMA is classifiable under Subheading  
5       2930.99.91 HTS and is currently included in the  
6       supplemental duty list. EHMA is not produced for  
7       sale in the United States, but it is absolutely  
8       essential to the manufacture of products we and  
9       others produce in the U.S.

10              PMC is a leading producer of heat  
11       stabilizers in the U.S. Heat stabilizers,  
12       commonly known as tin stabilizers, are used in  
13       and essential to the production of PVC articles  
14       such as pipe, fitting, siding, fencing, decking,  
15       packaging and other products necessary to broad  
16       and diverse industrial segments of our economy.

17              Tin stabilizers are required because  
18       they prevent the decomposition of the PVC during  
19       processing while simultaneously imparting  
20       properties highly desirable to producers and  
21       ultimately consumers such as enhanced resistance  
22       to daylight, weathering and heat aging.

1           PMC's stabilizer production facility is  
2           located in Carrollton, Kentucky while other U.S.  
3           producers have plants in Louisiana, Ohio and  
4           Texas.

5           Just as PVC articles cannot be produced  
6           without heat stabilizers, most tin stabilizers  
7           cannot be produced without EHMA. Moreover, tin  
8           stabilizers can contain significant quantities of  
9           EHMA, typically ranging between 60 and 80 percent  
10          of the stabilizer formulation.

11          To meet the requirements for EHMA all  
12          but one of the U.S. stabilizer producers must  
13          acquire this material from a limited number of  
14          sources, namely China, one supplier in Germany,  
15          and another in France. The exception is Galata  
16          which manufactures its own EHMA in the U.S. and  
17          sells a minimum quantity to its domestic  
18          stabilizer competitors, but it is not a merchant  
19          producer. Consequently there is no meaningful  
20          merchant producer of EHMA in the U.S.

21          The commercial peril facing key domestic  
22          stabilizer producers such as PMC and other

1 smaller U.S. producers is that without Chinese  
2 sourced EHMA there is insufficient EHMA to meet  
3 the market demands.

4 Because of the absence of any meaningful  
5 domestic source of EHMA the imposition of a 10  
6 percent supplemental duty on Chinese-sourced EHMA  
7 would have a devastating impact on the domestic  
8 stabilizer industry. The cost of EHMA accounts  
9 for nearly 30 percent of the cost of the  
10 stabilizer. If the cost of EHMA were to increase  
11 by 10 percent due to duty imposition and French  
12 and German costs were to follow suit, which would  
13 be likely, the overall cost of production of  
14 stabilizers could increase by roughly 3 percent,  
15 a substantial amount in a commodity product where  
16 price is the only real differentiating factor.

17 Foreign producers in countries such as  
18 Indonesia, India, Korea, Taiwan, Japan, Germany,  
19 Italy and Colombia would be the ultimate  
20 beneficiaries of the proposed tariff since they  
21 would be able to acquire competitively-priced  
22 Chinese EHMA to the detriment of the U.S.



1 industry and its workers.

2 Of course if the U.S. industry were to  
3 hold prices steady in the face of a significant  
4 duty increase, the industry's profits and well-  
5 being would stand to be materially impaired.  
6 Neither result would be a desirable objective of  
7 retaliation against China. Rather, it is evident  
8 that imposing additional duties on Chinese EHMA  
9 would cause a disproportionate economic harm to  
10 U.S. interests including small or medium-sized  
11 businesses and consumers.

12 Even if the U.S. were to impose a  
13 supplemental duty on stabilizers, which has been  
14 proposed and we believe to be eminently  
15 justified, the benefit of the additional tariff  
16 protection on stabilizers is to a large extent  
17 undone by the proposed imposition of a 10 percent  
18 or 25 percent duty on Chinese EHMA that the great  
19 majority of U.S. stabilizer producers would be  
20 forced to bear.

21 For the reasons stated Subheading  
22 2930.90.91, or at least a carve-out for EHMA,

1 should be removed from the additional duty list.  
2 Thank you for your time and I'll address any  
3 questions you have.

4 MR. BISHOP: Thank you, Dr. Stershic.

5 Our final witness on this panel is  
6 Dennis Trice with Mitsubishi Chemical America.

7 Mr. Trice, you have five minutes.

8 MR. TRICE: Good morning, Mr. Chairman  
9 and members of the Committee. I am Dennis Trice,  
10 President of Mitsubishi Chemical America, Inc.  
11 Together with Japan's Mitsubishi Chemical  
12 Corporation and our 21 U.S. subsidiaries, MCA is  
13 a global leader in the production of advanced  
14 chemicals for consumer products, medical and  
15 industrial applications, transportation,  
16 construction and countless other industries.

17 Our company has been and continues to be  
18 committed to growing our business in the Americas  
19 as evidenced by investments totaling nearly \$900  
20 billion U.S. over the past 10 years. We employ  
21 over 2,600 skilled American workers and our U.S.  
22 operation contributes billions of dollars every

1 year to the U.S. economy.

2           Among our most significant recent  
3 investments was a new \$38 million state-of-the-  
4 art manufacturing facility in Tennessee just  
5 outside Memphis. Our subsidiary MC Ionic  
6 Solutions U.S., Inc. operates this Tennessee  
7 facility which accounts for virtually all  
8 production of formulated electrolyte for lithium  
9 ion batteries that will power American-made  
10 electric vehicles like the Tesla Model 3, Nissan  
11 Leaf and Chevy Bolt. And business is booming.

12           Our investments in the Memphis factory  
13 have already created 60 new full-time  
14 manufacturing jobs with an average wage of nearly  
15 \$65,000. Our current plan is to double  
16 production at the Tennessee plant by the end of  
17 next year and to continue to hire more workers to  
18 meet strong demand.

19           Among the key inputs for the electrolyte  
20 made in Memphis are certain specialty chemicals  
21 including certain lithium salt, certain carbonate  
22 esters and electrolyte additives. Currently we

1 mainly import these products from China under HTS  
2 Subheadings 2826.90.90 and 2920,90.51. These  
3 imports are absolutely critical to the success of  
4 our investment in Memphis and our ability to  
5 domestically manufacture the components for  
6 lithium ion batteries.

7 These are the chemicals that make  
8 lithium ion battery production in the United  
9 States possible at plants like the Nissan factory  
10 in Smyrna, Tennessee, the LG chemical factory in  
11 Holland, Michigan, and the Panasonic factory in  
12 Reno, Nevada.

13 It would be disastrous for us and our  
14 U.S. customers if USTR were to impose additional  
15 tariffs on them as a result of this Section 301  
16 proceeding. There simply is no other viable  
17 source of these key inputs outside China in the  
18 volumes and the quality levels that we require.  
19 Developing new sources outside of China to  
20 replace existing production would take massive  
21 long-term investments and many years. Even then,  
22 China's likely to remain the sole viable source

1 for many of these inputs and their component  
2 chemicals.

3 Thus, if Section 301 tariffs are  
4 imposed, we will have no choice but to pay them  
5 and the cost of even 10 percent tariffs would be  
6 so high that it will force us to reconsider our  
7 investments in the United States and our plans to  
8 continue to grow our manufacturing footprint in  
9 this country. Worse yet the tariffs will not  
10 only hit our U.S. operations, but those of  
11 downstream U.S. industries such as the lithium  
12 ion battery industry, the electric vehicle  
13 industry and tens of thousands of Americans  
14 employed by these industries.

15 The tariffs on these critical components  
16 of lithium ion batteries will greatly undercut  
17 the efforts of U.S. automakers and U.S.  
18 industries to remain competitive and develop new  
19 energy-efficient and high-performance products.  
20 The U.S. Government should support the growth of  
21 this fledgling industry domestically, not create  
22 incentives to move it overseas.

1           At the same time, the tariffs will be  
2 unlikely to address the Chinese government  
3 policies discussed in USTR's Section 301 report.  
4 For years we have been able to source these  
5 materials from China without encountering  
6 intellectual property rights infringement or  
7 forced technology transfers.

8           On behalf of MCA and its over 2,600 U.S.  
9 employees, as well as the whole of this new  
10 emerging industry, we deeply appreciate this  
11 opportunity to present the facts. While we  
12 understand and appreciate the policy goals of  
13 this Section 301 action to provide a level  
14 playing field for U.S. companies and all  
15 Americans, we respectfully submit that the  
16 proposed tariffs would have precisely the  
17 opposite of the intended effect if applied to  
18 imports of these specialty chemicals.

19           Accordingly, the USTR should remove them  
20 from the proposed 301 tariff list. Thank you for  
21 your attention and I welcome any questions that  
22 you may have.

1 MR. BISHOP: Thank you, Mr. Trice.

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

4 MR. CONCEICAO: Good morning. My  
5 question is for Mr. Gruchacz, and forgive me if I  
6 mispronounced that.

7 Okay. The question I have is this: The  
8 product you're importing, BCDMH, you said there's  
9 one domestic supplier, four producers in China.  
10 I just want to verify, is that it for global  
11 production? It's not made anywhere else?

12 MR. GRUCHACZ: That is correct, yes.

13 MR. CONCEICAO: Okay. Now as a follow-  
14 up, the subheading you said it's classified  
15 under, it was 2933.21.00. You said it actually  
16 covers a wider array of products than just BCDMH.  
17 Would you happen to know what percentage of the  
18 total value under that subheading BCDMH  
19 represents?

20 MR. GRUCHACZ: I do not. It's just that  
21 when I was trying to reconcile trade data from  
22 the U.S. Government with that harmonized code

1 there was all kinds of volume. As I dug into it,  
2 I realized there's a wide variety of other  
3 chemicals under that same harmonized code which  
4 -- I just felt there was a problem for us because  
5 we couldn't be looked at as maybe a need for  
6 water sanitization because under that same code  
7 things from very discretionary products and so  
8 forth. So I just thought the point was valid to  
9 be made. It would be a challenge I think for the  
10 Trade Commission or whoever because you can't  
11 make a decision on us alone. It has a such a  
12 wide variety of functionality.

13 MR. CONCEICAO: No, true. And I guess  
14 if you would be able to get a sense of -- through  
15 market knowledge or what have you how much BCDMH  
16 actually comes in versus other products, that  
17 might be helpful.

18 MR. GRUCHACZ: That fact I -- if it  
19 would be appropriate to submit it, I could  
20 probably look at the entire import of that  
21 harmonized code, and then I know what was  
22 imported for us, and we would get an idea. I



1 would say the BCDMH, if I took an estimate, is  
2 probably only about 10 percent or 15 percent  
3 based on the data I saw for everything in the  
4 harmonized code.

5 MR. CONCEICAO: Okay. All right. Thank  
6 you very much.

7 CHAIR BUSIS: One further question. You  
8 mentioned this is a bromine chemical. Does China  
9 have a natural advantage in producing this? Does  
10 the bromine come from China? Do you have a sense  
11 of that?

12 MR. GRUCHACZ: Fifty percent of the raw  
13 bromine for the manufacturing that I'm exposed to  
14 comes from Jordan and the other 50 percent comes  
15 from China. So the Jordan product is shipped to  
16 China.

17 MR. O'BYRNE: Ms. Lamoriello, we look  
18 forward to receiving your submission of the  
19 particular tariff lines of concern as you just  
20 noted in your statement.

21 And my question, why do you believe that  
22 U.S. or other foreign sources of supply are

1 insufficient to meet your members' demand?

2 MS. LAMORIELLO: Well, thank you very  
3 much for the question. I would have to say  
4 there's such a wide variety of chemical supplies,  
5 ingredients and packaging materials in the 170  
6 tariff items that I can't say exactly with each  
7 -- with precision on each chemical. However,  
8 what I can say is that the industry, the  
9 supplying industry is highly globalized. And so  
10 even though there may be companies that have  
11 sources of manufacturing in other countries, they  
12 may have located certain ingredients for our  
13 industry in China. And so that's where that's --  
14 say a global chemical company would be  
15 manufacturing chemicals for our sector in China.

16 They're all globalizing their own  
17 manufacturing base, and so they're not making  
18 small amounts of the same chemical in different  
19 plants around the world. So a lot of the  
20 chemicals are coming from China even though you  
21 might think, well, there's European companies for  
22 example, you could source that in Europe. That's

1 not always the case.

2 MR. O'BYRNE: Thank you.

3 MS. LAMORIELLO: And I object to  
4 cosmetics and personal care company products  
5 being considered discretionary.

6 (Laughter.)

7 MS. PETTIS: I agree. Ms. Mariotti, do  
8 your members rely on any foreign sources of  
9 supply other than from China, and do these  
10 products from suppliers in those countries meet  
11 the CPSC or NHTSA requirements?

12 MS. MARIOTTI: In the wide variety of  
13 products that we represent under the heading of  
14 child care articles many are sourced from  
15 different regions. A large majority of them are  
16 sourced from China. By category it is  
17 consolidated as well. So for instance, the vast  
18 majority of car seat items would be sourced in  
19 China. Different types of products might have  
20 expertise in other areas. And the ability to  
21 switch sourcing quickly is really of the utmost  
22 concern because of the safety standards and

1 requirements, the ability to gear up the  
2 relationship required in order to not just meet  
3 the initial pre-market testing, but test  
4 consistently over time and quality we estimate  
5 would take about 18 months to 2 years if we were  
6 to change sourcing to other regions.

7 MS. HOWE: My question is for Mr.  
8 Maroon.

9 So you mentioned in your statement that  
10 the imposition of these tariffs will increase  
11 prices for customers and U.S. consumers  
12 regardless of whether Maroon Group is able to  
13 source outside of China. Can you talk about why  
14 that's the case?

15 MR. MAROON: More to the supply/demand  
16 equation. Typically -- and it's case-by-case-  
17 dependent on the exact percentages, but the  
18 supply available in almost -- well, in almost  
19 two-thirds of the cases from outside of China and  
20 also not produced in the U.S. is insufficient to  
21 meet the demand. Therefore, economics alone  
22 dictate that prices will rise.

1           MR. STEPHENS: I have a question for  
2 Barbara Negron.

3           MS. NEGRON: Yes.

4           MR. STEPHENS: So you stated that a 10  
5 percent tariff on casings from China would cause  
6 people to source from Europe. That suggests that  
7 the price differences between imports from China  
8 and imports from E.U. are no greater than 10  
9 percent.

10           MS. NEGRON: I would like to clarify  
11 that for you. The majority of the product that  
12 goes to China is going for finishing. It's not  
13 Chinese product. It's U.S. product that we have  
14 cleaned and made from intestine into casing in  
15 the United States. It only goes there for sizing  
16 and then comes back to the United States to be  
17 sold to the sausage maker to make natural casing  
18 sausage.

19           In essence the Europeans also select  
20 their casings in China and are not subject to any  
21 tariff at all. So when it would -- they would  
22 not have the same -- they would have a cheaper

1 product that they could then come into the United  
2 States and sell to our sausage makers, putting us  
3 out of business. By implying a 10 or a -- worse  
4 a 25 percent tariff you would just naturally  
5 eliminate the business of the casing industry in  
6 the United States.

7 MR. STEPHENS: So you're saying that the  
8 U.S. and the E.U. supply chains are similar, that  
9 the livestock are slaughtered in E.U. and then  
10 the casing is sent to China and then back to the  
11 E.U.?

12 MS. NEGRON: That's correct.

13 MR. STEPHENS: Okay. Thanks.

14 CHAIR BUSIS: If Europe also sizes in  
15 China, wouldn't Europe casings also be subject to  
16 the same duties?

17 MS. NEGRON: Europe sizes in China their  
18 own product as well -- just like we do, however,  
19 they are not going to be subject to a 10 or 25  
20 percent tariff. This is a commodity that is  
21 subject to a price level which is reported  
22 worldwide in a report much like the one that the

1 Department of Agriculture puts out. It's called  
2 the PRAT report. So the amount of money subject  
3 to each of these sausage casings that would be  
4 sold to the sausage maker would be different from  
5 the European side than it would -- and be more  
6 expensive on the U.S. side if we would be subject  
7 to a 10 to 25 percent tariff on U.S. product  
8 returning to the United States from China.

9 CHAIR BUSIS: I'm sorry. I'm just not  
10 following you. So if Europe product goes to  
11 China and it comes here after it's sized in  
12 China, it would be subject to a 25 percent duty,  
13 right?

14 MS. NEGRON: If it came here from China,  
15 yes.

16 CHAIR BUSIS: Right. Okay. Well,  
17 that's the same for the U.S.

18 MS. NEGRON: Okay. But if it would come  
19 from Europe direct, it would not be.

20 CHAIR BUSIS: Right, but you just  
21 testified that the European product does not come  
22 from Europe directly. It goes to China.

1 MS. NEGRON: I'm sorry, I'm -- maybe I'm  
2 not understanding your question, sir. We have  
3 two countries. Let's just it call European  
4 casing, European raw material going to China for  
5 sizing and U.S. raw material going to China for  
6 sizing.

7 CHAIR BUSIS: Yes.

8 MS. NEGRON: All right. They receive  
9 the European material back to Europe after it's  
10 been sized. We would receive the U.S. product  
11 back from China after it has been sized. In  
12 essence ours would be subject to a 10 to 25  
13 percent tariff which would mean it would be more  
14 expensive than our European counterpart. They  
15 would come and be selling their product to the  
16 U.S. sausage makers. We would lose the business.

17 CHAIR BUSIS: No, no, I'm still not  
18 following you. If they would sell the product to  
19 U.S. sausage makers, it would be subject to the  
20 25 percent duty because you've testified it came  
21 out of China.

22 MS. NEGRON: No, it would be coming out



1 of Europe. They would send it back to Europe,  
2 sir.

3 CHAIR BUSIS: Okay. But that doesn't --  
4 sending it to Europe does not change the origin  
5 unless they did further processing in Europe.

6 MS. NEGRON: I think you have to --

7 CHAIR BUSIS: I think you're just going  
8 to have to work this through in your written  
9 submission because --

10 MS. NEGRON: -- you would have --

11 CHAIR BUSIS: Yes, okay.

12 MS. NEGRON: -- understand, sir, that  
13 when the U.S. product is returned USDA considers  
14 it U.S. product. It does not consider it product  
15 of China. In the European Union that is the same  
16 thing. It is considered European casings and  
17 it's not considered Chinese.

18 CHAIR BUSIS: Okay. But we're dealing  
19 with Customs law, not USDA classifications. So I  
20 think you just need to work through this in your  
21 written submission. Thank you.

22 MS. NEGRON: All right.

1           MR. FLEMING: Dr. Stershic, what  
2 evidence or research can you point to in  
3 inferring that French and German suppliers would  
4 also raise their prices of EHMA by 10 percent to  
5 match the Chinese tariffs, because couldn't they  
6 also sufficiently benefit from increased sales  
7 volume?

8           DR. STERSHIC: Well, I think this would  
9 go to, similar to what my colleague to my left  
10 said a few minutes ago, supply and demand. If  
11 the price -- if they recognize the price of EHMA  
12 were to increase from China by 10 or 25 percent,  
13 they would say, well, the market price is now 10  
14 or 25 percent, so based on that and supply and  
15 demand, if there's -- if they cannot supply  
16 enough or they would be putting in enough, the  
17 demand would be we're going to raise price in  
18 order to cover it because we can. And it's just  
19 market dynamics is what's going to drive it.

20           So we've seen it in other industries  
21 when duties go into effect. Other countries can  
22 -- other competitors will raise their price to

1 cover the cost of the duties, and you -- just  
2 market dynamics will raise the price.

3 MR. FLEMING: Thanks.

4 MS. PSILLOS: The last question is for  
5 Mr. Trice.

6 In your testimony you mentioned that  
7 these tariffs would affect your ability to supply  
8 lithium ion batteries to downstream producers,  
9 specifically U.S. automakers manufacturing  
10 electric vehicles. If your product is not  
11 available or is not cost-competitive, where would  
12 these U.S. automakers likely source their lithium  
13 ion batteries?

14 MR. TRICE: Thank you for the question.  
15 It's a very good question. They would have no  
16 choice but to source it from China. So in  
17 essence being the -- practically the sole  
18 producer in the U.S. for these materials, these  
19 duties will do exactly the opposite I think from  
20 what you intend to do. It will force more  
21 production back to China in this emerging  
22 industry that I think we should be actually

1 supporting here in the U.S.

2 MS. PSILLOS: Thank you.

3 CHAIR BUSIS: Before we dismiss this  
4 panel we -- I have a -- some of the general  
5 questions that -- two of the witnesses testified  
6 about chemicals. Mr. Maroon and Mr. Trice both  
7 used the term "specialty chemical." And I  
8 wondered is that -- is there a hard line between  
9 a specialty chemical and a commodity chemical, or  
10 is this sort of a gray area?

11 MR. MAROON: Mind if I go first?

12 MR. TRICE: No.

13 MR. MAROON: I would call that a general  
14 term that is used by individuals, companies and  
15 even subsegments of industries in different ways.  
16 I would just say this: Comparing what is a  
17 commodity that is openly traded and can be  
18 tracked and watched on different weekly or even  
19 daily reports, that would be one class, right,  
20 and sold to a general specification. Okay?  
21 Where a specialty chemical sometimes could be  
22 considered a commodity of sorts because there is

1 an overabundance of it globally.

2 But a specialty chemical's uniqueness as  
3 opposed to a commodity chemical is it's not only  
4 made to a generally globally-accepted  
5 specification, but also a manufacturing  
6 specification to the actual producer of the  
7 material. So even if there was an equivalent  
8 over here, okay, it's not just the specification.  
9 It's the process controlled by the actual  
10 manufacturer. Maybe that's -- that's how I look  
11 at the difference.

12 CHAIR BUSIS: Mr. Trice, did you want to  
13 address that as well?

14 MR. TRICE: I think Mr. Maroon really  
15 handled it very well. Our company globally  
16 produces both what we would consider commodities  
17 as well as specialties. And I think the  
18 difference is no firm line as far as a chemical  
19 formed the difference. It really is -- ends up  
20 being quality and the value that those particular  
21 products bring to a particular customer or to the  
22 marketplace.

1 CHAIR BUSIS: Thank you. That's  
2 helpful.

3 Mr. Bishop, we can release this panel  
4 and seat the next one. Thank you.

5 MR. BISHOP: We release this panel with  
6 our thanks and we invite the members of Panel 26  
7 to come forward and being seated as well as the  
8 members of Panel 27 to come forward to the  
9 waiting area. Thank you.

10 (Pause.)

11 MR. BISHOP: Will the room please come  
12 to order?

13 Mr. Chairman, our first witness on this  
14 panel is Kevin Feig with the Foreign Parts  
15 Distributor, Incorporated.

16 Mr. Feig, you have five minutes.

17 MR. FEIG: Good morning. Foreign Parts  
18 Distributors is a medium-sized business located  
19 in Hialeah, Florida. FPD distributes affordable  
20 high-quality automotive aftermarket parts through  
21 the United States and export markets. My father  
22 Robert Feig started the company in 1972 and I've

1       been proud to work alongside him in the family  
2       business for most of my life.

3               FPD has over 100 full-time employees  
4       many of whom have been working for the company  
5       for decades. Over 80 percent of the auto parts  
6       that FPD imports are manufactured in China. If  
7       Section 301 duties of 25 percent are implemented  
8       on U.S. imports of automotive parts from China,  
9       it will have disastrous effects on our company  
10      and the automotive parts industry at large.

11              The Automotive Care Association reports  
12      that are at least 535,000 U.S. businesses in the  
13      automotive aftermarket sector. It is close to a  
14      \$400 billion industry employing over 4.6 million  
15      people. In 2017 U.S. businesses imported \$16  
16      billion worth of auto parts from China. While  
17      this is a large figure, the production and export  
18      of replacement auto parts to the U.S. is not a  
19      strategic component of the Chinese government's  
20      Made in China 2025 initiative or its broader  
21      industrial objectives.

22              There is no doubt that China engages in

1 unfair trade practices. Ambassador Lighthizer's  
2 comprehensive Section 301 report released in  
3 March this year is correct on many fronts. The  
4 Chinese Central Bank artificially devalues the  
5 currency. The government subsidizes industrial  
6 exports. And, yes, intellectual property and  
7 forced technology transfer is a serious issue.

8 It is important that the U.S. holds  
9 China to task on these topics. Where I and most  
10 economists and business leaders disagree with  
11 this administration is whether punitive tariffs  
12 are the most effective way to enact change in  
13 Chinese trade policy. More importantly,  
14 historical evidence has proven that protectionist  
15 and mercantilist trade policy drives up the cost  
16 of consumer goods and causes net job losses.

17 The negative consequences of the  
18 burgeoning trade war with China are already being  
19 felt. Every week there are numerous headlines  
20 about U.S. companies laying off employees and  
21 delaying capital investments due to the  
22 uncertainty regarding the future of trade.



1           To think that China is going to be  
2           bullied to the negotiating table shows a  
3           fundamental lack of understanding of Chinese  
4           history and culture. They will eventually run  
5           out of U.S. imported products that they can  
6           impose retaliatory tariffs on, but there are many  
7           additional measures that the Chinese have at  
8           their disposal. They can make it increasingly  
9           difficult for American companies to operate in  
10          China causing massive disruptions in the service  
11          sector where the U.S. actually has close to a  
12          \$100 billion trade surplus with China. They  
13          could exert their power on the world stage  
14          against U.S. political and military interests.  
15          And of course they could sell off some of the  
16          \$1.2 trillion they hold in U.S. Government debt.

17                 Representative Lighthizer has been  
18                 quoted saying that "the art of persuasion is  
19                 knowing where the leverage is." Quite frankly  
20                 China has more social and political wherewithal  
21                 and resources to engage in a prolonged trade  
22                 standoff. Like it or not China holds more

1 leverage on trade.

2           There's no single factor or group of  
3 domestic manufacturers that can provide FPD with  
4 a full lineup of economy line replacement parts.  
5 It would take years and exhaustive resources if  
6 we were forced to revamp our supplier network.

7           The automotive aftermarket is a  
8 competitive industry with thin margins and it  
9 just so happens that FPD's major competitors are  
10 importers/ distributors located in Canada and  
11 Mexico that also predominantly source from China.  
12 Our competitors would have distinct advantages  
13 over my company upon implementation of 25 percent  
14 tariffs on Chinese imported auto parts. The  
15 effect of all this would be putting my company  
16 and 100-plus families at risk of financial ruin.  
17 I ask that the Committee consider the issues  
18 faced by FPD, understanding that there are  
19 millions of American businesses and citizens with  
20 similar concerns.

21           In my submitted testimony I list 15 HTS  
22 numbers that represent over 80 percent of our

1 imported product. I respectfully request  
2 consideration of exclusion on these codes as it  
3 is clear that these do not present a threat to  
4 national security, cause harm to U.S.  
5 manufacturers, nor are there any infringements on  
6 intellectual property

7 If 25 percent tariffs were implemented  
8 on these products imported from China, there  
9 would be destructive consequences to my company,  
10 its employees and the greater automotive  
11 aftermarket industry. Thank you for the  
12 opportunity to speak before the Committee.

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

14 Our next witness is Bill Hanvey with the  
15 Auto Care Association.

16 Mr. Hanvey, you have five minutes.

17 MR. HANVEY: Good morning. I'm Bill  
18 Hanvey, President and CEO of the Auto Care  
19 Association, which is the voice of the \$392  
20 billion auto care industry. Our nearly 3,000  
21 member companies represent 150,000 independent  
22 automotive businesses that manufacture,

1 distribute and sell motor vehicle parts,  
2 accessories, tools, equipment and perform vehicle  
3 services and repairs.

4 Our industry represents a significant  
5 sector of the U.S. economy employing 4.6 million  
6 people, or 3 percent of the workforce. Our  
7 members include businesses with global operations  
8 that depend upon well-established integrated  
9 supply chains to increase competitiveness and  
10 product offerings.

11 (ANNOUNCEMENT TO EVACUATE OVER PUBLIC  
12 ADDRESS SYSTEM.)

13 CHAIR TSAO: Okay. We will actually  
14 place the hearing in recess pending further  
15 instructions.

16 MR. BISHOP: If everybody could please  
17 use the rear door and exit the building to your  
18 right and follow emergency personnel. Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 10:49 a.m. and resumed at  
21 1:05 p.m.)

22 MR. BISHOP: Will the room come to order?

1           CHAIR TSAO: Okay. Thank you for coming  
2 back. I'm glad to hear nobody got hurt, that's  
3 the good news.

4           Since I think we have some new members  
5 to the panel, just for the record, I would just  
6 like to have the Committee, members of the  
7 Committee, introduce themselves. And then, we'll  
8 get started with the testimony.

9           MR. CONCEICAO: Good afternoon. My name  
10 is Evan Conceicao with U.S. Customs and Border  
11 Protection.

12          MS. MEASE: Good afternoon. Laurie  
13 Mease, U.S. Department of Commerce.

14          MS. HOWE: Julia Howe, U.S. Trade  
15 Representative's Office.

16          MR. FLEMING: Bon Fleming, U.S.  
17 Department of State.

18          MS. YAO: Kathy Yao, U.S. Department of  
19 Agriculture.

20          MS. PETTIS: Good afternoon. Maureen  
21 Pettis, Department of Labor.

22          MR. O'BYRNE: I'm Bryan O'Byrne, SBA.

1           CHAIR TSAO: And I'm Arthur Tsao from the  
2 U.S. Trade Representative's Office. I believe we  
3 have taken testimony from Mr. Feig and we're  
4 going to restart the testimony for Mr. Hanvey.

5           MR. HANVEY: Thank you. Okay, from the  
6 top.

7           MR. BISHOP: Pull your mic a little bit  
8 closer, if you would, please.

9           MR. HANVEY: Certainly. Good afternoon,  
10 everybody. My name is Bill Hanvey, I am the  
11 President and CEO of the Auto Care Association,  
12 which is the voice of the \$392 billion auto care  
13 industry.

14           Our nearly 3,000 member companies  
15 represent some 150,000 independent automotive  
16 businesses that manufacture, distribute, and sell  
17 motor vehicle parts, accessories, tools, and  
18 equipment, and perform vehicle services and  
19 repairs.

20           Our industry represents a significant  
21 sector of the U.S. economy, employing 4.6 million  
22 people or three percent of the workforce. Our

1 members including businesses with global  
2 operations that depend upon well-established  
3 integrated supply chains to increase  
4 competitiveness and product offerings.

5 The Auto Care Association supports the  
6 Trump Administration's efforts to address China's  
7 unfair trade policies related to forced  
8 technology transfer and intellectual property.

9 However, China is also a critical  
10 trading partner in our industry's supply chain  
11 and we are concerned with the administration's  
12 recent actions to impose tariffs in connection  
13 with USTR's Section 301 investigations.

14 There are a number of vehicle parts and  
15 components included on the current proposed  
16 tariff list, although imported, support U.S. jobs  
17 downstream throughout the supply chain.

18 The cost of the additional tariff would  
19 cause severe economic harm to the manufacturing  
20 sector, wholesale and retail segments, and repair  
21 shops, like the one on the corner of Elm and  
22 Main, most of which are family-owned businesses.

1           However, the greatest impact from this  
2           action will be on U.S. consumers, who will  
3           experience higher repair costs likely leading to  
4           the delay of critical vehicle maintenance  
5           procedures that may result in serious highway  
6           safety concerns.

7           Let me share an example of brake rotors,  
8           a critical component in a vehicle's braking  
9           system. Brake rotors are a wear item and need to  
10          be replaced along with brake pads to ensure your  
11          safety, the safety of your passengers,  
12          pedestrians, and other vehicles on the road.

13          Currently, there are no known brake  
14          rotor manufacturers in the U.S., and although the  
15          domestic industry's production has ceased, U.S.  
16          demand has grown and will likely continue to grow  
17          due to the increasing number of vehicles on the  
18          road.

19          In 2017, the U.S. imported more than 72  
20          million brake rotors from China, accounting for  
21          78 percent of total rotor imports coming into the  
22          U.S.



1           Considering that there are over 2,600  
2 different part numbers in the brake rotor sector,  
3 there is no viable option to meet demand, nor any  
4 source of the parts in the U.S. market for every  
5 year, make, and model vehicle on the road.

6           Therefore, regardless of any tariff  
7 that's imposed, brake rotors will continue to be  
8 imported.

9           Also of concern is the possibility that  
10 companies may attempt to source products away  
11 from known quality manufacturers and towards less  
12 experienced manufacturers.

13           Our members have worked with suppliers  
14 in China to develop products that meet a high  
15 standard of safety and quality. Failure to  
16 properly smelt metals used on the rotors could  
17 result in cracks and, therefore, brake failures  
18 that occur when motorists attempt to stop their  
19 vehicles.

20           A 25 percent tariff passed down the  
21 supply chain would likely increase the price of  
22 four brake rotors from \$280 to \$400 at the

1 consumer level, not including brake pads and  
2 labor.

3 And guess what's the number one reason  
4 why consumers delay service or repair on their  
5 vehicle? Cost of the repair is too much.

6 In conclusion, we urge the  
7 administration to consider the severity of  
8 imposing tariffs on imported vehicle parts and  
9 the unintended negative consequences, not only on  
10 the U.S. automotive industry, but also on the  
11 overall U.S. economy.

12 We do not believe the imposition of  
13 tariff on vehicle parts would influence or  
14 eliminate China's unfair trade practices. We  
15 hope the administration will continue engaging in  
16 high level dialog with China to protect U.S.  
17 investments and promote free, fair, and  
18 reciprocal trade.

19 We appreciate the opportunity to testify  
20 and I am available to answer any questions.

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

22 MR. HANVEY: Thank you.

1           MR. BISHOP: Our next witness is Jonathan  
2           Stoel on behalf of Chatsworth Tire, Incorporated,  
3           and DMC Consulting, Incorporated. Mr. Stoel, you  
4           have five minutes.

5           MR. STOEL: Good afternoon. My name is  
6           Jonathan Stoel of Hogan Lovells. I have been  
7           asked by Dennis Mangola to read the following  
8           statement into the record.

9           I, Dennis Mangola, have more than 40  
10          years of experience in the tire industry. I was  
11          the Founder and CEO of AmPac Tire Distributors,  
12          one of the largest wholesale distributors in the  
13          United States. I am also the Founder and former  
14          CEO of Tire Pros, the largest retail tire  
15          franchise in the United States today.

16          Today, I'm both the owner of Chatsworth  
17          Tire, a large retail tire store in Chatsworth,  
18          California, and a strategic consultant to several  
19          leaders in the tire industry.

20          I am testifying before you today because  
21          I believe that tariffs on tire products,  
22          passenger vehicle, light truck, and bus tires in

1 particular, are inconsistent with USTR's  
2 objectives behind the Section 301 measures.

3 The Committee should also avoid these  
4 tariffs given how harmful they will be to budget  
5 conscious consumers here in the United States.

6 First, USTR has concluded that China has  
7 certain policies towards the United States that  
8 are unreasonable and burden U.S. commerce. Its  
9 investigation has focused on China's "Made in  
10 China 2025 Initiative."

11 Tires are wholly unrelated to China's  
12 2025 policy. These products are not the type of  
13 heavy tech products that are the target of this  
14 investigation.

15 Second, tires are not the type of  
16 product that USTR and the Committee is targeting  
17 with these Section 301 measures. Imported tires  
18 from China are consumer products that cater  
19 primarily to a niche market not served by others.  
20 The budget conscious consumer, who otherwise  
21 would not buy new tires or would instead purchase  
22 retreaded tires.

1           Tariffs on this type of product are  
2 destined to harm the U.S. consumer that is unable  
3 -- as he or she is unable to afford the cost of a  
4 tariff, while not advancing USTR's objectives.

5           The U.S. tire market is divided into  
6 four tiers or categories. Chinese imports  
7 service almost exclusively the third and fourth  
8 tiers.

9           American consumers of tires in the third  
10 and fourth tiers are lower to middle-income.  
11 Purchasers of third tier tires have household  
12 incomes of \$56,000 to \$65,000. Purchasers of  
13 fourth tier tires have household incomes of  
14 \$42,000 to \$56,000.

15           These American consumers fall  
16 predominantly below the U.S. median income line.  
17 Tariffs on Chinese imports of tires, therefore,  
18 will have harmful impacts on lower income  
19 Americans and consumers of tires.

20           Third, anti-dumping and countervailing  
21 duties are already being imposed on Chinese  
22 passenger vehicle and light truck tires, or PVL

1        tires, following an affirmative tie vote by this  
2        Commission on the question of injury.

3                Those duties already have significantly  
4        dampened import of these products into the United  
5        States. According to recent import data, imports  
6        of PVLV tires from China have fallen by over 82  
7        percent, let me repeat, 82 percent, since the  
8        AD/CVD duties were put in place.

9                During that same period, meanwhile,  
10       imports of PVLV tires from Vietnam rose by over  
11       830 percent and imports from Thailand increased  
12       by well over 200 percent, an astounding 22  
13       million tires over just the last couple years.

14                What, therefore, should this Committee  
15       take away from all this? Most importantly, the  
16       AD/CVD duties have already dramatically displaced  
17       tire exports from China to the United States.

18                Furthermore, an additional tariff on  
19       these products will have little or no impact on  
20       China's industrial policies, while harming  
21       economically vulnerable Americans.

22                In fact, the only people here today are

1 speaking out against these proposed tariffs on  
2 tires and other automotive products. The U.S.  
3 industry is notably absent.

4 I would also like to briefly discuss bus  
5 tires. The ITC determined just over a year ago  
6 that imports of Chinese bus tires are not harming  
7 or threatening to harm U.S. bus tire industry.

8 You all, I suspect, maybe are from  
9 Washington, D.C. You know the challenges of our  
10 Metro. In fact, there's a great website called  
11 The Metro is On Fire.

12 Imposing tariffs on bus tires will just  
13 increase the cost of public transportation around  
14 the country as folks have to pay more for bus  
15 tires. That's not something the President and  
16 this administration are interested in doing, as  
17 they try to enhance U.S. infrastructure.

18 Finally, I want to remind you that  
19 taxing consumer products like tires can be  
20 dangerous. Don't we want dads and moms to put  
21 new tires on the family SUV?

22 Increasing the cost of low-cost tires on

1 budget conscious Americans could impact safety  
2 and certainly will not advance the United States'  
3 foreign policy objectives.

4 In sum, Mr. Mangola submits that taxing  
5 imported tires is inconsistent with your  
6 rationale on policy objectives. I'd be pleased  
7 to answer any questions. Thank you.

8 MR. BISHOP: Thank you, Mr. Stoel. Our  
9 next witness is Joe Shamie with the Delta  
10 Enterprise Corporation. Mr. Shamie, you have  
11 five minutes. Is your mic on?

12 MR. SHAMIE: Mr. Chairman and members of  
13 the Committee, thank you for providing me with  
14 this opportunity to testify. My name is Joe  
15 Shamie and I'm President of the Delta Enterprise,  
16 also known as Delta Children New York City.

17 I appear before the Committee today to  
18 urge the administration not to impose retaliatory  
19 tariffs on infant and children's products from  
20 the People's Republic of China, including  
21 specifically: cribs, bassinets, play yards, high  
22 chairs, infant safety seats, and parts of these



1 products.

2 The reason for this request is  
3 straightforward and important. Raising the price  
4 on these products through tariff increases is  
5 likely, if not positively, to lead to an increase  
6 in infant and children's deaths and injuries.

7 Founded as a juvenile furniture retailer  
8 by my parents in Brooklyn, New York, in 1968,  
9 Delta has grown over the past half century to  
10 become one of the U.S.'s largest marketers and  
11 manufacturers of safe and affordable infant and  
12 children's furniture, and we are a family  
13 company.

14 Truly, a great American Dream story.  
15 Our products are sold in major retailers such as  
16 Target, Walmart, Costco, and many others, and  
17 Amazon, of course, today, primarily to working  
18 class Americans.

19 Delta is actively involved in standard  
20 setting activities with the ASTM, American  
21 Society of Testing and Materials, as well as the  
22 CPSC, Consumer Product Safety Commission,

1 industry groups such as the JPMA and private  
2 standard setting bodies, to develop and create  
3 and implement safety standards for juvenile  
4 products.

5 Our company also engages in community  
6 outreach to educate new parents to the importance  
7 of keeping their infants in safe sleeping  
8 environments.

9 We have donated over \$4.5 million of  
10 safe products to our military families in need  
11 and our Delta Safe Sleep Campaign goal is for  
12 every child should have a safe place to sleep.  
13 With higher rates and higher costs, children will  
14 not have a safe place to sleep, many children.

15 You can see in this brochure in your  
16 packet, my Safe Sleep Campaign, I have been at  
17 bases, like Scott Air Force Base, Fort Bragg,  
18 Fort Dix four times, giving out millions of  
19 dollars of cribs, again, to our military  
20 families, as well as -- and they have a higher  
21 rate of SIDS deaths -- as well as poor families  
22 around the country. And I travel to those places

1 myself, I take it very to heart.

2 Safety standards for juvenile products  
3 have evolved and improved over the years.  
4 Recently, the CPSC implemented new standards for  
5 cribs, prohibiting the sale of traditional drop-  
6 side cribs, requiring that wood used in the crib  
7 construction be stronger, mandating anti-  
8 loosening features for crib hardware, specifying  
9 stronger mattress supports and imposing stricter  
10 testing requirements.

11 At the same time, the CPSC banned the  
12 sale of cribs not meeting these standards, which  
13 you can find on Craigslist, eBay, and other used  
14 stores.

15 Delta Co-President, my brother, Sam  
16 Shamie, was key to the government's efforts in  
17 developing these standards. Sam is the  
18 Chairperson of the ASTM Safety Committee. We  
19 spend millions of dollars on helping develop the  
20 standards for the entire country and I am very  
21 proud of this.

22 I am on the Board of Directors of First

1 Candle, a nonprofit organization dedicated to  
2 promoting infant safety and preventing death from  
3 sudden infant death syndrome, SIDS, and seeing  
4 that every child reaches their first birthday.  
5 So, the name, First Candle.

6 I am also on the Board of Kids in  
7 Distressed Situations, KIDS, a charity which  
8 provides needed children with clothing, food, and  
9 safe products.

10 Delta has worked extensively with its  
11 vendors, including those in China, to ensure that  
12 they can manufacture infant and children's  
13 furniture to meet the exact standards we have  
14 imposed and enforced in the United States.

15 If you look on my website one day,  
16 you'll see how we test a crib and what we do to  
17 make sure that it is safe for your children,  
18 grandchildren, and mine.

19 Experience teaches that when the price  
20 of juvenile products increases, parents turn to  
21 the used crib market. Again, eBay, Craigslist,  
22 and just the local furniture sale place.

1           Unsafe hand-me-downs, this increases  
2 death and injuries, hazards to infants and  
3 toddlers. Used furniture does not meet the  
4 current standards and is less safe.

5           It's components may have deteriorated  
6 with age, from use, or while in storage.  
7 Assembly instructions and the original assembly  
8 hardware may be missing or misplaced, so that the  
9 furniture is reassembled in a jury-rigged and  
10 unsafe manner. And we've seen this numerous  
11 times, you can look at the CPSC reports.

12           Worse yet, parents may put their infants  
13 in an unsafe sleeping environment, such as their  
14 parents' bed or a sibling or another toddler's  
15 bed, co-sleeping or bed-sharing.

16           The results is an increase in infant  
17 deaths from strangulation, suffocation, SIDS, and  
18 other causes. Again, if you look in here, you'll  
19 see tons of articles on the dangers of co-  
20 sleeping, which keeps increasing with that.

21           Delta -- imposing tariffs on juvenile  
22 products would make these more difficult.

1 Thousands of babies have suffocated due to  
2 sleeping in unsafe conditions.

3 China has, for decades, been an  
4 important supplier of safe, affordable juvenile  
5 furniture for the United States market. It is  
6 generally the leading supplier of these goods by  
7 volume and its output cannot quickly or easily be  
8 replaced, if at all.

9 A 25 percent tariff will increase prices  
10 on these goods and bring it out of reach of many  
11 American consumers, parents, families, family  
12 values.

13 Surely, we can resolve our trade and  
14 intellectual property disputes with China in a  
15 way that does not risk the lives of our precious  
16 children.

17 I urge the Committee to recommend  
18 against inclusion of affordable juvenile products  
19 in these tariff increases. Sourcing safe  
20 juvenile products is a global experience.

21 I would like to also point out that we  
22 are a U.S. manufacturer of mattresses, under the

1 brands Serta and Simmons, and we are the  
2 manufacturer of large car beds, which are  
3 different plastic mold stuff.

4 You cannot do cribs and certain other  
5 products, which I've listed before, from  
6 overseas.

7 CHAIR TSAO: Thank you, sir.

8 MR. SHAMIE: Thank you.

9 MR. BISHOP: Thank you, Mr. Shamie. Our  
10 next witness is Amanda Walker with Trans-Texas  
11 Tire, LLC. Ms. Walker, you have five minutes.

12 MS. WALKER: Thank you. Good afternoon.  
13 My name is Amanda Lee Walker and I'm the  
14 Executive Vice President of Trans-Texas Tire.  
15 We're a women-owned company.

16 With these proposed tariffs, if  
17 implemented, it would put Trans-Texas Tire and  
18 their many employees out of business and out of  
19 work. This may not be the administration's  
20 immediate goal, but it certainly will be the  
21 proximate result.

22 Trans-Texas Tire is primarily a tire and

1 wheel assembler for the United States OE  
2 Manufacturers in the trailer, cargo, RV, and dry  
3 van segments of the motor vehicle industry. We  
4 import steel wheels, wheel assemblies, and tires,  
5 and we sell the assembled units in the United  
6 States.

7 I am here today in opposition of the  
8 proposed tariffs on our goods imported from China  
9 and they are classified under the submitted  
10 tariff codes in various subheadings, but not  
11 strictly including 4011.20, 8708.70, and 8716.90.  
12 4011.20 covers pneumatic tires for trucks and  
13 buses, 8708.70 covers steel wheels, 8716.90  
14 covers trailer wheels.

15 Trans-Texas Tire is an American-owned  
16 family company, which has been in business since  
17 1985. We employ 107 people in four states:  
18 Texas, Georgia, Iowa, and Missouri. We also  
19 engage 15 subcontractors in California and  
20 Indiana.

21 We have four assembly distribution  
22 facilities, with semi-automated assembly lines in



1 two facilities that are strictly distribution  
2 centers.

3 The kind of people we employ are not  
4 low-paying jobs. Rather, these are supply chain  
5 jobs, transportation management jobs, finance,  
6 sales. These are jobs that represent the  
7 realities of the current framework of  
8 international trade in the tire industry.

9 This type of trade has evolved over  
10 decades. Specifically, until the late-1990s, our  
11 personal business model was to satisfy our  
12 purchasing requirements exclusively from U.S.  
13 manufacturing plants.

14 However, when a major player, a  
15 competitor, began business sourcing their tires  
16 and wheels in China, our entire supply chain  
17 practically changed overnight. Our ability to be  
18 competitive was instantly eroded.

19 Trans-Texas Tire's shift from a domestic  
20 type of relationship really changed when our last  
21 U.S. wheel supplier went bankrupt in 2003. And  
22 no matter what we did, the domestic suppliers

1 wouldn't sell to us, there weren't enough people  
2 in the category to supply.

3 With little or no choice, we were not  
4 able to follow our wheel supplier down the road  
5 of bankruptcy. It was an absolutely necessity  
6 that we formed a partnership with a Chinese steel  
7 wheel producer.

8 Had Trans-Texas Tire not done this, the  
9 company would no longer be in business today and  
10 we would no longer be employing American workers.

11 Imposing tariffs on Chinese tires or  
12 tires of Chinese origin does nothing to improve  
13 the market condition for American workers. The  
14 tire and wheel industry is a global one and the  
15 shift is not only to China, but now, onto other  
16 parts of Southeast Asia, and it will continue on  
17 from this day.

18 To be sure, the U.S. tire manufacturers  
19 have facilities in China. Highly automated tire  
20 plants are also beginning to open in Thailand, in  
21 Vietnam, and throughout Southeast Asia. But  
22 these are not American-owned plants, these are

1 Chinese-parent-owned plants, shifting production  
2 out of China and into Southeast Asia.

3 There is a natural advantage to these  
4 plants, because it eliminates secondary shipping  
5 and trans-shipping, because raw rubber is  
6 actually in Southeast Asia.

7 Many of the types of tires and wheels we  
8 import from China are already subject to anti-  
9 dumping and countervailing duties and are  
10 currently pending investigation.

11 Adding an additional 25 percent on top  
12 of an already crippling tariff rates that we  
13 already pay upon importation, that would  
14 devastate our market and devastate the consumer.

15 It would also probably not allow us to  
16 stay in business, and it would actually probably  
17 cause us to fire or to let go many employees.

18 I've been in the tire industry my entire  
19 life. I've been exposed to a couple ill-  
20 administration type of activities like this  
21 before.

22 And like it or not, today, the Chinese

1 are an essential trading partner in the tire and  
2 wheel industry. And this situation will not  
3 change regardless of the administration's  
4 irresponsible attempts to reduce this situation.

5 Finally, China is not infringing on any  
6 new technology in our industry. Tire building  
7 and wheel building is actually really quite old,  
8 there's not a lot of innovation right now.

9 There's absolutely no threat on the  
10 China 2025 market grab or technology grab. Tires  
11 and wheels are not high-tech stuff. Simply put,  
12 tires and wheels are not part of the 2025 program  
13 in technology.

14 The technology we use has widely been  
15 available at least since the 1920s and  
16 definitely, on radial tires, since the 1960s.  
17 So, it's decades' worth of knowledge.

18 This is the primary criteria for  
19 determining whether or not tariffs should be  
20 implemented on tires and wheels and it just  
21 really isn't happening.

22 Therefore, I urge you to make the right

1 choice and eliminate the tariff categories from  
2 the scope of the proposed additional duties.

3 Thank you.

4 MR. BISHOP: Thank you, Ms. Walker. Our  
5 next witness is Michael Ochs with the RV Industry  
6 Association. Mr. Ochs, you have five minutes.

7 MR. OCHS: Good afternoon. I'm Michael  
8 Ochs, Director of Government Affairs for the RV  
9 Industry Association.

10 I thank you for the opportunity to share  
11 the views of the industry and it's 45,000 workers  
12 on additional products for inclusion on the  
13 Section 301 tariff list from China.

14 The RV Industry Association is the  
15 national trade association representing the  
16 diverse manufacturing businesses and suppliers,  
17 which build more than 98 percent of all RVs  
18 produced in the U.S., including motorhomes,  
19 travel trailers, fifth-wheel travel trailers, and  
20 folding camping trailers.

21 We support efforts to ensure a fair and  
22 level playing field with our trading partners and

1 believe that a strong manufacturing base is  
2 important to the economic security of the United  
3 States.

4           However, we are concerned that the  
5 modification proposed under Section 301 will have  
6 a significant negative impact on the economy of  
7 our country and the RV industry.

8           We agree with both Chatsworth and Trans-  
9 Texas that the inclusion of tires from China is  
10 particularly problematic.

11           Using only the overly broad HTS headings  
12 inadvertently captures certain tires specifically  
13 designed for use on travel trailers, called ST  
14 tires, within the same category as other  
15 passenger car and light truck tires.

16           ST tires are physically different  
17 products and should be excluded from  
18 consideration of the additional tariff.

19           RVIA testified in 2015 in the anti-  
20 dumping case that trailer tires are not produced  
21 in the U.S., have not been since the late-1980s,  
22 and therefore, importation of these tires cannot

1       cause injury to a domestic industry.

2               We have come to learn that one company  
3       has now begun to produce ST tires domestically.  
4       However, they do not currently produce a complete  
5       lineup of the various sizes used by the RV  
6       industry or sufficient capacity to supply the  
7       industry.

8               Furthermore, these tires are physically  
9       different in the following ways. They have  
10      different tread patterns, they have higher load  
11      ratings, they have strengthened sidewalls, and  
12      they use materials and constructions designed to  
13      meet the higher load requirements that towing a  
14      trailer presents. Therefore, we feel ST tires  
15      should not be included in this new tariff list.

16              In a similar vein, RVIA objects to the  
17      inclusion in this action of steel or iron  
18      containers for compressed or liquefied gas. We  
19      are already a party to an ongoing anti-  
20      dumping/countervailing duty investigation on  
21      steel propane cylinders from China and Thailand.

22              Earlier this year, we testified before

1 the ITC that there is not a reliable stream of  
2 domestic product that can satisfy the industry's  
3 demand, which has increased at a rate of ten to  
4 15 percent each year over the last five and shows  
5 no sign of abating any time soon.

6 Manufacturers tell us that orders placed  
7 domestically take seven to nine weeks to be  
8 fulfilled, whereas supplies from importers take  
9 just over three weeks to fulfillment.

10 They estimate domestic production likely  
11 would only be adequate to supply 25 to 50 percent  
12 of current market demand in the RV industry.

13 The listing by USTR also proposes that  
14 steel and aluminum wheels from China, such as  
15 those used in the production of utility trailers  
16 and RV trailers, be covered by the Section 301  
17 tariffs. We would oppose this proposal as well.

18 In the past ten years, the RV industry  
19 has recovered from the recession that nearly  
20 crippled this American-born and American-led  
21 industry.

22 One critical factor in this recovery has



1       been the development and utilization of global  
2       supply chains. However, sufficient domestic  
3       capacity does not currently exist for steel and  
4       aluminum wheels.

5               Including such wheels in this proposal  
6       would devastate existing supply chains, which  
7       have been working effectively and efficiently to  
8       the benefit of RV manufacturers, dealers,  
9       workers, and importantly, consumers.

10              Over the past three years, RV  
11       manufacturers have spent millions of dollars on  
12       wheels for their trailers. To increase that cost  
13       as proposed in this action would have a drastic  
14       impact on the industry.

15              There are several other categories  
16       proposed for inclusion in this action that are  
17       worrisome to the industry, such as plywoods and  
18       multi-density fiberboard, fabrics, carpet, and  
19       bedding, refrigerators and appliances and their  
20       parts, and toilets, plumbing, and accessories,  
21       and various raw materials.

22              In conclusion, this proposal to include

1 trailer tires, propane tanks, and steel and  
2 aluminum wheels as items subject to the 301  
3 tariffs would severely impact supply chains,  
4 artificially raise costs to produce an RV, and  
5 could even negatively influence sales of RVs.

6 These effects are not what USTR had in  
7 mind when it first put forward the Section 301  
8 proposal. As USTR itself stated, remedies under  
9 this act are supposed to eliminate the unfair  
10 trade practices of the Chinese Government related  
11 to the forced transfer of U.S. technology and  
12 intellectual property.

13 The proposal to place tariff on tires,  
14 propane tanks, and steel and aluminum wheels  
15 achieves none of these goals, while negatively  
16 affecting a healthy U.S. manufacturing sector.

17 Thank you and I'd be happy to answer any  
18 questions.

19 MR. BISHOP: Thank you, Mr. Ochs. Our  
20 next witness is Richard Stein with the Illinois  
21 Auto Truck Company, Incorporated. Mr. Stein, you  
22 have five minutes.

1           MR. STEIN: Thank you. Mr. Chairman and  
2 members of the 301 Committee, my name is Richard  
3 Stein and I'm President and owner of Illinois  
4 Auto Truck, located in Des Plaines, Illinois, a  
5 suburb of Chicago. I have worked in our small  
6 family business for almost 45 years. I'm  
7 grateful for the opportunity to address you this  
8 afternoon.

9           Illinois Auto Truck was founded in 1939  
10 by my grandfather. Originally founded as a  
11 distributor of general truck parts, my  
12 grandfather recognized the need for replacement  
13 parts for the remanufacturing or rebuilding of  
14 clutches for heavy-duty trucks, specifically for  
15 what is commonly referred to as Class 6, 7, and 8  
16 vehicles.

17           To this day, we still supply components  
18 for this market segment of remanufacturers, who  
19 are rebuilding and recirculating elements of  
20 trucks, which otherwise would be simply scrapped  
21 and cycled into the environment.

22           Since the late-1980s, beginning with a

1 contract with the United States Army for a  
2 medium-duty clutch, which was used in Desert  
3 Storm, we have assembled all these components  
4 into new clutches, which we now sell throughout  
5 the United States and, indeed, worldwide.

6 While we currently do not manufacture  
7 clutches to the Tier 1 truck manufacturers, we do  
8 supply clutches into the original equipment  
9 service aftermarket. In other words, our  
10 principle customers are truck dealers and  
11 independent parts distributors throughout the  
12 U.S.A. and worldwide.

13 We are proud of our long history as a  
14 privately held, fourth generation, family-owned  
15 company and that we have always produced our  
16 quality clutch assemblies and supplemental parts  
17 in the United States, employing over 100 people  
18 from the local Chicago-area job market.

19 The latest round of increased tariffs  
20 proposed would cause disproportionate economic  
21 harm to Illinois Auto Truck and significantly  
22 impact our ability to compete with companies in

1 our industry that produce clutches outside of the  
2 U.S., most specifically in Mexico.

3 To remain competitive and provide cost-  
4 effective clutch solutions to the truck industry,  
5 Illinois Auto Truck manages a global supply chain  
6 of key partners that produce some of the machined  
7 components that are used in a typical clutch  
8 assembly.

9 The critical Harmonized Tariff Schedule  
10 categories that are proposed for increased  
11 tariffs which would adversely impact Illinois  
12 Auto Truck included, but are not limited to,  
13 clutches and parts thereof, 8708.93.75, and  
14 rivets, 7318.23.

15 Furthermore, HTS categories included in  
16 the previous Section 301 Committee docket, USTR  
17 2018-0005, that already are adversely impacting  
18 Illinois Auto Truck include, but are not limited  
19 to ball bearings and ball bearings other than  
20 with integral shafts and flywheels.

21 These HTS codes cover parts for cars and  
22 heavy-duty trucks. The vast majority of parts

1 and clutches subject to these codes cover the  
2 automotive industry, where there is a significant  
3 amount of product imported as complete clutches  
4 for cars.

5 We, however, only produce clutches for  
6 heavy-duty vehicles and do not import complete  
7 clutches, only a number of machined components  
8 that go into a heavy-duty clutch assembly.

9 Therefore, while we do not agree with  
10 these tariffs, those pertaining to complete  
11 finished units under HTS 8708.93.30 and HTS  
12 8708.93.60 would not apply to us.

13 Eaton Corporation, with corporate  
14 headquarters in Dublin, Ireland, is a primary  
15 competitor to Illinois Auto Truck and supplies  
16 the vast majority of clutches to the truck  
17 manufacturers.

18 The clutches that Eaton produces are now  
19 manufactured in Mexico, which, up until  
20 approximately seven or eight years, previously  
21 were produced in the United States.

22 In such a competitive environment as

1 truck manufacturing and repair, Eaton sources  
2 components on a global basis, similar to Illinois  
3 Auto Truck.

4           However, in addition to already  
5 producing at relatively low Mexican labor rates,  
6 Eaton will gain further unfair advantage over  
7 Illinois Auto Truck, as they will continue to  
8 import certain components from countries such as  
9 China into Mexico without increased tariffs,  
10 produce clutch assemblies in Mexico, then export  
11 them into the United States to compete with  
12 Illinois Auto Truck.

13           Illinois Auto Truck has always been  
14 located in the United States and providing jobs  
15 to the local Chicago-area market for its entire  
16 79-plus-year company history.

17           Adding 25 percent tariffs will not only  
18 put my company at significant economic  
19 disadvantage, but will end up costing American  
20 jobs in favor of those who are producing the same  
21 product in Mexico.

22           We believe our specific case, with

1 related clutch assembly customers potentially  
2 procuring more products from companies other than  
3 Illinois Auto Truck, and that such an increased  
4 tariff program would impact Illinois Auto Truck's  
5 ability to produce our product economically, and  
6 ultimately, sustain our employment level,  
7 justifies and warrants relief from this critical  
8 HTS category of proposed increased tariffs.

9 Our case is clearly one where the trade  
10 dispute between the United States and China,  
11 along with the increased tariffs, would only hurt  
12 small companies, such as Illinois Auto Truck, a  
13 dedicated United States-based supplier and  
14 employer for almost 80 years.

15 By not implementing the increased  
16 tariffs on the HTS categories previously noted,  
17 Illinois Auto Truck would be able to continue to  
18 compete with the likes of Eaton Corporation and  
19 others on a global basis and maintain and grow  
20 our present local workforce level.

21 Clutches are mechanical parts of the  
22 truck and are not something advanced in the way



1 of intellectual property and have not  
2 substantially changed over the past 50 years.

3 Thank you for your consideration, I  
4 appreciate being granted the opportunity to  
5 appear before this Committee.

6 We hope the Committee will reconsider  
7 specific tariffs, which will undoubtedly do more  
8 harm in the United States than was originally  
9 intended. I welcome any questions. Thank you.

10 MR. BISHOP: Thank you, Mr. Stein. Our  
11 next witness is Ann Wilson with the Motor and  
12 Equipment Manufacturers Association. Ms. Wilson,  
13 you have five minutes.

14 MS. WILSON: Thank you. Good afternoon  
15 and thank you for the opportunity to testify  
16 today. My name is Ann Wilson. I am the Senior  
17 Vice President of Government Affairs for the  
18 Motor and Equipment Manufacturers Association, or  
19 MEMA.

20 MEMA represents manufacturers of motor  
21 vehicle parts, components, and systems, supplying  
22 both original equipment and aftermarket products

1 for use in passenger and commercial vehicles.

2 Suppliers are the largest sector of  
3 manufacturing jobs in the United States, directly  
4 employing over 871,000 Americans in all 50  
5 states.

6 MEMA has appeared before USTR's Section  
7 301 Committee during hearings on the previous two  
8 tranches, imposing 25 percent tariffs on \$50  
9 billion of imported goods.

10 The third tranche proposed by USTR  
11 encompasses a considerably larger list of tariff  
12 codes. This proposed list directly impacts  
13 hundreds of finished vehicle parts and materials  
14 used to make vehicle parts.

15 Most notably are finished vehicle parts  
16 under HTS 8708, as well as dozens of other  
17 finished vehicle parts that fall outside of HTS  
18 Chapter 87.

19 Furthermore, the latest proposal also  
20 encompasses a wide range of critical raw  
21 materials that are needed by U.S. parts  
22 manufacturers to make finished components. Some

1 of these raw materials have limited or no  
2 sourcing options outside of China.

3 MEMA has a long history of working with  
4 the U.S. Government to protect the industry's  
5 intellectual property. We recognize the  
6 significant challenges in China regarding  
7 intellectual property rights and continue to  
8 support aggressive policies to protect IPR.

9 However, we are very concerned about the  
10 impact this third tranche of tariffs will have on  
11 the American consumer. In many cases, the  
12 finished vehicle parts under consideration today  
13 are sold to aftermarket distributors and  
14 retailers.

15 The vehicle aftermarket provides  
16 finished components via a variety of channels,  
17 either directly to consumers or to vehicle  
18 service technicians and repair facilities.

19 These goods are used for the maintenance  
20 and repair of over 260 million cars, trucks, and  
21 buses on our nation's highways. Consumers rely  
22 on these parts and subcomponents to keep their

1 vehicles safely and properly maintained for on-  
2 road use.

3 A 25 percent tariff on these parts will  
4 be passed downstream to consumers and service  
5 facilities. This harms the consumer, who relies  
6 on affordable and convenient options to maintain  
7 vehicles.

8 But make no mistake about it, a 25  
9 percent tariff will serve as an additional tax on  
10 many Americans.

11 Additionally, many of these parts and  
12 materials in the USTR's proposed annex are used  
13 to support downstream manufacturing for original  
14 equipment components and systems. These products  
15 are inputs for suppliers to manufacture goods  
16 here in the United States for the vehicle  
17 manufacturer customers.

18 OE suppliers facing increased costs have  
19 two options: pass the price increase to the  
20 vehicle manufacturer and, ultimately, the U.S.  
21 consumer, or absorb the price increase.

22 Passing on the cost to vehicle

1 manufacturers is typically not possible, mostly  
2 because of contracts. In addition, vehicle  
3 manufacturers may seek suppliers outside of the  
4 United States to provide the finished product.

5 If the supplier absorbs the costs, then  
6 they will be forced to delay, may be forced to  
7 delay or cancel planned U.S. investment, such as  
8 workforce training, facility expansion, or  
9 product innovation.

10 Either choice results in financial  
11 losses to the supplier, impacting their U.S.  
12 workers and production, and will add additional  
13 costs to the American consumer.

14 A targeted approach on China's policies  
15 will be less harmful than imposing blanket  
16 tariffs on a wide range of vehicle products.

17 MEMA encourages continued negotiations  
18 with China and will outline additional  
19 recommendations in our written submission. Our  
20 written comments will also provide a list of  
21 products that we urge be removed from USTR's  
22 final list. Finally, we will provide USTR a list

1 of products where we support tariff  
2 implementation.

3 In closing, MEMA urges USTR to  
4 reconsider tariffs, as they will likely have a  
5 significant negative impact on the American  
6 consumer and U.S. vehicle parts suppliers.

7 This will ultimately impact employment  
8 and growth, in turn weakening the U.S. economy.  
9 Alternatives, such as continued negotiation  
10 should be, instead, considered.

11 Thank you for the opportunity to testify  
12 today and I look forward to your questions.

13 MR. BISHOP: Thank you, Ms. Wilson. Our  
14 final witness on this panel is James Winowski  
15 with Arrowhead Engineered Products. Mr.  
16 Winowski, you have five minutes.

17 MR. WISNOSKI: Good afternoon. My name  
18 is Jim Winowski, I'm the Founder and CEO of  
19 Arrowhead Engineered Products. Thanks for  
20 allowing me to testify today.

21 Arrowhead was founded in 1985 and is  
22 based in Blaine, Minnesota. We also have

1 manufacturing and distribution operations in  
2 Nevada, Maine, Ohio, Iowa, Indiana, Pennsylvania,  
3 Florida, and South Carolina, and sales reps in  
4 just about every state in the Lower 48.

5 We are the leading supplier of  
6 nondiscretionary and mission-critical aftermarket  
7 replacement parts for a wide variety of motorized  
8 vehicles across a number of different end  
9 markets, including agricultural, lawn and garden,  
10 industrial, power sports, automotive, outdoor  
11 power equipment, and marine.

12 We market and sell our products to over  
13 30,000 customers here in the United States,  
14 including the federal government, state and local  
15 governmental agencies, varying OEMs,  
16 distributors, repair centers, dealers, and end  
17 users.

18 Arrowhead has approximately 550 full-  
19 time employees in the United States and 150  
20 temporary and seasonal in the United States as  
21 well.

22 We keep American running. And the U.S.

1 consumers rely on our products each and every day  
2 to either put their vehicle back into productive  
3 use or to drive to their next memory in life.

4 We import many of our products from  
5 China and additional tariffs will make them more  
6 expensive. These products are classified under a  
7 number of subheadings of the U.S. Harmonized  
8 Tariff Schedule.

9 We will comment more on tariff codes on  
10 our written submission, but today, I want to  
11 focus on starters and alternators.

12 Arrowhead has approximately 8,000 SKUs  
13 for starters and alternators. An additional 25  
14 percent duty on those products will significantly  
15 impact Arrowhead and its customers. Those  
16 products are classified under subheadings  
17 8511.30.00, 8511.40.00, 8511.50.00, 8511.80.60,  
18 and 8511.90.60.

19 Imposing additional duties on these  
20 products would not be practical or effective to  
21 eliminate China's acts, policies, and practices.

22 They would cause disproportionate



1 economic harm to U.S. interests, including  
2 various government agencies, small and medium-  
3 sized businesses, and consumers, and would have a  
4 significant negative impact on Arrowhead,  
5 including in particular, our U.S. operations and  
6 our workforce here in the United States.

7 To give you background, we develop all  
8 of our own intellectual property. We have our  
9 own engineers here in the United States that  
10 create and design our products in the United  
11 States, but none of them are on new technology,  
12 nor on the 2025 China roadmap.

13 Arrowhead has developed long-term  
14 relationships with its contract manufacturing  
15 partners in China, spanning over 30 years, that  
16 are governed by written supply agreements that  
17 include intellectual property protection  
18 provisions.

19 Further, to protect our intellectual  
20 property and ensure our products are manufactured  
21 to the highest quality standards, Arrowhead has  
22 its own quality and supply chain team based in

1 China to monitor our supply chain and ensure our  
2 IP is protected.

3 Arrowhead is not aware of any  
4 misappropriation of our IP relating to our  
5 products by our manufacturing partners.

6 For this reason, imposing additional  
7 duties on those products would not be practical  
8 or effective to eliminate China's acts, policies,  
9 or practices regarding U.S. intellectual  
10 property.

11 Secondly, Arrowhead cannot absorb a 25  
12 percent increase in costs for its starters and  
13 alternators. Accordingly, Arrowhead would be  
14 forced to pass those costs associated with  
15 additional duties on to its U.S. customers that  
16 purchase our products from our sales team and our  
17 varying distributors and customers.

18 To that end, the end result would be a  
19 25 percent increase on starters and alternators  
20 and a possible disruption of supply of products  
21 that U.S. customers depend on each day for their  
22 use in their motorized vehicles.

1           These customers include the United  
2 States -- states and local municipalities, U.S.  
3 Federal Government, such as the United States  
4 Postal Service, the U.S. Army, the Marine Corps,  
5 that purchase our products directly from us or  
6 our distributors.

7           Arrowhead derives approximately \$1  
8 million in revenue from servicing the United  
9 States Postal Service fleet of small parcel  
10 delivery vehicles.

11           Small and medium-sized commercial repair  
12 centers would also be forced to pay more for  
13 replacement parts used to perform their repair  
14 services, which will in turn result in U.S.  
15 consumers paying more for the repair service for  
16 their vehicles or deferring critical safety  
17 maintenance on their vehicles.

18           Third, additional duties on starters and  
19 alternators and other vehicles would have a  
20 significant negative impact on Arrowhead and its  
21 approximately 550 employees in the United States.

22           In particular, additional duties would

1 have a significant negative impact on our U.S.  
2 operations and result in a potential need to  
3 terminate U.S. employees and move those positions  
4 outside the U.S. operations to offset our product  
5 cost increases of these proposed additional  
6 tariffs.

7 We anticipate that any such reduction in  
8 our U.S.-based employee workforce would include  
9 our engineering, which will negatively impact our  
10 ability to continue to be the leader in new  
11 products and innovative products in the United  
12 States, as well as our operations outside of the  
13 United States.

14 Arrowhead has approximately over 13,000  
15 SKUs to be considered --

16 CHAIR TSAO: Sir, can you wrap it up,  
17 please?

18 MR. WISNOSKI: Yes, okay. Approximately  
19 70 percent of our manufacturing occurs in China.  
20 There are no factories in the United States or in  
21 other countries that can handle our capacity.

22 Arrowhead respectfully requests that

1 these tariffs be removed -- these products be  
2 removed from additional tariffs. And that  
3 concludes my testimony.

4 MR. BISHOP: Thank you, Mr. Winowski.  
5 Mr. Chairman, that concludes direct testimony  
6 from this panel.

7 MS. MEASE: Good afternoon, Mr. Feig.  
8 You mentioned that a tariff on the parts that you  
9 bring in from China will drive buyers to other  
10 sources of supply. Who are your main  
11 international competitors and how cost  
12 competitive are they with you?

13 MR. FEIG: So, my company sells mainly  
14 steering and suspension parts, ball joints, tire  
15 rod ends, control arms, on your car. We sell  
16 what would be termed in the industry economy-line  
17 parts.

18 So, when someone goes to a store or a  
19 repair shop, they've given options. They've  
20 given Part A, which is a \$15 ball joint, or Part  
21 B, which is an \$80 ball joint.

22 So, we sell economy-line parts. Our

1 direct competitors on the economy-line market in  
2 North America, there are two large companies in  
3 Canada that we compete with directly. There's  
4 also some Mexican companies as well.

5 There are other domestic United States  
6 competitors of ours, of course, but they would be  
7 in the same boat as we would be should the  
8 tariffs be implemented.

9 MS. YAO: Good afternoon. My questions  
10 is for Mr. Hanvey. Based on your testimony, you  
11 had mentioned that there seems to be alternative  
12 sources of supply, other than China. Can you  
13 elaborate on what are the leading alternative  
14 sources of supply and how do their prices and  
15 quality compare?

16 MR. HANVEY: Well, for the particular  
17 product category that I spoke of, brake rotors,  
18 78 percent of the brake rotors that are used in  
19 the aftermarket today are imported from China.

20 The rest of them, 11 percent come from  
21 Mexico, five percent come from Canada, two  
22 percent from Germany, and they get increasingly

1 smaller in terms of the market penetration or the  
2 source.

3 CHAIR TSAO: What about their price and  
4 quality competitiveness?

5 MR. HANVEY: Unfortunately, the brake  
6 rotor is a very unsophisticated part. It is a  
7 cast iron part, it is heated metal that you put  
8 in a cast. And really, the competitiveness or  
9 the degree of quality does not vary greatly  
10 between the parts.

11 MR. O'BYRNE: Mr. Stoel, your statement  
12 highlighted increased sourcing from Vietnam and  
13 Thailand. What other countries are among the  
14 leading sources of your tire products, besides  
15 these and China?

16 MR. STOEL: Sure. Well, first of all,  
17 I'm neither as good looking nor as smart as Mr.  
18 Mangola, who unfortunately can't be here today,  
19 but I will be sure to elaborate on this important  
20 question in our written comments.

21 I think, in addition to Thailand and  
22 Vietnam, other major sources include Indonesia,

1 also Mexico, and then, I think, I don't have all  
2 the data in front of me, but I believe also  
3 Brazil.

4 I think it's very important, your  
5 question, which is an excellent one, that you  
6 keep in mind, we're talking about the bottom end  
7 of the tire market.

8 So, as I said to you, we're talking  
9 about Americans who are buying between -- or have  
10 average incomes between \$42,000 and \$65,000.  
11 That's the third and fourth tier.

12 Those people, for them, a 25 percent  
13 tariff is really meaningful, \$50 is a lot to  
14 them. We're not talking about the guy who's  
15 putting the \$500 tires on his Maserati.

16 These are tires that are needed for  
17 average budget consumer Americans. And when you  
18 add a tariff like this, it's really going to have  
19 a big difference.

20 And as I already said, tires from China,  
21 these PVLIT tires have already decreased by 82  
22 percent, due to the dumping and countervailing



1 duties.

2 So, anything that's coming in now is  
3 fairly traded under U.S. law, that's the way the  
4 U.S. law trade remedies work, and we've already  
5 seen a massive decrease in those types of tires.

6 MR. O'BYRNE: So, could you elaborate on  
7 how the products from these countries are somehow  
8 inadequate or insufficient in volume to avert  
9 consumer impact?

10 MR. STOEL: Not quite sure I follow. I  
11 mean, I think the question, obviously, is, as I  
12 said, I think Chinese tires have already been  
13 significantly dampened.

14 Obviously, volume from those other  
15 countries has ramped up significantly. If our  
16 goal is to continue to cause other countries to  
17 increase, then it's possible you'll see more  
18 displacement to those countries from the tariff.

19 But I think Chinese tires are still  
20 maintaining a niche in that bottom end of the  
21 market. And so, all the tariff is going to do is  
22 harm American consumers and, ultimately, not do a

1 whole lot of good.

2 MR. O'BYRNE: Thank you.

3 MR. CONCEICAO: Ms. Walker, you mentioned  
4 also that suppliers are shifting to Southeast  
5 Asia. And I'm just wondering, have you explored  
6 those options?

7 MS. WALKER: Yes. We're currently  
8 importing from Thailand and we have new contracts  
9 in Vietnam and Malaysia too. Capacity is nowhere  
10 close to China. And we've found that our Chinese  
11 partners are moving.

12 And as I mentioned in my testimony, it's  
13 not about where you're stamping Made in China or  
14 Made in Thailand, it's largely about people being  
15 effective and efficient in supply chain.

16 I disagree with Mr. Stoel a little bit.  
17 I've never really seen a Mexican or Brazilian-  
18 made tire, effectively.

19 I have seen tons of Indonesian, Thai,  
20 and Malaysian tires, but they are largely owned  
21 by Chinese manufacturers, who have relocated from  
22 China to Southeast Asia, to save money on freight

1 and to be closer to raw rubber farms.

2 Because it's really about limiting the  
3 carbon exposure. It doesn't make sense to spend  
4 money on steam-ship when the raw rubber's there  
5 and can be used.

6 So, this is really not about playing  
7 country against country, it's about leaning out  
8 the supply chain and being effective. And right  
9 now, those countries can do it, but they do not  
10 have the capacity.

11 CHAIR TSAO: Ma'am, I have a quick  
12 follow-up. And this question is related to Mr.  
13 Stoel's testimony as well. I think he testified  
14 earlier that, in response to AD/CVD duties, the  
15 tires, the PVLIT tires, from Vietnam rose over 830  
16 percent and Thailand increased over 200 percent.

17 I mean, that seems to us -- I mean, does  
18 that suggest that there is capacity in these  
19 other countries to meet that shortfall  
20 potentially created by China? That's -- how do  
21 you interpret that testimony?

22 MS. WALKER: I interpret that in a

1 positive way. He's talking about one segment,  
2 he's talking about PLT. He's talking about  
3 something that would be on your crossover or your  
4 light truck or your economy car.

5 Largely, what we build in China is what  
6 we would consider specialty tire, special trailer  
7 radial or special trailer bias. This is a type  
8 of product that people do not want to build in  
9 the United States, because it's high volume low  
10 gross margin.

11 Also, in Thailand and Vietnam, they can  
12 make PLT, they can make stuff for crossovers.  
13 So, they prefer to make a consumer-driven product  
14 that has more opportunity for sales.

15 There's more crossovers on the road than  
16 there are RVs. There are more crossovers on the  
17 road than there are trailers. So, it's about the  
18 opportunity for sales. That doesn't make anybody  
19 bad, it's just about making sure that they're  
20 getting the most out of their factories.

21 So, a 200 percent increase in one  
22 segment doesn't mean a lot. It doesn't mean

1 there's coverage in the entire market. It just  
2 means that you're going to be able to buy PLT  
3 tires from Thailand or Malaysia.

4 But that doesn't mean you're going to  
5 have STR tires, which are special trailer  
6 radials. It doesn't mean you're going to have  
7 truck tires, which we call MT/R. And it doesn't  
8 mean that you're going to have STB, which are  
9 special trailer bias.

10 So, it's largely segmented and it's  
11 about dollars and it's about per unit cost and  
12 making the most out of high-end high-speed  
13 factories that are American owned. Thank you.

14 MS. HOWE: My question is for Mr. Ochs.  
15 You talked about the inability to find domestic  
16 manufacturers that can meet the capacity of what  
17 you are able to source from China and that both  
18 your members, your company, and your competitors  
19 largely source from China.

20 Can you talk about any alternative  
21 sources that you've explored? Maybe outside the  
22 U.S., as well?

1           MR. OCHS: I can go to my manufacturers  
2 and follow up with that in my written response.  
3 I'm not sure which product you were talking  
4 about, if it was the tires or the propane tanks  
5 or the steel wheels.

6           MS. HOWE: Right, I think you had said 80  
7 percent of all of the auto parts are coming from  
8 China. Oh, no, that's just the FPD imports are  
9 manufactured in China.

10           Well, yes, I think that it would be  
11 helpful to know the extent to which alternative  
12 sources have been explored and why those  
13 alternative sources were deemed inadequate.

14           MR. OCHS: I will check on that and  
15 respond back in writing.

16           MS. HOWE: Thank you.

17           MR. FEIG: It seemed the statistic you  
18 were bringing up was related to my testimony and  
19 I'd be glad to answer your question if there's  
20 time.

21           MS. PETTIS: Okay. Mr. Stein, I have a  
22 question for you, having to do with your clutches

1 and ball bearings.

2           Similar to what we've been asking some  
3 of the other companies, have you explored  
4 alternative sources of supply other than China  
5 and what have you concluded about the  
6 availability, quality, and cost of the products  
7 from these alternative supply sources?

8           MR. STEIN: I have explored worldwide  
9 sources. The problem is the lead time in order  
10 to produce tooling and to get up to speed in  
11 manufacturing in other areas of the world.

12           Like we heard about tires, you go to a  
13 place like Vietnam to have some of these parts  
14 made, it takes time to get the tooling and the  
15 factories built and so forth.

16           And usually, what happens, like in the  
17 case of tires, is these are subs of Chinese  
18 companies anyway.

19           So, it's something that, when tooling  
20 has to be made and plants have to be built and  
21 supply chains have to be established, it's not  
22 something that can be done overnight. Certainly,

1 in the long-run, we always look for that.

2 In the case of ball bearings, ball  
3 bearings are 90-some percent made from China now.  
4 They used to be made all over the world,  
5 including the United States.

6 But today, because of economics,  
7 everything uses a bearing, whether it be a wheel,  
8 a ceiling fan, a stroller, everything uses a  
9 bearing and they're all going to be affected by  
10 the bearing tariffs.

11 MS. PETTIS: Thank you very much.

12 MR. STEIN: Thank you.

13 MR. CONCEICAO: My question is for Ms.  
14 Wilson. Ms. Wilson, in your testimony, your  
15 association said that you find the proposed  
16 tariffs to be too broad in scope.

17 The question I have is probably going to  
18 be answered in part by your written testimony,  
19 because you say you're going to provide a list of  
20 HTS numbers you recommend removing, as well as  
21 some you recommend adding.

22 But I'm wondering if you could say,



1 generally, are there certain principles or rules  
2 you'd recommend to narrow the scope in this  
3 respect?

4 MS. WILSON: Well, I think there's a  
5 couple of things. I think, one of the things is,  
6 because of the wide scope, what you're hearing  
7 today from all the panelists in different ways,  
8 is the impact that this is going to have,  
9 particularly on the aftermarket.

10 And so, from an automotive aftermarket  
11 perspective, we as a country have decided not to  
12 regulate most things in the aftermarket. They  
13 are not safe -- there's no safety regulations  
14 associated with them.

15 That provides our consumers, American  
16 citizens, opportunities to decide what kind of a  
17 service part they need or what kind of a  
18 maintenance they can afford.

19 However, what we do owe to them is,  
20 whether they go for what the industry calls good,  
21 better, best, that all of them have a level of  
22 quality.

1           And what you're hearing is a real  
2 concern about both the price and availability, as  
3 well as the quality. So, I think that's one  
4 thing that you have to look at.

5           One of the things that, as a Washington,  
6 D.C. person and who has been in this industry for  
7 some time, just drives me absolutely crazy  
8 though, is we have a number of friction parts  
9 that are coming in from China that have asbestos  
10 in them. So, we actually have brake friction  
11 with asbestos.

12           There are no U.S. manufactures who put  
13 brake friction with asbestos on vehicles. There  
14 are no U.S. manufacturers who are members of our  
15 trade association that make friction products  
16 with asbestos in them.

17           That definitely is one of those things  
18 where there should be a tariff associated with  
19 it. It just doesn't make any sense. This is  
20 something that has been debated and decided in  
21 this country for a long time and we should move  
22 on from that.

1           And again, as you mentioned, we will try  
2           to enunciate more specifically other ones. But  
3           that is one where you really can take a look at  
4           it and say, this is something that as a country,  
5           we are not making here, we are not providing to  
6           our consumers, and we know that we do not want to  
7           provide them to our consumers from China.

8           But at the same time, what you're really  
9           struggle with here, folks, is, you've got over  
10          260 million vehicles on the road and, I mean, my  
11          husband and I just bought four new tires and we  
12          can afford to do that.

13          But you've got people out there who buy  
14          used tires. Used tires. So, they can't go out  
15          there and buy a new set of tires. We are going  
16          to have unperformed maintenance, we are going to  
17          have people making decisions about the  
18          maintenance of their vehicles.

19          And you're going to have vehicles, new  
20          vehicles themselves, which right now are around  
21          \$35,000, you increase the cost of those vehicles,  
22          you're going to find the American consumer is

1 making difficult and sometimes unsafe decisions.

2 So, I don't think that anybody on either  
3 of these two tables are trying to sit here and  
4 saying anything of a panic, it's just, we know  
5 the aftermarket. Many of these folks know it  
6 much better than I do.

7 But the idea that an American family  
8 goes out there and buys a used tire, because they  
9 can't afford a new tire, which would be safer for  
10 them, it should trouble all of us, it really  
11 should.

12 MR. CONCEICAO: All right. Thank you  
13 very much. And Mr. Shamie, we did not forget  
14 about you. In your testimony you discussed  
15 children's -- infant and children's furniture and  
16 other products.

17 MR. SHAMIE: Yes.

18 MR. CONCEICAO: Like highchairs,  
19 bassinets, play yards, and the like. And I'm  
20 wondering if you can tell me, you know, based on  
21 your industry, you said China has been a leading  
22 supplier of these products for decades.

1           Does the industry source products of  
2 this nature -- products of this type from other  
3 countries?

4           MR. SHAMIE: So we -- our cribs and some  
5 furniture are sourced from Indonesia and Vietnam.  
6 They produce higher priced products, not the low-  
7 priced products that China does and meets the  
8 standards.

9           They also don't have the capacity or the  
10 delivery schedules that China does. Just not  
11 enough infrastructural capacity in either one of  
12 those two countries at all.

13           And again, pricing is much, much higher.

14           MR. CONCEICAO: Would you know just  
15 broadly what percentage of these products  
16 actually hail from China versus the rest of the  
17 world?

18           MR. SHAMIE: I would safely guess it's  
19 at 90 percent.

20           MR. CONCEICAO: Ninety?

21           MR. SHAMIE: Yeah. I would safely  
22 guess. But that's an educated guess because I

1 am, or we are, Delta is the largest manufacturer  
2 of cribs in the world.

3 And from my own knowledge, we have one  
4 in two children sleep in a Delta product.

5 MR. CONCEICAO: Good to know. All  
6 right. Thank you very much. I appreciate it.

7 MR. SHAMIE: Thank you.

8 MS. HOWE: My question is for Mr.  
9 Wisnoski. Have you made attempts to identify  
10 alternative sources as supply for the products  
11 that you highlighted? And what have you  
12 concluded as a result of those efforts?

13 MR. WISNOSKI: We do do -- across the  
14 board, we sell over two hundred thousand  
15 replacement parts to the aftermarket industry as  
16 well as the OEM industry. Mainly off-highway  
17 vehicles.

18 We do have manufacturing in Turkey. We  
19 do have manufacturing in India. We do have  
20 manufacturing in Taiwan.

21 There is none in the United States. And  
22 there's nothing we do in Mexico. We're not doing

1 remanufacturing such as the OEM that was  
2 described of Eaton Corporation.

3 The issue we have, ma'am, is the fact  
4 that it takes about nine months for us to find a  
5 factory that can actually produce a product and  
6 qualify that factory. We generally only do about  
7 nine to ten skews.

8 Okay, it normally takes us sometimes two  
9 to three years to develop and tool that product.  
10 So just doing the simple math of eight thousand  
11 skews and let's say we made a strategic decision,  
12 we're no longer going to do business as an  
13 organization with our China contract  
14 manufacturers, it would take us over 20 to 30  
15 years to accomplish that.

16 Furthermore, as other panelists  
17 mentioned, there just isn't sufficient capacity  
18 outside of China. And in many cases some of the  
19 factories that we'd even do in other countries  
20 such as Taiwan or others, they have -- well, they  
21 have ownership of Chinese nationals involved in  
22 those factories.

1           So, it is a global supply chain issue  
2 we're dealing with here. And I would reiterate  
3 what Ann mentioned on this is, and many of the  
4 panelists have.

5           My concern on this not only is the huge  
6 cost increase for the end consumer, okay. It is  
7 also the safety decisions that we're going to be  
8 forcing our end consumers to do.

9           We put ball joints in very tight  
10 manufacturing tolerances in the United States, in  
11 our United States quality control perspective on  
12 ATVs. Okay, we sell those ball joints to a  
13 number of customers.

14           They go -- if that ball joint is  
15 deficient, that 14 year old kid riding down the  
16 road at 50 miles an hour on an ATV in the lumber  
17 woods, and that ball joint fails, we have a  
18 different issue on our hands, folks.

19           MS. HOWE: Thank you.

20           MR. BISHOP: We release this Panel with  
21 our many thanks. And we invite the members of  
22 Panel 27 to come forward and be seated.



1           And the members of Panel 28 come and be  
2           seated in our waiting area. Thank you.

3           CHAIR BUTLER: Good afternoon. Thanks  
4           for coming. I would just say that since we're  
5           running late in the day, if everyone could keep  
6           their remarks to five minutes.

7           When you see the red light, if you could  
8           conclude your remarks, that would be great.  
9           Thank you.

10          MR. BISHOP: Mr. Chairman, our first  
11          witness on this Panel is William Blank with Air-  
12          Way Global Manufacturing.

13          Mr. Blank, you have five minutes.

14          MR. BLANK: Good morning. My name is  
15          William Blank, President of Finance and  
16          Marketing. On behalf of Air-Way Global  
17          Manufacturing, I would like to thank the  
18          Committee for this opportunity to be heard.

19          Our formal testimony was submitted in  
20          writing. And 15 copies were filed today. I  
21          would like to highlight certain aspects of our  
22          testimony and make some additional observation

1 before yielding to the Committee for questions.

2 Air-Way is a Michigan-based company  
3 specializing in the manufacture of hydraulic  
4 fittings for both original manufacturers and  
5 distributors.

6 Air-Way's U.S. operations support 460  
7 employees in the following locations, Olivet,  
8 Michigan where we have 150 employees in Eaton  
9 County with an unemployment rate of 3.2 percent;  
10 Hamilton, Indiana with 100 employees in DeKalb  
11 County with an unemployment rate of 2.6 percent;  
12 and Edgerton, Ohio with 210 employees in Williams  
13 County with an unemployment rate of 3.3 percent.

14 It's important to note that Air-Way is  
15 experiencing labor constraints in its respective  
16 markets, and has limited capacity to increase  
17 production at these facilities.

18 Hydraulic fittings are utilized in  
19 agriculture, construction, material handling,  
20 forestry, mining, military, oil and gas, and  
21 virtually every other heavy equipment sector.

22 By their nature, these are global

1 industries with highly integrated supply chains.  
2 Our products are supplied to several major OEM  
3 customers where we are considered a tier one  
4 supplier.

5 Air-Way manufactures close to 50 percent  
6 of its content in the United States. Our Ohio  
7 location serves as a consolidation point for all  
8 products, both of U.S. and China origin.

9 The importation of hydraulic fittings  
10 from China allows Air-Way to offer a broader  
11 product line to more customers and to employ more  
12 workers in the U.S. than would be the case  
13 otherwise.

14 The standards under which Air-Way's  
15 products are manufactured, include several SAE  
16 codes for hydraulics. I would like to point out  
17 that in a recent Department of Commerce Decision  
18 Memo, C570068, related to forged steel fittings,  
19 products manufactured to the same SAE  
20 specifications used by Air-Way were specifically  
21 excluded.

22 Air-Way is able to easily differentiate

1 its products within the broader HTS  
2 classifications based on the SAE codes on its  
3 customs entries.

4 As to the availability of non-China  
5 sourcing, the high volumes of hydraulic fittings  
6 imported by Air-Way is simply not available from  
7 U.S. producers, due to the lack of capacity and  
8 material availability. Especially forging blanks  
9 and forged fittings.

10 If not China, we would still be forced  
11 to import fittings from outside the U.S. And we  
12 have yet to identify sources competitive with our  
13 China supply base.

14 While we are exploring options, the  
15 startup time for a new source of manufacture  
16 would take years to become reliable.

17 While this hearing is focused on issues  
18 related to Section 301 tariffs, I would like to  
19 note that Air-Way has already been subject to 25  
20 percent tariffs on imported steel under Section  
21 232.

22 Which has resulted in higher cost, and

1 erosion of margins for Air-Way's USA made  
2 products. Our company is operating in a mature  
3 industry with thin margins.

4 The imposition of additional tariffs  
5 under Section 301 would subject Air-Way to costs  
6 that we believe our customers will not be willing  
7 to absorb. This will create economic hardship,  
8 which threatens the viability of the company and  
9 the livelihood of its employees.

10 As a capital intensive business, Air-Way  
11 carries substantial bank debt. Which has been  
12 used to finance purchases of equipment for USA  
13 production and for working capital.

14 Air-Way's debt is subject to covenants  
15 based in part on profitability. Any erosions in  
16 margins will at a minimum result in higher  
17 financing costs, but more likely covenant  
18 violations.

19 In addition to the harm the 301 tariffs  
20 will bring to Air-Way's employees, the company  
21 also supports local parts and service providers  
22 such as plastic caps, o-rings, washers, machine

1 components, tooling, outside processes for  
2 brazing and plating, and other providers to  
3 support its U.S. production.

4 As well, Air-Way contributes to the  
5 communities it serves by way of donations to  
6 local schools, hospitals, churches, and community  
7 events. Harm to Air-Way will bring collateral  
8 damage to its local communities.

9 To summarize, in finalizing the list of  
10 affected products, USTR should be certain that  
11 the items subjected to retaliatory duties are  
12 those which most greatly impact China with the  
13 lowest possible impact on U.S. and its citizens.

14 A detailed review of each province in  
15 China 2025 targeted industries reveals that  
16 hydraulic components are not mentioned.

17 By their nature, Air-Ways hydraulic  
18 fittings are relatively low value and require  
19 basic machining and processing.

20 So irrespective of the impact on China  
21 of the 301 tariffs on the fittings imported by  
22 Air-Way, it is the U.S. as a whole, not just our

1 company, that would be drastically affected.

2 Thank you very much.

3 MR. BISHOP: Thank you Mr. Blank. Our  
4 next witness is Rob Cohen with Display Supply and  
5 Lighting, Incorporated.

6 Mr. Cohen, you have five minutes.

7 MR. COHEN: Thank you. Good afternoon  
8 and thank you for taking the time to conduct this  
9 hearing and receive testimony on this most  
10 important matter.

11 My name is Rob Cohen and I'm the Vice  
12 President of Display Supply and Lighting and GP  
13 Manufacturing, both based in Itasca, Illinois.

14 I am not an expert in the field of  
15 international trade or the efficacy of ad valorem  
16 taxes, duties and tariffs. I'm a business owner  
17 of a small business, many small businesses with  
18 other business partners.

19 We own and operate businesses that we  
20 are a part of. In this capacity, we help employ  
21 25 hard-working Americans. We're the small  
22 players here.

1           We like to feel that we employ 25  
2 families. We have been in business for over 38  
3 years. Together with our employees, we provide  
4 high quality lighting and supply products for  
5 temporary installations in areas such as trade  
6 shows and events.

7           The relevant products we are talking  
8 about here today are LED lighting products, power  
9 supplies, and electrical cords like extension  
10 cords.

11           We sell our products to other companies,  
12 mostly small companies who design and build trade  
13 show booths and displays, integrating our  
14 products into their designs. And they employ  
15 more hard working American citizens.

16           In turn, they sell mostly to more  
17 American companies, employing more hard working  
18 American citizens who find the trade show  
19 industry to be the most cost effective way for  
20 them to deliver their marketing messages to their  
21 audience.

22           List Three of the HTS codes that may



1 become subject to the 25 percent ad valorem duty  
2 contain three primary HTS codes that we import  
3 product under. That we have contract  
4 manufacturers making product to our  
5 specifications and standards in China.

6 We are not taking Chinese technology and  
7 importing it. In fact, we are using U.S.  
8 employees to create initial design specifications  
9 for products we deem to be needed in our niche  
10 markets.

11 We share that information with contract  
12 manufacturers in China to make drawings or  
13 prototypes of such products to our design  
14 specifications. We finalize the design of the  
15 products after reviewing the drawings and the  
16 prototypes.

17 We invest and own the tooling and molds  
18 needed to make our products. We have that  
19 product made to meet or exceed applicable UL  
20 standards.

21 And we list the products to those  
22 standards to make sure they're safe when they

1       come into this country. We even segment product  
2       when it comes into this country, even if it's a  
3       repeat order, to test it ourselves and make sure  
4       it continues to meet those safety standards.

5               We then order product that we need and  
6       sell it to customers to be incorporated into  
7       these display booths and displays in general. We  
8       control the process from designing, to tooling,  
9       to molds, to manufacturing, to ordering, to  
10      importing.

11             We do have an associate on the ground in  
12      China that regularly and periodically unannounced  
13      visits our contract manufacturers to check on our  
14      properties, our tooling, and make sure it's not  
15      being used in other ways. We take care of the  
16      policing of our own intellectual property.

17             Subjecting the products that we design  
18      and control to ad valorem duties does not  
19      penalize China at all. It penalizes our U.S.  
20      workers, our customers, and their customers. And  
21      will dramatically increase the cost of prices to  
22      cover the duty.

1           Jobs will be at risk. Jobs belonging to  
2 hard-working American citizens. It also  
3 penalizes our customers, as I've said, more  
4 American workers.

5           We're a small company operating in a  
6 niche market. But our products fall under  
7 general HTS codes.

8           No one is talking about margin today.  
9 We work on less than 30 points on our products.  
10 A 25 percent ad valorem duty wipes out our gross  
11 profit margin. It would put us out of business.

12           We'll have no choice but to pass that  
13 along to our customers. And when they have to  
14 pass that onto their customers, they'll be making  
15 decisions to buy less product or not to be  
16 building new trade show booths.

17           So respectfully, the three HTS codes we  
18 request that you remove from your list are listed  
19 in my comments. And as time is up, I won't read  
20 them off and add them into my comments in  
21 writing.

22           MR. BISHOP: Thank you Mr. Cohen. Our

1 next witness is Gordon Duff with RYCO Hydraulics,  
2 Incorporated.

3 Mr. Duff, you have five minutes.

4 MR. DUFF: Thank you for the opportunity  
5 to appear here today.

6 MR. BISHOP: Is your mic on?

7 MR. DUFF: It is, yeah. Okay. Okay.  
8 Thank you for the opportunity to appear here  
9 today.

10 My name is Gordon Duff. I am the Senior  
11 Vice President of RYCO Hydraulics, Inc., based in  
12 Houston, Texas.

13 We are an importer and provider of high  
14 pressure one piece hydraulic couplings  
15 manufactured by an affiliated company in Daliang,  
16 China.

17 Imposing the proposed tariff of 25  
18 percent on our imported product would have a  
19 serious adverse effect on our company.

20 For this reason, and because imposing a  
21 duty on the product would have no bearing on the  
22 policies and practices of the government of

1 China, we respectfully request exclusion of HTS  
2 subheading 7307.92.30, or of our company's  
3 product from the proposed additional tariff.

4 RYCO is a business or is in the business  
5 of supplying high pressure one piece hydraulic  
6 couplings developed by its Australian-based  
7 parent in oscillation of steel products.

8 RYCO company has produced products that  
9 are critical and used in everyday life. RYCO  
10 products provide the veins and arteries of  
11 hydraulic systems conveying high pressure  
12 hydraulic fluids.

13 RYCO Hydraulics, Inc. sells to a  
14 national network of independent distributors to  
15 customers in a range of sectors, including  
16 mining, original equipment manufacturers, oil and  
17 gas, defense, utilities, marine, and forestry.

18 RYCO Hydraulics, Inc. was established in  
19 2001 and has 225 employees across two facilities  
20 in Houston and Pella in Iowa.

21 A significant proportion of RYCO's U.S.  
22 sales are of hydraulic couplings produced by its

1 sister company located in Daliang, China. That  
2 company and the intellectual property rights for  
3 all products are owned by the Australian parent  
4 company.

5 RYCO Hydraulics, Inc. has purchased an  
6 exclusive rights and a license from the assuming  
7 parent to market and sale the innovative products  
8 produced at the RYCO Daliang facility.

9 R and D recovery is a major component of  
10 the cost imported -- of imported hydraulic  
11 couplings. RYCO Hydraulic, Inc. sells  
12 proprietary products developed with its  
13 Australian parent company's intellectual  
14 property.

15 Therefore, it is unable to source  
16 alternative products to substitute for its  
17 hydraulic couplings.

18 RYCO Hydraulics, Inc. imports the  
19 hydraulic high pressure one piece couplings under  
20 HTS subheading 7307.92.30. The majority of  
21 products under this subheading are actually pipe  
22 involved products.

1           By our estimation, high pressure one  
2 piece hydraulic couplings comprise 2 percent of  
3 all entries under such subheading. This entire  
4 subheading is included on the list of subheadings  
5 that would be subject to proposed additional  
6 tariffs.

7           RYCO Hydraulic, Inc. urges the removal  
8 of this tariff subheading from the list subject,  
9 to additional tariffs or exclusion of one piece  
10 high pressure hydraulic couplings for several  
11 important reasons.

12           Firstly, imposing additional tariffs on  
13 imports of high pressure one piece hydraulic  
14 couplings would have no impact on China's  
15 behavior with regards to intellectual property  
16 protection, technology transfer or innovation.

17           RYCO Hydraulics couplings have not been  
18 developed in China. And the essential technology  
19 is not owned or controlled by interests in China.  
20 And has not been misappropriated from any other  
21 source.

22           The products are not manufactured by

1 entities owned or controlled by the Chinese  
2 government. And the RYCO products have not  
3 benefitted from Chinese unfair or restrictive  
4 policies or practices.

5           Conversely, the Chinese government has  
6 not engaged in any tactics to regulate or  
7 intervene in RYCO's business dealings. And has  
8 not required or pressed RYCO to transfer any  
9 technology or intellectual property to a Chinese  
10 company.

11           The technologies incorporated into the  
12 RYCO hydraulic couplings products is also not  
13 among the priority sectors listed in the Made in  
14 China 2025, a policy document that is of major  
15 concern to the U.S. government.

16           The Chinese government has no interest  
17 in the technology, nor is it likely to. The RYCO  
18 product is a one piece coupling designed for use  
19 in countries like Australia and the United  
20 States, where there's a market for this type of  
21 product.

22           Consumption in China is almost



1 exclusively focused on less expensive two pieced  
2 style of couplings. Given Chinese domestic  
3 demand and demand in other markets for a less  
4 expensive alternative, it is unlikely the Chinese  
5 Government would prioritize the development of  
6 the product similar to ours.

7 Enacting a 25 percent tariff on RYCO  
8 hydraulic couplings will severely disadvantage  
9 RYCO in the marketplace. High pressure one piece  
10 couplings from China comprise only a small  
11 percentage of those sold in the United States.

12 As far as we are aware, RYCO is one of  
13 very limited number of companies importing this  
14 product from China. Therefore, the additional  
15 tariff would have disproportionate adverse impact  
16 on the company.

17 I would like to thank the Panel for  
18 giving me the opportunity. I would ask that they  
19 remove the tariff subheading 7307.92.30 from the  
20 list of items that would be subject to additional  
21 tariffs.

22 We have additional comments that were

1 presented within the written testimony. Thank  
2 you.

3 MR. BISHOP: Thank you Mr. Duff. Our  
4 next witness is Tom Eisenman with AES Drilling  
5 Fluids Holding, LLC.

6 Mr. Eisenman, you have five minutes.

7 MR. EISENMAN: All right. Thank you for  
8 the time and giving us an opportunity to explain  
9 our situation.

10 I'm Tom Eisenman. I'm the General  
11 Manager of Superior Weighting Products, which is  
12 a division of AES Drilling Fluids.

13 Our company is a major supplier of  
14 drilling fluids used for products used in  
15 drilling oil and gas wells in the United States.

16 Barite is the specific item that we are  
17 asking to be removed from the 302 tariffs list in  
18 both its unground as well as its ground format.  
19 And the rationale for this request is twofold.

20 First of all, there are no reserves of  
21 this particular mineral in the United States of  
22 sufficient quality, quantity, and availability to

1 meet the needs of our industry. Barite is a  
2 critical component of drilling fluids.

3 Without it you cannot drill oil and gas  
4 wells. That is one of the stated goals of our  
5 current Administration, is to protect our oil and  
6 gas industry, and pursue self-sufficiency in the  
7 energy business.

8 To demonstrate how this works, prior to  
9 -- I started in the oil and gas business, in the  
10 mineral business in 1970.

11 Prior to that, since the early '40s, the  
12 United States was able to maintain self-  
13 sufficiency in mining their own barite  
14 requirements.

15 With the ramp up of the first oil  
16 embargo and the large increase in drilling  
17 activity in the United States in the early '80s,  
18 it became very apparent that we would not have  
19 sufficient reserves to keep up.

20 At that point in time there were 25  
21 companies in the United States actively involved  
22 in mining barite and processing it for the sale

1 in the United States.

2 During the early '80s there was  
3 extensive geological studies, mineral research  
4 done drilling. Everybody looked for additional  
5 reserves, and there were very limited positive  
6 results.

7 As a result of that 25 companies today,  
8 there's one mine -- two mines, excuse me, in  
9 Nevada left operating out of the 25 or 30 in  
10 eight different states in the early '80s.

11 Most of those mines were closed because  
12 they ran out of reserves. In a few instances,  
13 there were some environmental issues that were  
14 the result of the strip mining to produce the  
15 minerals.

16 And in other instances, the ore became  
17 of such poor quality, it was of no value to the  
18 industry. Since that time, if you look at the  
19 last six years for example, the United States is  
20 averaging about -- consumption of about two and a  
21 half million tons of barite a year.

22 We've produced over that same period of

1 time an average of slightly over five hundred  
2 thousand tons in the United States.

3 The balance was all imported from either  
4 China, India, Morocco, or Mexico. Those are the  
5 four primary sources left in the world that are  
6 available to the United states.

7 There are numerous other reserves that  
8 are smaller. But they're either geographically  
9 located where we can't receive ocean cargos from  
10 them, or they're landlocked in Russia or one of  
11 the other countries.

12 The reduction in the reserves makes it  
13 extremely critical for us to have access to the  
14 Chinese material. A 25 percent increase in crude  
15 ore costs from China would do nothing but benefit  
16 the Chinese.

17 The world market for crude ore is  
18 balanced. China represents roughly 45 percent of  
19 the total production of crude ore.

20 If we would not buy from China, there's  
21 not enough produced by the other countries to  
22 fill that void.

1           Therefore, we will be forced if we want  
2           to continue to keep the oil and gas industry  
3           moving forward, we will be forced to pay the  
4           higher price for crude. Which will flow downhill  
5           into the production side.

6           Undoubtedly as you are all aware, the  
7           oil industry in the United States is just coming  
8           out of the worst downturn in its history. We're  
9           just now getting back to some parity at 70  
10          dollars a barrel.

11          Many of our operators that we've talked  
12          to have indicated that not only would the cost  
13          not bear it, but some of the other tariffs will  
14          undoubtedly reduce the amount of drilling they do  
15          in the United States.

16          The major players obviously have a  
17          better opportunity to go elsewhere where they can  
18          find cheaper reserves and less expensive  
19          drilling.

20          The second area that would be of  
21          concern, there is no viable alternative to  
22          barite. The only other products that have even

1       been tried are hematite and ilmenite, which are  
2       both heavy magnetic materials. They're highly  
3       abrasive.

4               They've been tried in the industry.  
5       They've been proven to be unsatisfactory. Most  
6       of those are also from foreign sources. They're  
7       not domestic to the United States.

8               I would also like to point out that as  
9       you know, the U.S. energy independence is  
10      significant to this Administration. President  
11      Trump's Executive Order 13783 expressly ordered  
12      regulatory issues to be set aside that would  
13      reduce --

14              CHAIR BUTLER: Please conclude your  
15      remarks.

16              MR. EISENMAN: The needs of this  
17      country. In conclusion, due to the inability to  
18      get the resources that we need, a tariff wouldn't  
19      do anything except benefit China.

20              As we pay the 25 percent, that  
21      represents roughly an increase of 45 dollars a  
22      ton in the material we sell. That material then

1 will be passed onto the oil companies.

2 If I go replace that material --

3 CHAIR BUTLER: Thank you.

4 MR. EISENMAN: From Morocco --

5 CHAIR BUTLER: Thank you very much.

6 Your time's expired.

7 MR. BISHOP: Thank you Mr. Eisenman.

8 Our next witness is David Henrick with Newpark  
9 Drilling Fluids, LLC.

10 Mr. Henrick, you have five minutes.

11 MR. HENRICK: Good afternoon ladies and  
12 gentlemen. My name is David Henrick. And I'm  
13 here to speak in my capacity as President of  
14 Excalibar Minerals.

15 I'm also speaking on behalf of  
16 Excalibar's affiliate, Newpark Drilling Fluids,  
17 LLC. Both are wholly owned subsidiaries of  
18 Newpark Resources, Incorporated.

19 I respectively urge you to remove the  
20 barium sulfate and the mineral barite in its  
21 ground and unground forms, HTS subheadings  
22 2833.27.00, 2511.10.10, and 2511.10.50 from the



1 Section 301 tariff list.

2 A tariff on this vital safety component  
3 to the oil and gas exploration and production  
4 will not be effective to obtain the elimination  
5 of China's acts, policies, and practices.

6 And imposing duties on barite would  
7 cause a disproportionate economic harm to the  
8 U.S. oil and gas industry, ultimately hurting the  
9 U.S. consumer.

10 This is the primary reason why American  
11 energy producers will have no choice but to  
12 continue to purchase Chinese barite even if the  
13 increased cost of tariffs due to the lack of  
14 domestic production or adequate alternative  
15 foreign sources. Barite is a naturally occurring  
16 mineral more than four times heavier than water.

17 Along with other drilling fluids  
18 companies, Newport sources high quality barium  
19 ore, and processes it in grinding facilities in  
20 four locations within the U.S. for use in oil and  
21 gas drilling production and applications.

22 Drilling fluids provide a number of

1 vital safety functions during the process of oil  
2 and gas exploration and production, including  
3 lubricating and cooling the drill bit,  
4 maintaining well bore integrity, and carrying  
5 solid particulates to the surface.

6 In addition, and importantly in this  
7 context, the drilling fluid must also have  
8 sufficient weight to prevent the loss of control  
9 of the well during drilling. An event that can  
10 lead to a blowout.

11 All drilling fluids contain barite  
12 because of its unique combination of qualities  
13 that make it the perfect weighting agent. One,  
14 it has a high specific gravity or weight.

15 It is chemically inactive blending  
16 readily with other products. And it helps  
17 dissipate at high temperatures, which is vitally  
18 important when drilling a well.

19 Energy producers throughout the world  
20 use barite for this purpose. And the U.S.  
21 Department of Interior has classified it as a  
22 critical mineral.

1           There is simply no suitable alternative  
2 or substitute for barite in the drilling process.

3           China is the largest barite producer  
4 that meets American Petroleum Institute's  
5 required specifications for barite use in  
6 domestic drilling fluids.

7           Even with the higher prices that would  
8 come with the proposed tariffs, it will not be  
9 effective in reducing the volume of barite  
10 purchased from China, because there is not  
11 sufficient supply of quality ore available from  
12 other countries to meet the U.S. demand of the  
13 oil and gas operators.

14           Two countries outside of China that have  
15 the most known reserves are Morocco and India.  
16 Everyone else, including the U.S. and Mexico,  
17 have far fewer reserves.

18           In fact, non-Chinese sources combined,  
19 all non-Chinese sources combined are not  
20 comparable to either the quality or quantity of  
21 China's reserves. In 2017 China accounted for 42  
22 percent of global mine production, compared to

1 India's 18 percent, Morocco's 12 percent,  
2 Mexico's 4.6 percent, and the U.S.'s 3.8 percent.

3 Ore from India is committed to other  
4 parts of the world such as the Middle East. And  
5 thus, largely unavailable for American energy  
6 producers.

7 Ore from Morocco has extreme quality  
8 issues. And is limited to onsite testing to  
9 confirm quality before shipment.

10 Mexico has similar quality issues in  
11 addition to the added logistical cost of  
12 unreliable rail transportation to get the ore to  
13 the grinding facilities in the U.S.

14 Even if we could add the available  
15 barite from countries outside of China that meets  
16 the U.S. safety standards, it would not be enough  
17 to meet the needs of U.S. energy producers.

18 Because the barite market is limited,  
19 and the reserves from China meet the quantity and  
20 quality requirements needed in this country, the  
21 proposed tariffs will not cause the U.S. barite  
22 buyers to switch to other sources.

1           Instead, drilling fluids providers in  
2           the U.S. will be forced to continue to source  
3           Chinese barite for U.S. needs, regardless of the  
4           tariffs.

5           This will have the unintended effect of  
6           harming the competitiveness of American energy  
7           producers. While raising energy prices for U.S.  
8           consumers. While leaving no -- while having no  
9           effect on China at all.

10          Thank you.

11          MR. BISHOP: Thank you Mr. Henrick. Our  
12          next witness is Kerry Stackpole with the Plumbing  
13          Manufacturers International.

14          Mr. Stackpole, you have five minutes.

15          MR. STACKPOLE: Mr. Chairman and Members  
16          of the Committee, good afternoon. Thank you for  
17          the opportunity to testify today on the  
18          Administration's proposal to implement tariffs of  
19          up to 25 percent on an additional \$200 billion  
20          worth of products imported from China.

21          I'm Kerry Stackpole, CEO and Executive  
22          Director of Plumbing Manufacturers International.

1 PMI is the U.S. Trade Association for the  
2 plumbing fixtures and fittings manufacturing  
3 industry.

4 Our members produce 90 percent of all  
5 plumbing products sold in the United States. And  
6 represent more than 150 brands.

7 PMI members are industry leaders in  
8 manufacturing innovative, reliable and water  
9 efficient plumbing products and related supplies.  
10 These products sold and distributed in all 50  
11 states include toilets, urinals, faucets, shower  
12 heads, bathtubs, sinks, drinking fountains,  
13 emergency eye wash stations, as well as hundreds  
14 of types of components, valves and piping, all of  
15 which are key to a safe plumbing system.

16 Our members supply these essential  
17 products to residential, commercial and  
18 government customers. Overall, the American  
19 plumbing fixtures and fittings manufacturing  
20 industry drives the American economy, by creating  
21 more than 464 thousand jobs, and more than \$26  
22 billion in wages across the marketplace.

1           Many of our members are family owned  
2 businesses that play a vital role in their  
3 communities, providing high quality U.S.  
4 manufacturing jobs, supporting thousands of  
5 American families, and fueling the success of the  
6 U.S. economy.

7           Plumbing fixtures and fittings are sold  
8 in more than 18,000 home improvement stores and  
9 hardware shops, and by more than eight thousand  
10 distributor showrooms and plumbing wholesalers in  
11 communities all across America.

12           To be clear, PMI shares the  
13 Administration's concerns about China's policies  
14 and practices that have harmed U.S. businesses.  
15 Our industry supports policies to protect  
16 intellectual property and enforce intellectual  
17 property laws here in the U.S. and around the  
18 globe, including China.

19           PMI enthusiastically endorses the  
20 concept of free and fair competition. We believe  
21 measures are long overdue that would maximize  
22 openness for U.S. manufacturers in the

1 international marketplace.

2 At the same time, our members are deeply  
3 concerned about the proposed tariffs at either  
4 the 10 percent or 25 percent proposed -- as  
5 proposed and covered in this notice of action  
6 under List Three related to plumbing products and  
7 fittings.

8 These newly proposed tariffs will result  
9 in significant supply chain disruptions and  
10 increased costs that will significantly harm  
11 American plumbing manufacturers and their  
12 workers. As well as negatively impact retailers,  
13 wholesales, and American consumers.

14 The downstream impact of these tariffs  
15 is significant. Consumers who are buying new  
16 homes or are remodeling kitchens and baths will  
17 be faced with increased costs for plumbing  
18 fixtures such as faucets, shower heads, sinks,  
19 and bathtubs, and fittings, as well as building  
20 materials, household appliances, cabinets, and  
21 lighting.

22 For every thousand dollars increase in



1 the price of a home, almost 153 thousand  
2 households are priced out of the market.

3 PMI believes the proposed imposition of  
4 unilateral tariffs on an additional \$200 billion  
5 worth of imports from China does not address the  
6 underlying issue of improper transfers of  
7 technology in China, or are likely to be  
8 affective in eliminating China's discriminatory  
9 behavior against U.S. companies.

10 Rather, these proposed tariffs will  
11 cause disproportionate harm to U.S. economic  
12 interests. Our members have already experienced  
13 increases in their metal costs with new steel and  
14 aluminum tariffs instituted earlier this year.

15 These additional tariffs will only serve  
16 to undercut American companies' competitiveness  
17 and will create higher prices for plumbing  
18 products and components for American consumers,  
19 higher costs for American plumbing manufacturers,  
20 decreased demand for American made plumbing  
21 products, and loss of market share to non-  
22 American competitor companies.

1           It also will likely cause a curtailment  
2           in the investments in R&D, reduction in capital  
3           spending, facility improvements, and likely fewer  
4           jobs and less income for American workers.

5           Ultimately the American consumer will  
6           pay the price of new tariffs which are  
7           effectively taxes that will hurt job creation in  
8           commercial development, residential construction,  
9           retailing in the home improvement industry.

10          PMI urges the U.S. Trade Representative  
11          not to move forward with broad-based tariffs.  
12          And to remove plumbing related products and  
13          components from the Section 301 lists.

14          PMI encourages the Administration to get  
15          both parties back to the negotiating table to  
16          work together on critical issues related to  
17          technology transfer, intellectual property, and  
18          innovation before implementing additional tariffs  
19          that will harm our industry, job creation,  
20          domestic investments, and overall U.S. economy.

21          We look forward to working with the  
22          Administration to put U.S. manufacturers and

1 workers on a fair and competitive playing field  
2 with China and other countries around the globe.

3 We appreciate the opportunity to share  
4 our perspective. And will be happy to answer any  
5 questions.

6 MR. BISHOP: Thank you Mr. Stackpole.  
7 Our next witness is Tim Tarpley with the  
8 Petroleum Equipment and Services Association.

9 Mr. Tarpley, you have five minutes.

10 MR. TARPLEY: Distinguished Members of  
11 the Section 301 Committee, thank you for  
12 permitting me to testify today.

13 I serve as Vice President of Government  
14 Affairs for the Petroleum Equipment and Services  
15 Association. I appear today on behalf of PESA.

16 PESA is a national trade association  
17 representing over two hundred companies that  
18 provide the services, technology, equipment and  
19 expertise necessary to safely and efficiently  
20 explore and produce oil and natural gas.

21 PESA serves as a unified voice for the  
22 oilfield services and equipment sector advocating

1 for and supporting the sector's achievements in  
2 job creation, technological innovation, and  
3 economic stability.

4 The oil and gas supply services and  
5 manufacturing sector alone added over 350  
6 thousand jobs in 2017. Boasting an 11 percent  
7 job growth. More than seven times the U.S.  
8 average.

9 Increasing demand for oil and gas  
10 worldwide, paints an optimistic picture for  
11 employment opportunities in the coming years.  
12 This opportunity is good news for the American  
13 economy. And it's good news for the American  
14 worker.

15 The energy manufacturing sector has  
16 traditionally been dominated by U.S.  
17 manufacturers despite growing competition from  
18 abroad in recent years. This sector is  
19 responsible for building high quality equipment  
20 that has set the standard worldwide for quality  
21 and innovation.

22 PESA applauds the Administration's

1 efforts to aggressively target China to curb  
2 unfair trade practices and to equalize the 32  
3 billion a month trade gap between our two  
4 countries.

5           Forced technology transfers and  
6 commercial espionage are common in China. And  
7 some PESA members have faced negative  
8 consequences from these actions.

9           However, PESA believes that some of the  
10 proposed tariffs will not be successful in USTR's  
11 stated goal of combating China's unfair trade  
12 practices. And instead, could unintentionally  
13 harm the energy manufacturing and service  
14 sectors, areas where the U.S. currently enjoys  
15 worldwide dominance.

16           PESA members source certain parts used  
17 in the manufacturing process of larger end  
18 products from qualified Chinese suppliers.

19           If a 25 percent duty was imposed on  
20 products which make up a significant portion of  
21 the supply chain, our member companies would  
22 simply be forced to continue to source from China

1 and an increase would be -- increasing the cost  
2 of the final product. This increase would have  
3 to be passed on down the line.

4 While PESA members would welcome the  
5 U.S. manufacturing to fill the void so they would  
6 not have to source from China, the reality is  
7 that due to the complex and highly technical  
8 manufacturing processes used to produce many of  
9 these products, it could take many years for some  
10 of the products to be produced domestically.  
11 Some products may never be produced domestically.

12 The industry is also highly regulated.  
13 And supply chain disruptions could cause  
14 significant delays as new parts would have to be  
15 certified to ensure compliance with new -- with  
16 regulations.

17 This scenario could ultimately provide  
18 foreign manufacturers of final products a  
19 competitive advantage over U.S. manufacturers.

20 PESA is especially concerned about the  
21 specific HTS codes contained in List Three, which  
22 target minerals used in the drilling process, and

1 components used by U.S. manufacturers of energy  
2 equipment to produce final products in the United  
3 States.

4 For example, natural barium sulfate is  
5 a mineral commonly used as a weighing agent for  
6 all types of drilling fluids. And is used to  
7 facilitate operations of the drill bit, remove  
8 cuttings, and to maintain control of the well  
9 during drilling operations.

10 This material is targeted by HTS codes  
11 2511.10.10 and 2511.10.50. China maintains the  
12 largest barite reserves in the world.

13 And PESA believes that there is an  
14 inadequate supply of quality barite available  
15 domestically to supply the needs of our industry  
16 members.

17 List Three also contains a number of HTS  
18 codes which include raw material and components  
19 used to support the U.S. manufacturing of oil  
20 field surface and sub-sea production equipment.  
21 The full list of these HTS codes is included in  
22 my written testimony.

1           Additionally, List Three contains a  
2           number of components used in pressure control,  
3           completion, and artificial lift equipment used in  
4           well construction and production operations.  
5           Again, this list is included in my written  
6           testimony.

7           PESA has significant concerns that  
8           disruptions in the supply chain for these listed  
9           products could slow down and increase the expense  
10          of drilling operations in the United States. As  
11          well as decrease U.S. competitiveness in the  
12          energy manufacturing sector.

13          We believe that these would both be  
14          negative and unintended consequences of the  
15          proposed action by USTR.

16          In conclusion, PESA supports the actions  
17          of the USTR to aggressively target China for  
18          their unfair trade practices. However, PESA  
19          urges USTR to carefully consider the impacts of  
20          the imposed tariffs on the energy industry.

21          And to reconsider the scope of the  
22          proposal so that the U.S. energy manufacturing



1 and operating companies can remain -- continue to  
2 remain competitive.

3 By remaining competitive, the energy  
4 manufacturing sector can continue to support the  
5 350 thousand plus American workers who are  
6 directly employed in our sector just in 2017.  
7 And to continue to power the American economy.

8 PESA looks forward to working with USTR  
9 to achieve your goals while protecting the  
10 integrity of our sector. Thank you.

11 MR. BISHOP: Thank you Mr. Tarpley. Our  
12 final witness on this Panel is Scott Burnett with  
13 Zurn Industries, LLC.

14 Mr. Burnett, you have five minutes.

15 MR. BURNETT: Thank you. My name is  
16 Scott Burnett. I'm the Vice President and  
17 General Manager of Zurn Industries.

18 And I thank you for the opportunity to  
19 represent my company, Zurn Industries, LLC in  
20 providing the following comments on the proposed  
21 additional tariffs on imports from China.

22 Zurn is headquartered in Milwaukee,

1 Wisconsin with roughly eight hundred employees.  
2 And is recognized as a leader in engineered water  
3 solutions and sustainable plumbing products.

4 The concerns of Zurn center around two  
5 product categories. Cast iron drains and related  
6 components, and water control and safety valves.  
7 Let me take them in order.

8 The drains and related components are  
9 entered by Zurn under HTS subheading 7324.90.00  
10 and 7326.90.86. Examples of these products are  
11 drain assemblies, drain bodies, carriers,  
12 grating, and similar drainage components.

13 Zurn sources these products from China  
14 because there is neither domestic capacity nor  
15 capability to make them domestically. Zurn has  
16 contacted numerous foundries in the U.S. over the  
17 past several years, including this year.

18 And there is simply no combination of  
19 domestic sources that could come close to meeting  
20 our needs. The same capacity and limitations  
21 apply to third countries.

22 There is no current capacity outside of

1 China to meet our needs. And no ability to  
2 expand in the short term or mid term.

3 We estimate at least two years would be  
4 required to move or build capacity for these  
5 products in the U.S. or a third country.

6 The drain products are a linchpin  
7 product for the construction industry. While  
8 they represent a relatively minor cost in the  
9 overall construction project, drains must be  
10 installed at a specific time for the project to  
11 continue or to be completed.

12 Imposing a tariff on these components  
13 will reduce our inventory and introduce delays  
14 into the supply chain that will ripple through  
15 the construction sector.

16 The negative effects will impact not  
17 only Zurn, but also the overall time table for  
18 the projects, and thus countless downstream  
19 workers.

20 An immediate impact on the tariffs would  
21 be to negatively impact our business'  
22 profitability. With consequences for investments

1 and employment.

2 Over time the effect of additional  
3 tariffs would be to raise prices and introduce  
4 delays for commercial construction projects. And  
5 as noted, there will be no offsetting benefit to  
6 U.S. suppliers, since there is no domestic  
7 availability.

8 Regarding the second category, water  
9 safety control valves, this category primarily  
10 includes flow valves, pressure regulators,  
11 automatic control valves, fire valves, and other  
12 specialty valves.

13 This product category promotes national  
14 safety for drinking water as the product group is  
15 essential in maintaining water purity in  
16 commercial and residential buildings.

17 For example, local municipalities  
18 throughout the United States require back flow  
19 devices to be installed within residential and  
20 commercial buildings, to protect the public  
21 drinking water from cross contamination of  
22 hazardous building water.

1           Back flow valves are essential in  
2 maintaining positive pressure from the water  
3 treatment facility to the user to prevent  
4 contamination.

5           This category of products enters the  
6 United States under HTS 8481.80 and 8481.90 as  
7 taps, chocks, valves, and similar appliances  
8 either of copper or iron or steel.

9           As previously mentioned, with respect to  
10 drains, Zurn believes there is virtually no U.S.  
11 manufacturing of these products. It must be  
12 sourced from China for the foreseeable future.

13           These water safety and fire prevention  
14 products are subject to multiple layers of  
15 certification approval requirements.

16           Some of these are standard setting bodies  
17 such as Underwriters Laboratories, and others  
18 that are set by local -- local, state and  
19 building codes operating in accordance with the  
20 Federal Safe Drinking Water Act.

21           As a result, it is critical to identify  
22 and qualify foundries and inventors that can

1 supply products compliant with these federal and  
2 state and local codes. It is likewise difficult  
3 and time consuming to qualify new suppliers for  
4 the large number of different components required  
5 even after additional potential capacity is  
6 identified.

7 Zurn estimates that two to three years  
8 would be required to replace the existing  
9 suppliers.

10 During that multiple year period, a 25  
11 percent or even 10 percent would be extremely  
12 damaging to Zurn. And specifically the building  
13 industry in general, as well as the national  
14 health and safety.

15 To the extent Zurn was forced to absorb  
16 the increased cost, profitability and capital  
17 investments would suffer. And potential for job  
18 loss would increase.

19 In particular, in many cases Zurn  
20 purchases its components from China and assembles  
21 and tests in the U.S. with those components.  
22 Zurn could lose jobs due to unavailability and

1 lost sales due to higher costs.

2 And again, there would be no offset to  
3 the domestic U.S. suppliers as there is no  
4 availability.

5 Finally, imposing tariffs on all of  
6 these products would not advance goal - the goal  
7 of Section 301 actions discouraging Chinese  
8 technology transfer.

9 Zurn imports are generally not regarded  
10 as high technology. Zurn has never been required  
11 to transfer any technology or other intellectual  
12 property to China.

13 The Made in China 2025 strategy does not  
14 prioritize these high volume products. And here  
15 is no risk of -- no risk of important U.S.  
16 technology moving offshore.

17 For those reasons, Zurn thanks you for  
18 your consideration and your time today.

19 MR. BISHOP: Thank you Mr. Burnett. Mr.  
20 Chairman, that concludes direct testimony from  
21 this Panel.

22 MS. PETTIS: Mr. Blank, in your filing,

1 you mentioned learning about alternative sources  
2 of supply in India.

3 MR. BLANK: Yeah.

4 MS. PETTIS: And have you learned any  
5 more about alternative supply sources, for  
6 example, in South Korea or other countries?

7 And would you expect for South Korea to  
8 be able to more quickly ramp up sufficient  
9 product then India?

10 MR. BLANK: It may be true that South  
11 Korea could establish capacity more quickly than  
12 India. I would believe that.

13 We've -- what we've seen probably the  
14 most significant constraint there is on the cost  
15 side to this point. India's infrastructure is  
16 not very well developed.

17 MS. PETTIS: Um-hum. Thank you.

18 MR. BLANK: Um-hum.

19 MR. O'BYRNE: Mr. Cohen, your statement  
20 mentions that your employees create your designs  
21 and that your company designs are then sent to  
22 China for manufacturing.



1           What have your experiences been in  
2 submitting your designs to manufacturers outside  
3 of China?

4           MR. COHEN: Thank you for your question.  
5 What we have found is that tooling and mold costs  
6 alone in the United States run three to five  
7 times that of what we're experiencing in China.

8           The additional challenge that we have is  
9 not just qualifying factories, but because we're  
10 a small company in a niche market, being able to  
11 identify manufacturers willing to do smaller  
12 production runs.

13           And we have been successful and now have  
14 10 to 12 year relationships with smaller contract  
15 manufacturers in China that are providing  
16 reliable safe products for us.

17           MR. O'BYRNE: Thank you.

18           MR. CONCEICAO: Good afternoon, Mr.  
19 Duff. In your testimony you said that RYCO  
20 Hydraulics largely imports couplings from an  
21 affiliated company in China.

22           Are there any other facilities -- does

1 RYCO have other facilities in which they produce  
2 the same couplings? Or RYCO's parent company  
3 perhaps?

4 MR. DUFF: The other only company within  
5 the RYCO group cannot produce the metal hydraulic  
6 couplings. We do have a hose manufacturing plant  
7 in Kuala Ketil in Malaysia.

8 But Dalian is a proprietary company for  
9 metal production in China.

10 MR. CONCEICAO: Okay, so are the similar  
11 couplings produced in Malaysia? Or --

12 MR. DUFF: No.

13 MR. CONCEICAO: They are not. So,  
14 Dalian is the only place where these could be  
15 produced.

16 MR. DUFF: Yes.

17 MR. CONCEICAO: Thank you very much.

18 MS. MEASE: This question is for both  
19 Ms. Eisenman and Mr. Henrick. I believe it was  
20 Mr. Eisenman who noted in his testimony that most  
21 barite in the U.S. is mined in Nevada, and is  
22 therefore unavailable for use in other parts of

1 the country.

2           Could you elaborate a bit on why that  
3 supply cannot be made available to users in other  
4 parts of the country? Are there transportation  
5 challenges or some kind of safety concerns?

6           MR. EISENMAN: It's primarily  
7 transportation challenges. Nevada for instance  
8 is about a 70 dollar train ride from Nevada --  
9 from Nevada to the gulf coast.

10           A majority of the manufacturing  
11 facilities are located on the gulf coast where a  
12 majority of the actual drilling process takes  
13 place. Plus, it's more convenient for imports.

14           In addition to that would be the long  
15 lead time. The drilling industry is one that  
16 moves, rigs move on a regular basis. They need  
17 supplies delivered to them quickly.

18           One train load of material from Nevada  
19 to the gulf coast can take as much as six weeks.  
20 Which would be catastrophic for that type of an  
21 industry.

22           MS. MEASE: Thank you.

1           MR. HENRICK: And I guess I would add to  
2 that that the ore in Nevada simply isn't  
3 available. We have long term purchase agreements  
4 that haven't been honored for the last two years.

5           It's just the reserves are depleted.  
6 The quality has decreased over the last 30 years.  
7 So, it's just not available.

8           It's not like we can produce this in the  
9 U.S. and replace Chinese ore.

10          MR. FLEMING: Mr. Stackpole, we want to  
11 make sure, have you listed the particular tariff  
12 lines that you're concerned about?

13          You had a general proposal. But we  
14 don't have particular tariff lines from you yet  
15 as far as I believe.

16          So, we want to make sure that for the  
17 record you submit those.

18          MR. STACKPOLE: We will submit the  
19 specific list. I did submit a list in the  
20 request for the -- to provide this testimony.

21          But we'll be happy to provide a detailed  
22 list.

1 MR. FLEMING: Great.

2 MR. STACKPOLE: Thank you for your  
3 question.

4 MR. FLEMING: And just a follow up, or  
5 a different question. Why is it that the U.S. or  
6 other foreign sources of supply are insufficient  
7 to meet your members' demands?

8 MR. STACKPOLE: Well, I would say that  
9 at the outset, as my colleague had alluded to,  
10 plumbing products are highly regulated. And  
11 require a very specific and very precise  
12 components.

13 And there really are not other sources  
14 at this point that can produce those in a  
15 consistent fashion. And so we have come to rely  
16 on the Chinese to produce these products.

17 And it does take years to build that  
18 supply line. Because it is highly regulated.

19 The government in the U.S. and codes and  
20 standards all, I'll say manage, what comes out of  
21 your faucet. And therefore, all the components  
22 have to meet a very high standard.

1           MR. FLEMING: Just a follow up. What  
2 percentage is sourced from China?

3           MR. STACKPOLE: I would -- I don't have  
4 a specific number in front of me. An educated  
5 guess would be in the 70 percent range.

6           MR. FLEMING: Thanks.

7           MS. YAO: My question is for Mr.  
8 Tarpley. You've mentioned in your testimony that  
9 you've tried to identify alternative source of  
10 supply. But they were deemed insufficient or  
11 inadequate.

12           Can you elaborate a little bit more on  
13 your efforts? And whether there is domestic  
14 availability for the type of products that you're  
15 sourcing from China?

16           MR. TARPLEY: Sure. Thank you for the  
17 question. PESA represents over two hundred  
18 companies. So, I have to be careful, I can't  
19 speak for every company in the organization.

20           But, to start with barite, our member  
21 companies do not believe that there is enough  
22 domestic source, even if we were to expend all of

1 our domestic abilities.

2 Part of that is due to the energy  
3 renaissance in the United States. We are  
4 producing a lot more oil and gas in the United  
5 States right now than we ever have.

6 In fact, just today it was released that  
7 Texas is now exporting more oil and gas than it  
8 is importing. That's an incredible statistic.

9 So, the use of barite has increased  
10 significantly. That is one -- that is one aspect  
11 of what is going on here as well.

12 When we're talking about the other HTS  
13 codes that I listed, which is basically low tech  
14 parts that are going into high tech energy  
15 manufacturing equipment, certainly it is possible  
16 that those could be sourced from other locations.

17 However, the uncertainty that that would  
18 bring into the supply chain is significant. Our  
19 members believe that that would take upwards of  
20 one year to potentially two years to get up and  
21 running.

22 And some may never -- some parts may

1 never get up and running. So, it's mainly the  
2 uncertainty in the supply chain that our members  
3 are concerned about.

4 MS. YAO: And a follow-up question. You  
5 -- aside from barite, any other minerals that are  
6 affected by your --

7 MR. TARPLEY: In List Three, that is the  
8 significant concern of our members that we have  
9 heard expressed.

10 MS. YAO: Thank you.

11 MS. HOWE: My question is for Mr.  
12 Burnett. Have you started to make attempts to  
13 identify alternative sources of supply or the  
14 products you highlighted?

15 And what has been the conclusion of  
16 those efforts?

17 MR. BURNETT: So, we have obviously  
18 scoured the United States was option one. We've  
19 gone to Malaysia, India, Vietnam, Indonesia, and  
20 Thailand.

21 So far we've been unsuccessful with  
22 securing any first of all, capacity. And then



1 second of all, capability to manufacture our  
2 broad breadth of products.

3 On just our drainage products, we have  
4 roughly 16 thousand different skews and  
5 components. And we really struggle finding  
6 anybody that has the capability and capacity to  
7 handle our level of volume.

8 And then to, you know, our capability to  
9 support us from a lead time and -- and capability  
10 that they've got to be able to produce our  
11 products.

12 MR. BISHOP: We release this Panel with  
13 our thanks. We invite the members of Panel 28 to  
14 come forward and be seated.

15 And the members of Panel 29 to come  
16 forward to the witness holding area.

17 (Pause.)

18 MR. BISHOP: Will the room come to order.

19 Madam Chairman, our first witness on  
20 this panel is Joe Calabrese, with Evenflo  
21 Company, Incorporated.

22 Mr. Calabrese, you have five minutes.

1           MR. CALABRESE: Good morning. My name is  
2 Joe Calabrese, and I'm the Vice President of  
3 Operations at Evenflo, Inc. Thank you for the  
4 opportunity to provide the testimony today in  
5 this important proceedings.

6           Evenflo is a nearly 100-year-old U.S.  
7 company that is a leading producer of car seats,  
8 strollers, and other durable children's products.  
9 Evenflo manufactures many of its products in  
10 Piqua, Ohio, and has additional offices in Ohio,  
11 North Carolina, and Boston, Massachusetts, where  
12 hundreds of U.S. employees are focused on  
13 research and development, design, marketing, and  
14 sales.

15           Evenflo is concerned that imposing an  
16 additional duty of 10 to 25 percent on products  
17 that are essentially -- are essential to the  
18 health and safety of our children, and in some  
19 cases are required by law, would not effectively  
20 motivate China to eliminate the unfair acts,  
21 policies, and practices identified in the Section  
22 301 report, and would cause a disproportionate

1 economic harm to U.S. interests, namely, the  
2 health and safety of our children.

3 Evenflo has a unique perspective on this  
4 issue, as we are not only an importer of child  
5 products that would be impacted if the proposed  
6 duty is enacted, we are also one of the few  
7 companies in the industry with U.S. manufacturing  
8 operations producing these products.

9 While Evenflo is concerned about the  
10 number of products that would be affected, and  
11 we'll provide a comprehensive list of products in  
12 our post-hearing brief, my testimony today will  
13 primarily focus on children's car seats and  
14 travel systems, classified as HTS Code  
15 9401.80.60; car seat parts, classified as  
16 9401.90.50; and ExerSaucers, classified as  
17 9401.80.20.

18 Car seats are required by law in all 50  
19 states and the District of Columbia. In fact,  
20 parents cannot even bring a newborn home from the  
21 hospital unless they have a car seat installed.  
22 Travel systems, which consist of both the car

1 seat and the stroller, allow parents to easily  
2 and safely transport babies both in the car and  
3 at the destination. A large percentage of  
4 parents prefer to purchase their child infant  
5 seat along with the matching stroller, so this  
6 product is very popular, particularly with first-  
7 time parents.

8 ExerSaucers are stationary activity  
9 centers with a variety of age-appropriate toys  
10 that help babies achieve important development  
11 milestones, and provide exercise to strengthen  
12 leg, back, and neck muscles. Evenflo developed  
13 ExerSaucers as a safer alternative to wheeled  
14 walkers.

15 Evenflo manufactures these products at  
16 our Piqua, Ohio facility, where we employ 320  
17 people. In addition to manufacturing these  
18 products, Evenflo also imports them from China as  
19 part of our globally integrated supply chain.  
20 China accounts for more than 80 to 90 percent of  
21 the global production capacity of these products.  
22 This capacity simply cannot be replicated

1 elsewhere. For the foreseeable future, there is  
2 no country that we can turn to for sourcing  
3 imports of these products, which means consumers  
4 will bear the financial burden of the increased  
5 duties.

6 Imposition of tariffs on durable  
7 children's products like car seats and  
8 ExerSaucers is unlikely to advance the  
9 administration's objectives with respect to  
10 China. First and foremost, these products are  
11 not a priority for the Made in China 2025 Program  
12 which has focused on transforming China into an  
13 advanced manufacturing economy. None of the 10  
14 sectors targeted in the Made in China 2025 Plan  
15 includes children's play or car seats.

16 In addition, we are not aware of any of  
17 these products where the subject of China's  
18 concerned efforts to obtain foreign technology,  
19 nor has China prioritized developing its child  
20 product industry. What additional tariffs on  
21 children development health and safety products  
22 will achieve is to impose a disproportionate

1       burden on U.S. consumers, mainly our parents.

2               According to the National Center of  
3       Children in Poverty, 41 percent of U.S. children  
4       live in low income families. If pricing on these  
5       products were to rise potentially by as much as  
6       25 percent, some families will struggle to afford  
7       to purchase these products. Even at the low end  
8       of the price spectrum, a family could spend over  
9       \$1,000 just on child restraint products over the  
10      course of a childhood.

11              If families are not able to afford new  
12      products, they might seek out older, used  
13      equipment which may not comply with today's  
14      safety standards.

15              We do not believe that imposing tariffs  
16      on these products will provide meaningful  
17      leverage in motivating China to end the policy  
18      and practices identified in the 301 Report, while  
19      the cost of these duties would be borne by U.S.  
20      consumers. For these reasons, we strongly oppose  
21      adding additional tariffs, whether it is 10  
22      percent or 25, on these and other products that

1 parents need for the safety of our children.

2 That concludes my statement. I'd be  
3 happy to respond to any questions you may have.

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

5 Our next witness is Anthony Ciepiel with  
6 Step2 Discovery, LLC.

7 Mr. Ciepiel, you have five minutes.

8 MR. CIEPIEL: Thank you. Good afternoon.

9 My name is Anthony Ciepiel, CEO of Step2  
10 Discovery, LLC. Thank you for allowing me to  
11 testify before your committee today.

12 Step2 Discovery is an Ohio-based  
13 company, and our subsidiary Leisure Time  
14 Products, LLC, is based in Kansas. Leisure Time  
15 Products produces quality wood swingsets,  
16 playhouses, pergolas, lounge swings, as well as  
17 affordable gazebos. The company sells its  
18 products through major retailers in the United  
19 States, including Home Depot, Sam's Club, and  
20 Walmart, as well as direct to consumer through  
21 our website.

22 Leisure Time Products has roughly 130

1 full-time employees, and distribution centers  
2 located throughout the United States. In  
3 addition, we support hundreds of independent  
4 contractors who install our products for the U.S.  
5 consumers. We sell between 65,000 and 75,000 of  
6 these structures annually that are installed by  
7 these contractors.

8 On the proposed list of HTS subheadings,  
9 three HT subheadings cover items that Leisure  
10 Time Products must import from China. In our  
11 written submission we will provide more detail on  
12 these HTS subheadings. But, in general, they  
13 relate to articles of wood seats, and wooden  
14 furniture, and wooden sheds. If these three HTS  
15 subheadings remain on the tariff list, Leisure  
16 Time Products would suffer significant damage,  
17 estimated at over 8.5 million in the first two  
18 years alone if the duty is at the rate of 10  
19 percent, and damages of over 21.5 million if  
20 duties -- if the duty of 25 percent is levied.

21 As a medium-sized U.S. company, the  
22 proposed tariffs would likely cause a domino



1 effect down the entire value chain, ultimately  
2 impacting our entire family of companies.

3 Increased costs of supplies leads to a greater  
4 increase in the price to the retailer, which  
5 leads to an even greater increase in price to the  
6 ultimate consumer, which leads to decreased  
7 demand for our products, lower sales, and finally  
8 resulting in the loss of jobs.

9 The consumers will have to pay a higher  
10 price and the company will lose jobs. Obviously  
11 the effect of Leisure Time -- the effect of these  
12 tariffs on Leisure Time products at the 10 or 25  
13 percent duties is severe.

14 We have to source wood from China due to  
15 a lack of natural resources in this country.  
16 Most of our outdoor wooden products are made from  
17 a unique species of cypress, Cupressaceae-  
18 cunninghamia lanceolata, which is -- in  
19 harvestable quantities is only available in  
20 China. We have tried to source comparable supply  
21 in the United States, but there is simply nothing  
22 that compares to the wood's strength, and rot and

1 insect resistance.

2 Leisure Time Products must import from  
3 China in order to maintain quality production and  
4 satisfy the U.S. demand. China is the only place  
5 in the world with ample and sustainable supply of  
6 this unique form of cypress wood. And the  
7 manufacturing resources to process and convert it  
8 into a highly -- high quality product for U.S.  
9 consumers.

10 Furthermore, we have searched for over  
11 a year to find non-U.S. sources that can match  
12 China's availability, but to no avail. Tariffs  
13 or no tariffs, we will have to source this wood  
14 from China.

15 Our business model is built upon having  
16 a lightweight, high quality wood source to  
17 provide for lightweight engineering that makes it  
18 possible for us to afford shipping the product,  
19 and then shipping it once again to the consumer.  
20 Comparable product sourced in the U.S. would  
21 result in larger size and larger weight,  
22 resulting in further price increases to the

1 consumer for shipping and freight.

2 Another concern is the limited ability  
3 of the U.S. wood processing and manufacturing  
4 plants who can convert the supply of raw wood  
5 into usable material and finished product. The  
6 scale of the production demands of our company  
7 and our competitors overwhelms the current U.S.  
8 capacity.

9 In closing, I would want to reiterate  
10 that the potential impact on Step2 and the  
11 Leisure Time Products if these tariffs are  
12 implemented would be drastic. And I respectfully  
13 request that you exclude the HTS subheadings we  
14 identify in our written submission for your final  
15 list. I'd be happy to answer any questions.

16 Thank you.

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

18 Our next witness is Reed Feist with  
19 Ellison Educational Equipment, Incorporated.

20 Mr. Feist, you have five minutes.

21 MR. FEIST: Thank you. Good afternoon.

22 My name is Reed Feist, and I'm the Chief

1 Financial Officer for Ellison Educational  
2 Equipment, Inc. I appreciate the opportunity to  
3 explain why imposing tariffs of 10 or 25 percent  
4 on imports of portable cutting machines would  
5 severely harm our U.S. business.

6 Ellison Educational is an American  
7 success story. The company was founded in 1977  
8 in a small 2-bedroom apartment when an educator  
9 sought to solve the need to laboriously rely on  
10 scissors to cut out shapes, numbers, and letters  
11 for school projects. Beginning with a first ever  
12 consumer hand-operated die-cutting machine  
13 invented by a husband and wife team, the Ellison  
14 Letter Machine, this small, privately held  
15 company based in Lake Forest, California,  
16 expanded its product line to include almost three  
17 dozen patents. All of these products were  
18 designed and developed in the United States.

19 Ellison Educational is widely recognized  
20 as a market pioneer and leader of portable  
21 cutting machines for use by educators in the  
22 classroom, as well as arts and crafters.

1        Portable cutting machines are designed to cut  
2        material such as paper, card stock, foil, felt,  
3        or fabric in small non-commercial quantities.  
4        Our portable cutting machines and related parts  
5        and accessories provide the tools for K through  
6        12 educators to make memorable bulletin boards,  
7        as well as games and flashcards to reinforce  
8        lesson plans. These products also help arts and  
9        crafters create a wide range of DIY projects such  
10       as custom cards, scrapbooks, quilts, and home  
11       decor.

12                Our products have been popular in U.S.  
13        schools for more than 40 years. And the Sizzix  
14        brand is found in major and independent retailers  
15        in over 100 countries. Our full line of cutting  
16        and rolling products have received numerous  
17        accolades for quality and product innovation.

18                Our products are not strategically  
19        important, nor in any way related to the Made in  
20        China 2025 Program, so imposing duties on these  
21        products is inconsistent with a policy objective  
22        of the Section 301 action. Indeed, imposing 10

1 or 25 percent duties on non-commercial portable  
2 cutting machines disproportionately causes severe  
3 economic harm to small businesses like Ellison  
4 Educational.

5 Ellison Educational's portable cutting  
6 machines are available only from China. And  
7 existing contractual agreements and sunk  
8 investments render it infeasible to manufacture  
9 our proprietary products elsewhere, at least in  
10 the medium term. We are not aware of any company  
11 in the United States or other third countries  
12 that produce these portable cutting machines,  
13 making the proposed 10 or 25 percent additional  
14 duties on these products an unavoidable cost for  
15 Ellison Educational.

16 If this cost cannot be passed on to  
17 consumers, our company will suffer unsustainable  
18 operating losses. This portends job insecurity  
19 for our employees, including more than 100  
20 workers in Lake Forest, California who are  
21 involved in product design, engineering, sales,  
22 marketing, and customer service. The duties also

1 will adversely impact our retail customers,  
2 including teachers and hobbyists.

3 Our consumers can ill afford to absorb  
4 a 25 percent price increase. Austere educational  
5 budgets mean that America's educators already  
6 reach into their own pockets to purchase supplies  
7 for their classrooms. Such a large price  
8 increase could significantly alter their ability  
9 to extend personal funds for such a discretionary  
10 purchase. Also, arts and crafters are less  
11 likely to purchase these products, given demand  
12 elasticities in their markets.

13 The record is clear that portable  
14 cutting machines are a non-commercial product  
15 that was not the intended target of the Section  
16 301 action but, rather, unintended collateral  
17 damage. Consistent with the administration's  
18 desire to avoid causing disproportionate harm to  
19 small or medium-sized businesses and consumers,  
20 Ellison Educational respectfully requests the  
21 exclusion of portable cutting machines from the  
22 list of products facing possible Section 301

1 duties because 1) there is no feasible alternate  
2 source in the medium term; 2) educators and arts  
3 and crafters cannot easily absorb the tax, and;  
4 3) these products are neither strategically  
5 important nor related to the Made in China 2025  
6 Program.

7 From an administrability perspective,  
8 the Trade Representative can most easily  
9 effectuate this request for relief by determining  
10 not to impose Section 301 duties on any imports  
11 under this subheading. The total value of  
12 imports from China under this subheading is  
13 minimal, less than \$140 million per year, and  
14 such exclusion would not favor any particular  
15 company over another.

16 Thank you for your consideration.

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

18 Our next witness is Steven Marton with  
19 BreathableBaby, LLC.

20 Mr. Marton, you have five minutes.

21 MR. MARTON: Mr. Chairman and members of  
22 the committee, good afternoon. My name is Steve



1 Marton. I'm a partner in BreathableBaby, LLC.  
2 We're a small company with 10 employees based on  
3 Minnesota. At BreathableBaby we design, market,  
4 manufacture, and import infant safety products.

5 Our key product, mesh crib liners, is  
6 classified under subheading 9403.90.60 of the  
7 Harmonized Tariff Schedule as other furniture  
8 parts of textile material except cotton.

9 Subjecting our mesh crib liners to a 10 to 25  
10 percent additional import duty runs counter to  
11 infant safety concerns expressed by the Consumer  
12 Product Safety Commission, health policy experts,  
13 at least six states, and several of the largest  
14 retailers in the United States.

15 At the same time, a tariff on our mesh  
16 crib liners will not change China's intellectual  
17 property practices. BreathableBaby manufactures  
18 mesh crib liners in China that are a safer  
19 alternative to traditional padded crib bumpers.  
20 Mesh crib liners prevent infants' arms and legs  
21 from becoming trapped in crib slats, as well as  
22 the injuries that may result from such incidents.

1           A 2015 analysis by Washington, D.C.  
2 based Econometrica established that about half of  
3 all crib-related injuries involve entrapment of  
4 arms and legs in crib slats. The two largest  
5 categories of injuries were fractures and  
6 dislocations.

7           A 2011 report by the American Academy of  
8 Pediatrics estimated there were about 9,900  
9 incidences of children caught or wedged in a crib  
10 over the period 1990 to 2008, and urged that  
11 "great efforts are needed to ensure safety in the  
12 design, manufacture, and use of such products."

13           Additional studies confirm that about  
14 300 crib-related injuries per year involve  
15 infants arms or legs trapped in crib slats. Our  
16 mesh crib liners prevent such injuries.

17           Critically, our mesh crib liners are  
18 safer than padded crib bumpers because they do  
19 not pose a suffocation risk to infants, who may  
20 become positioned with their head or face pressed  
21 against the liner. Unlike padded crib bumpers,  
22 our mesh liners are made from mesh materials that

1 have an air permeability ranging upward from more  
2 than 530 cubic feet per minute, as measured by  
3 Bureau Veritas, using the ASTM Air Permeability  
4 Standard D737.

5 In 2016, the Consumer Product Safety  
6 Commission recommended that a mesh or mesh-like  
7 product attribute be added as part of a revised  
8 ASTM crib bumper standard.

9 A November 2015 article in the Journal  
10 of Pediatrics called for the regulation of  
11 traditional crib bumpers, and observed that "non-  
12 traditional bumper design seemed to mitigate some  
13 of the problems found with traditional bumpers."

14 State legislators see mesh liners as a  
15 safer alternative to traditional crib bumpers.  
16 Maryland has banned the sale of traditional crib  
17 bumpers, and expressly excluded mesh crib liners  
18 from that ban. Ohio has also banned traditional  
19 padded bumpers, but included a 3-year exemption  
20 for mesh crib liners pending the completion of an  
21 updated ASTM standard or federal regulation.

22 Legislators in Missouri and New York are

1 considering similar bans on padded crib bumpers,  
2 while expressly allowing mesh crib liners.  
3 Vermont has considered similar legislation.

4 The proposed tariff threatens to leave  
5 babies and their parents in those, and all other  
6 states, unprotected. Reflecting the safety  
7 advantages of our mesh crib liners, Target  
8 Stores, Walmart, and Buybuy Baby have all  
9 discontinued sales of padded crib bumpers, and  
10 sole source our mesh products. Once their  
11 existing padded crib bumper inventories are sold  
12 out through online sales, these retailers will  
13 not be selling padded crib bumpers. Our products  
14 are also popular at online retailers such as  
15 Amazon.

16 More than one out of every seven new  
17 mothers in the United States purchases one of our  
18 mesh crib liners. A 10 or 25 percent tariff on  
19 our mesh crib liners would do lasting damage to  
20 our country, and likely drive an important  
21 improvement in infant safety from the market.  
22 That would be bad economics and worse social

1 policy.

2 Our product is patented. We are its  
3 only source. We have no alternative to China for  
4 manufacture. We have looked in the United States  
5 and other Asian countries, and no other country  
6 can currently provide mesh textiles with the air  
7 permeability they require and the assembly skills  
8 needed to cut and sew these textiles to meet our  
9 quality standard.

10 At the same time, neither our margins  
11 nor the market for our products will bear the  
12 burden of a 10 or 25 percent tariff. If we  
13 cannot make mesh crib liners in China, we cannot  
14 bring them to market. The damage to our company  
15 and the babies and parents that comprise our  
16 market will do nothing to change China's  
17 intellectual property practices. Our total  
18 imports over the past five years were under \$16  
19 million, or an annual average of less than \$4  
20 million. While a tariff would be devastating to  
21 our company, China would not even notice losing  
22 less than \$4 million in annual exports. Imposing

1 a tariff would be particularly ironic, because  
2 BreathableBaby has encountered no problems at all  
3 in protecting its intellectual property in China.

4 Finally, our mesh crib liners are easily  
5 distinguishable from other products that are  
6 classifiable under HTS U.S. subheading  
7 9403.90.60. Our products are patent protected,  
8 have exceptional air permeability, and can be  
9 described in the HTS subheading on the basis of  
10 physical characteristics, in the same way that  
11 products are described under tariff reduction  
12 legislation.

13 Thank you for the opportunity to testify  
14 today and for your consideration of my comments.

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

16 Our next witness is James Steindecker  
17 with Dragon Trading, Incorporated.

18 Mr. Steindecker, you have five minutes.

19 MR. STEINDECKER: Good afternoon. My  
20 name is James Steindecker and I am the President  
21 and CEO of Dragon Trading, Incorporated. My  
22 company is a distributor of industrial hardware

1 products, steel wire rope, galvanized cable, and  
2 link chain products.

3 Dragon Trading was founded in 1994 with  
4 a goal of providing our customers with the  
5 highest level of professional service and quality  
6 merchandise at competitive prices. We are  
7 recognized and respected for our ability to both  
8 manufacture and source a wide range of industrial  
9 hardware products to meet our customers' ever-  
10 changing needs.

11 Dragon Trading seeks the removal of  
12 certain industrial hardware products, steel wire  
13 rope, galvanized and stainless cable, and link  
14 chain from the proposed list of items to be  
15 subject to Section 301 tariffs. These hardware  
16 products include but are not limited to anchors,  
17 bolts, clips, thimbles, and other forging and  
18 casting parts.

19 We are supportive of the  
20 administration's goal to prevent unfair Chinese  
21 practices regarding U.S. intellectual property  
22 and advanced technology, however, we do not

1 believe that tariffs on these products would be  
2 effective to pressure China to change its  
3 practices.

4 The industrial hardware products that we  
5 sell are not the target of the Made in China 2025  
6 initiative. These products simply do not involve  
7 cutting edge advanced technologies, or  
8 technology-related negotiations.

9 In over 32 years of personal experience,  
10 neither we nor our customers have been required  
11 to share technology, form joint ventures, or  
12 otherwise limit competition. However, the  
13 additional duties would cause severe financial  
14 harm to my company, other distributors,  
15 downstream U.S. manufacturers and, ultimately,  
16 the consumers.

17 Everyone in the supply chain who relies  
18 on Chinese imports for these competitively  
19 priced, low tech products would feel the impact  
20 of the proposed tariffs. The products we  
21 distribute have wide application in the  
22 construction, industrial, and DIY markets. The



1 U.S. does not produce a sufficient volume of  
2 these hardware products to meet U.S. demand.

3 The products we import from China are  
4 generally known as low grade products. U.S.  
5 producers have not concentrated their production  
6 in low grade products. They have, instead,  
7 focused their production on high grade products  
8 with high profit margins. In fact, we sell  
9 Chinese products to U.S. manufacturers who are  
10 unable to make certain products in the U.S. The  
11 U.S. has strict pollution controls which makes it  
12 very cost prohibitive to produce certain low  
13 grade products.

14 To give you an example, we import turned  
15 and welded eyebolts from China. One customer  
16 informed me that he had to buy domestically  
17 produced eyebolts for a Buy American job. Since  
18 there are not many U.S. producers who make the  
19 low carbon eyebolts, my customer spent 8 to 10  
20 times more for a different product that was much  
21 stronger than what was required and, therefore,  
22 much more expensive.

1           It is also not feasible to simply start  
2           sourcing our products from another country.  
3           First, there is insufficient production of low  
4           grade products in third countries to meet U.S.  
5           demand. China is the only country that  
6           manufactures the full range of products that are  
7           required by our customers.

8           Second, China is currently making  
9           products based on the same specifications  
10          accepted by U.S. companies for industry  
11          standards. They manufacture to meet the working  
12          load requirements as well as the acceptable  
13          breaking strengths required by our customers.

14          Third, sourcing from a third country  
15          would require extensive capital investments in an  
16          already capital-intensive environment. The  
17          manufacturers in China have already invested in  
18          the molds required for the products we source.  
19          It takes many months to make new molds, and it is  
20          very cost prohibitive, considering the thousands  
21          of products and sizes.

22          The manufacturers in China already have

1 a huge advantage on lead times, and they are able  
2 to supply smaller quantities, as needed. Any new  
3 factories would require large, multiple order  
4 quantities to ramp up production, and would  
5 require importers to order more parts than are  
6 needed.

7 Finally, we hire full-time quality  
8 control people in China to test all products and  
9 have set ups -- have set up operations there for  
10 25 years specifically for this function. It  
11 would take many years and cost several hundred  
12 thousand dollars to purchase equipment for  
13 testing and implement the quality control on new  
14 suppliers.

15 The market for these products is also  
16 notoriously competitive, and distributors  
17 normally have profit margins around 10 percent.  
18 From that, distributors pay customs, clearance,  
19 and in most cases delivery to the client's store,  
20 marine insurance, product liability, and payroll.  
21 The bottom line is that the proposed tariffs will  
22 drive many in the distribution chain out of

1 business, or the cost must be passed on to  
2 customers and end users in the U.S. These are  
3 U.S. manufacturing and construction sectors.

4 From our perspective, if the proposed  
5 tariffs become effective on our products, this  
6 will have to be 100 percent pass-through to our  
7 customers. We simply cannot absorb a 10 or 25  
8 percent increase in cost and continue to run an  
9 efficient business.

10 For all these reasons, I urge you to  
11 strongly consider the serious economic harm that  
12 will result to U.S. companies if the additional  
13 duties on these products become effective. And I  
14 respectfully request that you remove these  
15 products from the proposed tariff list.

16 That concludes my testimony. Thank you  
17 for the opportunity to appear today. And I  
18 welcome any questions.

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

20 Our final witness on this panel is Russ  
21 Torres, with Graco Children's Products,  
22 Incorporated.

1           Mr. Torres, you have five minutes.

2           MR. TORRES: Thank you. Good afternoon.

3           My name is Russ Torres and I'm the CEO of Graco  
4           Children's Products. Graco is one of the largest  
5           juvenile products and baby care manufacturers  
6           globally. We have about 40 percent market share  
7           in the United States in categories like car  
8           seats, strollers, high chairs, and play yards.

9           I'm here on behalf of my company, but  
10          also our suppliers, our retail partners and, most  
11          importantly, the millions of consumers who  
12          purchase our products every year. I'm very  
13          grateful for the opportunity to appear before you  
14          today to explain why we're concerned, and about  
15          the potential for tariffs on juvenile products.

16          I wanted to also thank the  
17          administration for granting our May 9th request.  
18          Your decision to exempt car seat bases from the  
19          initial 25 percent tariff allowed our industry to  
20          continue to provide American families with  
21          affordable safety products. Thank you.

22          My message today can be summarized as

1 follows:

2 We're very concerned that implementing  
3 the proposed tariffs on critical and, in some  
4 cases, legally required child safety products  
5 will have negative consequences for the safety of  
6 American children. For the last 60 years Graco's  
7 primary mission has been to ensure the highest  
8 quality products that produce -- that protect the  
9 safety and well-being of America's children. Our  
10 U.S.-based engineering and design teams have a  
11 track record of consistently providing consumers  
12 ever-increasing safety features and technology at  
13 a reasonable cost.

14 This mission drives all 650 of our  
15 employees. We have people in Atlanta, Georgia;  
16 Exton, Pennsylvania; Reedsburg, Wisconsin; and  
17 Victorville, California all working on this every  
18 day. As many parents in this room can relate to,  
19 that's a very powerful mission.

20 We're now faced with the potential for  
21 10 to 25 percent tariffs on other car seats, high  
22 chairs, baby swings, and play yards. The

1 relevant details of the proposed products are  
2 provided in the appendix of our written  
3 submission. All of these proposed products are  
4 consumer goods and are used by parents of infants  
5 and young children every day in their cars, their  
6 kitchens, and their bedrooms, like those  
7 displayed here.

8 Many of these product categories are  
9 required by law and subject to rigorous national  
10 safety standards regulated by the Consumer  
11 Product Safety Commission and the National  
12 Highway Safety Traffic Safety Administration. It  
13 is incredibly important to keep in mind that our  
14 consumers are young families. Fifty percent of  
15 all consumers in the category have household  
16 income less than \$50,000 a year. Twenty percent  
17 of all consumers in our category have household  
18 income less than \$25,000 a year.

19 We're very concerned that imposing these  
20 tariffs will force many of these families to make  
21 very difficult trade-offs between overextending  
22 their budget or ensuring the safety of their

1 children. For example, and I want to be  
2 specific, parents may choose to use expired car  
3 seats or hand-me-downs that have outdated safety  
4 features or expired vintages.

5 They may choose to graduate children at  
6 the toddler stage out of car seats sooner than is  
7 ready to boosters because it's less expensive or,  
8 likewise, dispense with use of boosters at all  
9 for larger children, which would be catastrophic  
10 in the case of a car accident.

11 We're also concerned that some parents  
12 may allow children to sleep in their beds or use  
13 other makeshift sleeping arrangements that put  
14 babies and small children at risk, instead of  
15 securing a safe and proper sleeping environment.

16 These tradeoffs are real for many of  
17 these families. We see it every day. And it may  
18 lead to the wrong choices that will negatively  
19 impact child safety. We don't believe there's  
20 any realistic means for our industry of adjusting  
21 the supply chain, including Graco, to offset the  
22 impact of the tariffs in the foreseeable future.



1           About 90 percent of the products in this  
2 category, depending which category you pick, are  
3 sourced in China. They have been for quite some  
4 time, and have mature supply chains. Significant  
5 adjustments to this would be very disruptive,  
6 would take time, introduce new risks in safety  
7 and quality, as well as in many areas be  
8 impractical and, in some cases, infeasible.

9           While we acknowledge the  
10 administration's overall policy interests,  
11 putting tariffs on imported children's safety  
12 goods may have unintended consequences on child  
13 safety that we believe would be harmful.

14           Once again, thank you for your  
15 consideration of our comments. We respectfully  
16 request that you remove these products from the  
17 annex to prevent forcing consumers to make that  
18 difficult choice between their budget and their  
19 child's safety. We believe this is an important  
20 movement for American families and is consistent  
21 with your prior decision relating to the bases of  
22 car seats.

1 Thank you.

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

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

5 MS. MEASE: Mr. Calabrese, you testified  
6 that China accounts for over 80 percent of global  
7 production capacity for children's car seats and  
8 travel systems, car seat parts, and ExerSaucers.  
9 If these items are subjected to tariffs, then to  
10 what extent can alternative sources of domestic  
11 manufacturers meet the U.S. demand?

12 MR. CALABRESE: As Mr. Torres just said,  
13 it would be difficult to switch that supply  
14 chain. I think it would take us at least three  
15 years to move that. And depending on which piece  
16 of the supply chain you're looking at.

17 For example, safety harnesses, I think  
18 there's less than six companies that I would put  
19 my child in a seat with one of their safety  
20 systems. None of them produce products in the  
21 U.S. So our course of action would be either  
22 convince them to set up a small operation in the

1 U.S., being uncompetitive since they're producing  
2 all of it in China, or set up our own operation.  
3 And to develop that technology, that expertise  
4 would be difficult and would take a lot of time.

5 CHAIR GRIMBALL: Just a follow-up  
6 question.

7 So, you stated in your testimony that  
8 your company both imports and exports certain  
9 products. Could you identify those products  
10 that, that your company produces here in the  
11 United States?

12 MR. CALABRESE: Primarily car seats and  
13 saucers, ExerSaucers.

14 CHAIR GRIMBALL: Okay. And those that  
15 are imported from China?

16 MR. CALABRESE: Travel systems, some  
17 infant seats, play yards, high chairs.

18 CHAIR GRIMBALL: And so what drove your  
19 company's decision to import those products  
20 instead of attempting to produce them here?

21 MR. CALABRESE: That was long before my  
22 tenure at the company. And that goes back over

1 15 years.

2 CHAIR GRIMBALL: Thank you.

3 MR. O'BYRNE: Mr. Ciepiel, are there  
4 alternative materials and/or processes for  
5 manufacturing outdoor products that are weather-  
6 resistant and resistant to rot? And can these  
7 materials be sourced from countries other than  
8 China?

9 MR. CIEPIEL: So, necessity is the mother  
10 of invention. And as our world changes we, as a  
11 company, have had to evolve. And 70 percent of  
12 our business is basically e-commerce based, which  
13 means when we sell a product either from our  
14 website or at amazon.com, the product is shipped  
15 directly from our manufacturers or our facilities  
16 to the consumer. Which is quite extraordinary,  
17 given the size of our products.

18 The way we are able to do that, and  
19 because of the way our business model is  
20 structured, is we actually engineer around box  
21 sizes and weights, and shipping efficiencies.  
22 So, we know of no other wood that can have the

1 kind of strength that we can put in the sizes and  
2 in the various measurements in order to make our  
3 product in an efficient way to economically ship  
4 it.

5 So, there are other substrates that can  
6 be used, but they are much larger, and they are  
7 much more costly. So, we have basically  
8 engineered a very efficient way to bring a high  
9 quality product to the U.S. consumer using this  
10 unique wood species. Changing the wood species  
11 would involve a total re-engineering of the  
12 product and a dramatic increase in the price of  
13 the product, and then most importantly, the price  
14 to ship it.

15 MR. O'BYRNE: Thank you.

16 MR. CONCEICAO: Okay. Mr. Feist, I  
17 wanted to ask are there other companies that  
18 produce similar portable cutting machines that  
19 compete with your product, to your knowledge?

20 MR. FEIST: There are some other  
21 companies that produce similar products to ours.  
22 But our products are proprietary and are only

1 made at our facilities.

2 MR. CONCEICAO: I ask because, do you  
3 know, if you know, do they also source their  
4 portable cutting machines from China or a third  
5 country?

6 MR. FEIST: The other companies that I'm  
7 aware of also source their cutting machines, but  
8 not this particular cutting machines, there are  
9 some other roller machines that are covered in  
10 another subheading. In this particular instance  
11 I'm not aware of other companies that make these  
12 machines.

13 MR. CONCEICAO: Okay. And I'm sure this  
14 is in your written testimony, but I didn't see it  
15 listed, what subheading are these products you're  
16 referring to classified under?

17 MR. FEIST: Yeah, the -- that is in the  
18 written subheading. I believe that's  
19 8441.10.0000.

20 MR. CONCEICAO: Okay. And my last  
21 question, you said you're not aware of any  
22 country other than China that can produce your

1 particular product. Is it something you've  
2 looked into in the past or?

3 MR. FEIST: Well, at this point because  
4 of sunk investments setting up a manufacturing  
5 facility, and the contracts that we have, there's  
6 no alternate in the near or medium term to go to  
7 other places.

8 MR. CONCEICAO: Thank you.

9 CHAIR GRIMBALL: I have one additional  
10 follow-up question.

11 You mentioned in your testimony that the  
12 proposed tariffs would disproportionately cause  
13 economic harm to Ellison Educational. And I  
14 think you attributed that to, at least in part,  
15 sunk investments.

16 MR. FEIST: Correct.

17 CHAIR GRIMBALL: Could you describe what  
18 those sunk investments are?

19 MR. FEIST: Yes. We're vertically  
20 integrated. And so we have a facility in China.  
21 Because our products are proprietary, we didn't  
22 want the production and knowledge of making those

1 products going outside of our -- of our system.  
2 So we have an investment in a company in China to  
3 produce our products.

4 CHAIR GRIMBALL: I have one more question  
5 for Mr. Ciepiel. Apparently cypress is very  
6 interesting; I will not attempt to pronounce the  
7 scientific names of the cypress -- the species.

8 MR. CIEPIEL: I have difficulty as well.

9 CHAIR GRIMBALL: And I know that you  
10 mentioned that the size of the wood really goes  
11 into your company's decision to use that  
12 particular type of wood. But going back to the  
13 possibility of using other wood species, is there  
14 a particular treatment or stain that could be  
15 applied to other wood species of similar size  
16 that could be substituted for your product?

17 MR. CIEPIEL: I wish there was. It is  
18 very unique. This cypress has very low  
19 percentage of knots, and they're very tiny. So  
20 that makes -- and that's what weakens the wood.  
21 So, the ability for us to use these thinner,  
22 shorter span -- or thinner, longer spans of the



1 wood and still have that kind of strength and  
2 resistance to rotting or resistance to termites  
3 and that type of thing make it a very unique  
4 product.

5 We have tried to source it, source it  
6 elsewhere and it is why it is so predominantly  
7 used by both us and our competitors as well to  
8 make these types of playground equipment and  
9 pergolas and all these types of things.

10 You can use other substrates. And, in  
11 fact, we do some of that in the U.S. But the  
12 cost is, like, 100 percent higher. And then you  
13 have all the shipping. And then you can't fit it  
14 in the size boxes that can actually ship through  
15 normal transportation. So it really throws the  
16 whole business model out of whack.

17 Thank you for asking.

18 MS. PETTIS: I have a question for Mr.  
19 Marton.

20 Your testimony states that certain U.S.  
21 states have banned or are considered -- are  
22 considering bans of traditional crib bumpers

1 while excluding mesh bumpers from those bans.  
2 Could you elaborate your view on how these bands  
3 relate to the proposed tariffs?

4 MR. MARTON: Of course. The point I was  
5 making is the importance and relevance of our  
6 product. That a number of states who have  
7 experienced high infant mortality rates have  
8 recognized that to some degree items in the crib,  
9 including bumpers but not limited to bumpers, may  
10 have contributed to some of those deaths.

11 Notwithstanding that, they also  
12 recognize there is a need to protect infants in  
13 cribs from crib entrapment. And so, as those  
14 states have done the work they did and recognized  
15 the need to ban the sale of bumpers, they've  
16 approved the -- they've expressly excluded mesh  
17 liners to produce that product to new moms.

18 We have a patented product. We're a  
19 small company. We have a quality standards staff  
20 in China. We know of no other country, and for a  
21 small company I would say that we've made a very  
22 noble effort to look around the world, including

1 the U.S., including Vietnam, for a company -- for  
2 companies in those countries that, number one,  
3 provide the unique material that we use. It's  
4 called warp knitted spacer mesh.

5 And then, as you can imagine, not only  
6 are there stringent standards for a product that  
7 goes into a crib with infants but, quite frankly,  
8 we exceed those standards to a high degree.

9 We're the only company that is -- we believe --  
10 I'll restate that. I believe that we have done  
11 the most medical and scientific research as it  
12 relates to infant breathing, tidal breathing, CO2  
13 inhalation. And if we were to -- and at a great  
14 deal of expense over several years.

15 And to the extent we would even endeavor  
16 to move to another country, notwithstanding we  
17 haven't been able to find one, the amount of time  
18 and money to recreate those medical research  
19 testing so that we would have the confidence in  
20 our product that the legislators have decided to  
21 have, because there is no state that has excluded  
22 mesh liners and banned bumpers, would be a burden

1 that would be extremely big on the company. And  
2 we estimate several years and probably to the  
3 tune of close to a million dollars that we spent  
4 over the last couple years to do that.

5 MS. PETTIS: Okay, thank you very much.

6 MS. KNISLEY: Mr. Steindecker, you  
7 testified today that there is insufficient  
8 production of low grade hardware products in the  
9 United States and third countries. Can you  
10 please expand on the relative number of producers  
11 outside of China and the potential for the  
12 manufacturing of these products to be shifted to  
13 the United States or to other countries?

14 MR. STEINDECKER: Although I can't -- I  
15 can't give specific numbers, I do know that we  
16 receive inquiries from other Asian countries for  
17 Chinese product, which to me is a strong  
18 indication that these other Asian countries are  
19 seeking these products in China as well.

20 Additionally, I reviewed the import  
21 statistics via a website called Panjiva. And I  
22 reviewed that to see what other countries

1 possibly are bringing in the same products that  
2 I'm importing from China. And it's very clear to  
3 me that there's an insufficiency in terms of what  
4 the other countries are bringing in.

5 MR. FLEMING: Mr. Torres, have you  
6 conducted an assessment of importing your  
7 products from other countries other than China,  
8 or manufacturing them in the United States? And  
9 if so, what were the results?

10 MR. TORRES: Yes. We are constantly  
11 looking at all sources of supply. You know, I  
12 think what I would summarize by saying it's very  
13 difficult to replicate the scale, the skills, and  
14 the safety of what we have built with our supply  
15 partners in China. You know, and particularly in  
16 an area like car seats, we do tens of millions of  
17 units a year in an area like car seats. We hope  
18 that they're never used, but when they do get  
19 used they need to work.

20 And so, we've cultivated a supply chain  
21 of precision molding, and skills, and the  
22 manufacturing facility. And also from a, you

1 know, an efficiency point of view we have not  
2 been able to find alternative sources.

3 MR. FLEMING: If you were to start now,  
4 how long do you think it would take to shift the  
5 supply chain?

6 MR. TORRES: I agree with my colleague  
7 who mentioned that, you know, it would take us  
8 several years to get up to a sufficient scale to  
9 begin cutting and production. You know we, as I  
10 said, we have 40 percent market share in the  
11 United States, which is just a huge number of  
12 units. So we've got tens of thousands of  
13 employees in China. So it would not be a small  
14 upgrade, it would take -- it would take at least  
15 several years and we probably wouldn't be able to  
16 replace it fully.

17 CHAIR GRIMBALL: I have one more question  
18 about cypress.

19 Okay. So you mentioned that there was  
20 the measurements of the particular cypress you  
21 use make it easier to use the, I guess, shipping  
22 containers that you -- that you use. If wood can

1 be cut, I don't understand why the measurement --  
2 your focus on measurement.

3 MR. CIEPIEL: Well, when you're building  
4 a child's playset or a pergola but, most  
5 importantly, let's say a playset, there's a long  
6 beam that goes out the side that the swings and  
7 different things hang from. Well, you need a  
8 certain amount of strength for that beam. So  
9 there's a certain amount of thickness; right?

10 And then you have a box size that you  
11 have to fit it in. So, in order to get that  
12 strength within that box side you'd have to make  
13 the beam so big that it could accommodate the  
14 weight, versus using this cypress we can make  
15 smaller sections and have them thinner, lighter  
16 weight, and actually be stronger.

17 So there is a safety benefit in doing  
18 this.

19 CHAIR GRIMBALL: Thank you. That's a bit  
20 clearer. Thank you.

21 MR. BISHOP: We release this panel with  
22 our many thanks. And we invite the members of

1 Panel 29 to come forward and be seated, and the  
2 members of Panel 30 to come forward to the  
3 waiting area.

4 CHAIR BUSIS: Before we start this panel,  
5 before Mr. Bishop calls the next panel, a few  
6 administrative comments.

7 First of all, the 301 Committee is a  
8 guest of the ITC, who have been just wonderful to  
9 us. Today there was this fuel spill in the  
10 basement and, remarkably, we were able to get  
11 back in the building within, like, an hour. It's  
12 amazing, and we really appreciate their help.

13 It's very important for us because I  
14 know a lot of the witnesses flew in from across  
15 the country and really don't have ability to move  
16 from day to day.

17 So we were going to -- we are going to  
18 finish our hearing today with all of our panels.  
19 These really have to go late till about 8:00  
20 o'clock. And, again, the ITC has been very  
21 gracious and has agreed to hold open its building  
22 for the committee, which we really appreciate.



1 So, we're about two hours behind schedule, so  
2 instead of 6:00 we'll finish around 8:00.

3 I would also note that the sandwich shop  
4 in the lobby, which is excellent, has agreed to  
5 stay open until 4:30. So if any of you want to  
6 get a snack or refreshment before, you know,  
7 between now and 8:00, the sandwich shop's open  
8 for another half hour or so.

9 So, with that -- and I didn't get any  
10 royalties on that.

11 (Laughter.)

12 CHAIR BUSIS: So, Mr. Bishop, would you  
13 call the next panel.

14 MR. BISHOP: Mr. Chairman, our first  
15 witness on this panel is Linda Duncan with Duncan  
16 Textiles.

17 Ms. Duncan, you have five minutes.

18 MS. DUNCAN: Good afternoon. My name is  
19 Linda Duncan. My husband Peter who's sitting  
20 behind me and our son Tim and I own Duncan  
21 Textiles based in Oklahoma City. We also a  
22 warehouse in Fort Worth, Texas that stores our

1 textiles. Our business sells ticking fabric  
2 which covers mattresses including the ones used  
3 by college students, prison inmates, and most  
4 importantly our Armed Forces. Even though we  
5 spend a third of our lives in bed, very few  
6 people think about their mattress or the  
7 mechanics behind producing them.

8 Peter started the business in 1960.  
9 He's known for his expertise in yarns, weaving  
10 and textile design. During the next 20 to 30  
11 years, Duncan Textiles had a fabric mill in North  
12 Carolina. We exported globally to Africa,  
13 Europe, Asia, and the Middle East.

14 In 2001, China was allowed to enter the  
15 World Trade Organization. The market changed  
16 dramatically. Their product was far superior,  
17 their pricing and delivery costs were below what  
18 we could produce or purchase elsewhere. They now  
19 produce the finest product in the world with the  
20 most innovative yarns. As a result most American  
21 and European mills closed. They could not  
22 compete and they couldn't continue their

1 producing.

2 Our industry was affected again in 2012,  
3 when all mattresses were required to become fire  
4 retardant. The strict new codes cost the  
5 industry an additional 20 percent. The majority  
6 was absorbed by the suppliers and that cost was  
7 not passed onto our customers. The industry  
8 adjusted and created a safer product at a much  
9 lower profit margin.

10 This proposed 25 percent tariff cannot  
11 be absorbed by the industry. This time we will  
12 be forced to pass it onto the customer. The  
13 tariffs will have a snowball effect. As the  
14 prices increase, fewer mattresses will be made  
15 and sold, mattress manufacturing and distributing  
16 will decrease, stores will close and jobs will be  
17 lost. In the end these proposed tariffs are  
18 truly attacks on Americans.

19 Additionally, if we have to source the  
20 product elsewhere, the lead time would be a  
21 minimum of two years and the transit time from  
22 other countries could be much longer. The

1 disruption of our business during the time would  
2 damage the entire mattress industry.

3 I have two proposed suggestions that  
4 could possibly help our industry: One would be  
5 to delay the tariffs for two to three years until  
6 we're able to find new sources outside of China  
7 for our product, or even better subsidize the  
8 creation of new mills in the United States.  
9 Eventually we could return to our former  
10 dominance in the textile industry and export  
11 worldwide. Thank you for listening to me.

12 MS. BELLAMY: Thank you so much.

13 Our next witness is Jonathan Gold of  
14 National Retail Federation.

15 Mr. Gold, you have five minutes.

16 MR. GOLD: Good afternoon members of the  
17 Section 301 Committee. My name is Jonathan Gold  
18 and I'm the Vice President for Supply Chain and  
19 Customs Policy for the National Retail  
20 Federation. We appreciate the opportunity to  
21 testify about the potential impacts of the  
22 proposed tariffs on List 3.

1           NRF is the world's largest retail trade  
2           association representing everyone from the small  
3           single store operators to the large format big  
4           box stores, online retailers and everyone in  
5           between. Retail is the nation's largest private  
6           sector employer supporting one in four U.S. jobs.  
7           That's 42 million working Americans. Contributing  
8           \$2.6 billion -- trillion to annual GDP retail is  
9           a daily barometer for the nation's economy.

10           As we have stated in our previous  
11           testimony and comments we support the conclusion  
12           of USTR's Section 301 investigation that certain  
13           Chinese acts, policies and practices are  
14           disadvantaging U.S. companies, however, by now  
15           the administration should know something it  
16           questioned several months ago: tariffs will not  
17           get China to change its unfair trade practices.

18           Instead, these tariffs threaten to  
19           increase costs for American families and destroy  
20           the livelihoods of U.S. workers, farmers,  
21           manufacturers, and small business owners. There  
22           is still time to prevent these harmful

1 consequences. We hope this week's discussions  
2 between the U.S. and China will pave the way for  
3 real action and it will resolve these ongoing  
4 problems and the trade war before it further  
5 escalates.

6 With regards to List 3, the proposed  
7 list includes many consumer goods including food  
8 products, personal care products, bicycles and  
9 related safety equipment, furniture, lighting and  
10 mirrors, home improvement supplies, travel goods,  
11 hats, pet products, paper products including  
12 paper plates and toilet paper, baby products,  
13 fabric and craft supplies and many, many others.

14 NRF strongly opposed any efforts to  
15 include or add consumer products to the proposed  
16 list. The administration noted that the original  
17 goal of the tariffs was to bring maximum pain to  
18 China and minimum pain to U.S. consumers. The  
19 proposed list reflects the complete opposite of  
20 that.

21 There are products purchased by nearly  
22 every American household. Many are everyday

1 staples and account for a relatively large share  
2 of total household spending, especially for low-  
3 income families. Research that we will include  
4 in our final submission has found that imposing  
5 25 percent tariffs on furniture from China would  
6 take \$4.6 billion a year out of the pockets of  
7 American consumers, money they would otherwise  
8 have had available to spend on other goods and  
9 services. Similarly, 25 percent tariffs on  
10 travel goods such as luggage and handbags would  
11 cost consumers \$1.2 billion a year.

12 We would like to suggest some criteria  
13 for your consideration in evaluating the products  
14 that could be subject to further tariffs. Again,  
15 tariffs that are unlikely to impact China's acts,  
16 policies and practices of concern. In the event  
17 the administration chooses to press on with  
18 effort, we would encourage: exclude from tariffs  
19 those products which China is the sole source of  
20 U.S. imports and no alternate sources of supply  
21 exist; exclude from tariffs those products for  
22 which China is the primary source of U.S.

1 imports. By primary we suggest those for which  
2 China accounts for 50 percent or more of total  
3 U.S. imports of that product.

4 It would also be extremely difficult if  
5 not impossible for retailers to source from other  
6 cost-competitive suppliers quickly at the  
7 required quality, quantities or comparable price  
8 points. And (3), exclude from tariffs those  
9 products which the tariffs would nevertheless  
10 have a significant negative impact on consumers  
11 based on our hands-on knowledge of the market  
12 dynamics unique to each.

13 We've included in our written submission  
14 lists of the HTS items that fall into each of  
15 these three categories. Our members continue to  
16 ask us to add still more HTS codes to those  
17 lists, and we will include them in our final  
18 comments for the docket. We've already received  
19 or already identified over 450 specific HTS codes  
20 of concern.

21 We also want the Committee to be aware  
22 of broader impacts of the proposed tariffs on



1 sourcing and consumers. The threat that these  
2 tariffs could be imposed and even expanded to  
3 include all consumer goods imported from China  
4 has already started a scramble among importers to  
5 find alternate sources of supply including the  
6 United States. While you may think this is a  
7 positive development, the administration needs to  
8 know that the scramble is already bidding up  
9 prices for consumer products from all possible  
10 alternative manufacturers. Therefore, even if  
11 the administration decides not to impose the  
12 tariffs, higher prices are already on the horizon  
13 for American families.

14           Supply chains are complicated. It is  
15 not easy to quickly change sourcing strategies to  
16 meet the overwhelming consumer needs and  
17 expectations. Retailers are making their  
18 purchasing decisions anywhere from 6 to 12 months  
19 in advance. Holiday orders have already been  
20 placed. Orders for next spring are currently in  
21 the process of being made. If implemented, the  
22 tariffs will have to be added to the cost of the

1 product. Retailers will not be able to absorb  
2 the costs especially at a 25 percent rate.

3 In a recent NRF survey nearly half of  
4 small business owners anticipate a negative  
5 impact on their businesses due to proposed or  
6 implemented tariffs.

7 NRF respectfully requests that the  
8 administration reconsider the use of tariffs to  
9 incentivize China to modify its acts, policies,  
10 and practices as identified in the Section 301  
11 report. The collateral damage to wide swaths of  
12 the U.S. economy will be significant as you've  
13 already heard from the many, many witnesses who  
14 have testified so far.

15 The U.S. tariffs which are taxes on U.S.  
16 businesses and consumers in addition to the  
17 retaliation from China are already having a  
18 negative impact on the economy. This will only  
19 get worse as the additional tariffs take effect  
20 and retaliation escalates.

21 We thank the administration for the  
22 opportunity to testify on this important issue.

1 We look forward to continuing the discussion on  
2 how best to address China's unfair trade  
3 practices in a manner that focuses on the  
4 specific issues without harming U.S. businesses,  
5 workers or consumers. Thank you.

6 MR. BISHOP: Thank you, Mr. Gold.

7 Our next witness is Julia Hughes with  
8 the U.S. Fashion Industry Association.

9 Ms. Hughes, you have five minutes.

10 MS. HUGHES: Thank you. And thanks  
11 members of the 301 Committee for the opportunity  
12 to testify today.

13 I'm Julia Hughes, President of the U.S.  
14 Fashion Industry Association. USFIA represents  
15 apparel brands, retailers, importers and  
16 wholesalers based in the United States and doing  
17 business globally including many of the iconic  
18 fashion brands worn and loved by everyone in this  
19 room. Global trade allows them to produce  
20 quality affordable products for you, your  
21 families, and for families across America.

22 So the annex to the July 17 Federal

1 Register notice contains numerous apparel  
2 products and consumer goods. These products are  
3 purchased by American families every day,  
4 families that are working hard to make ends meet.

5 This week you've heard from many  
6 companies and organizations sharing their  
7 concerns about the cost of these tariffs. On  
8 this panel you're hearing directly from  
9 companies, small businesses that import and that  
10 manufacture in the U.S., as well as industry  
11 associations like ours.

12 We continue to find it hard to believe  
13 that the administration really wants to impose a  
14 tax on basic household purchases of Americans,  
15 hence we ask you to reconsider this action.

16 The path forward to change the policies  
17 in China that are the subject of the 301  
18 investigation is not to tax consumer products.  
19 We continue to believe that the best action is to  
20 work with our trading partners and the Chinese  
21 government to negotiate global solutions.

22 In the testimony we filed earlier this

1 month we included a list of the many products  
2 that affect our members. From feathers to  
3 textiles to furniture we see disruption and  
4 uncertainty in the industry. While we care about  
5 many products, those that affect a substantial  
6 proportion of our members are the proposed  
7 tariffs on hats and headwear in Chapter 65,  
8 luggage and handbags in Chapters 42 and 46, and  
9 leather and faux leather apparel and products in  
10 Chapter 42. For these products not only does the  
11 industry rely on sourcing from China to supply  
12 the products that American consumers want, but  
13 there also are limited alternatives --  
14 alternative sources of supply.

15 For the apparel products China remains  
16 the top supplier and in some cases those limited  
17 options such as leather apparel, where the number  
18 two supplier is Italy, are at a much higher price  
19 point. Similarly for hats China is the major  
20 supplier and the second largest supplier is  
21 Mexico where companies have concerns about  
22 expansion or shifting production, especially

1 while we're in the midst of renegotiating NAFTA,  
2 a different topic.

3           The ability of fashion brands and  
4 retailers to respond to the tariffs is  
5 complicated further by the fact that apparel and  
6 textile supply chains are complex and already  
7 involve inputs from multiple countries. Talking  
8 with sourcing executives they say that it takes  
9 anywhere from two to five years to identify and  
10 approve a new vendor. That's because we're a  
11 long way from the days when apparel could be made  
12 any place there were workers and a sewing  
13 machine.

14           So companies are faced with no real  
15 alternatives to sourcing in China today, but an  
16 increase in cost of 10 percent, or, my goodness,  
17 25 percent will have a negative impact on sales  
18 and on jobs here in the U.S., plus of course  
19 potentially derailing the economy from what we  
20 hope will be a record holiday selling season.

21           I think that the industry perspective we  
22 found in the recent benchmarking survey that

1 USFIA conducted earlier this year says it all.  
2 This survey takes the pulse of companies' views  
3 on trade and plans for sourcing and includes  
4 companies both very large and very small. For  
5 the first time every company who participated in  
6 this survey was optimistic about growth for their  
7 company over the next five years, but the number  
8 one concern that they had is that this growth  
9 will be stopped by the threat of a protectionist  
10 trade policy in the U.S.

11 To be clear, it's not market competition  
12 or the price of raw materials or even compliance  
13 threats, but protectionism and specifically  
14 tariffs such as these that could have the most  
15 detrimental impact on companies and therefore our  
16 customers, the consumer.

17 Trade provides American consumers with  
18 affordable and varied choices, and most important  
19 trade supports thousands of jobs right here in  
20 the United States. So please support fashion  
21 made possible by trade and U.S. jobs made  
22 possible by trade and don't impose a hefty tax on

1 these basic household items needed by all  
2 Americans. Thanks again for the chance to appear  
3 today and I hope to respond to any questions.  
4 Thank you.

5 MR. BISHOP: Thank you, Ms. Hughes.

6 Our next witness is Sherrill Mosee with  
7 MinkeeBlue, LLC.

8 Ms. Mosee, you have five minutes.

9 MS. MOSEE: Thank you. Thank you so  
10 much to the Committee today for allowing me to  
11 testify.

12 My name is Sherrill Mosee, founder of  
13 MinkeeBlue organizational travel and work bags.  
14 I started my business in 2012 out of pure  
15 frustration. As a commuter, like many women, I  
16 often carried two or three bags while taking the  
17 train to work. I carried my purse, my laptop, my  
18 lunch, and sometimes a change of shoes in a  
19 plastic grocery bag inside my purse. It was  
20 cumbersome struggling with two or three bags  
21 maneuvering from place to place. I started with  
22 a simple idea to create a bag that could carry



1 everything I needed for the day by consolidating  
2 the items I typically carried in three bags into  
3 one organized bag.

4 I had no background in fashion design,  
5 merchandizing or manufacturing, so it was a  
6 daunting task. For nearly two years I took  
7 various classes and workshops offered by the  
8 Small Business Administration, Small Business  
9 Development Centers at local universities in  
10 order to make my business a reality.  
11 Additionally, I was accepted into the  
12 Philadelphia Fashion Incubator at Macy's.

13 Starting out, I was adamant about making  
14 my new bags in America. I learned about programs  
15 and services offered by the U.S. Department of  
16 Commerce to help small businesses find  
17 manufacturers in the U.S. in an effort to build  
18 Made in America brands.

19 Over the course of several months I  
20 worked with my U.S. representative at the Office  
21 of Textiles and Apparel. We identified a few  
22 factories, but unfortunately the cost to

1 manufacture my specialty bags in the U.S. were  
2 too expensive. I was quoted sampling fees from  
3 1,200 to \$2,800 each and manufacturing costs of  
4 \$98 to \$108 per bag for labor alone. It would  
5 still -- I would still need to purchase materials  
6 and hardware.

7 As a startup I simply couldn't afford to  
8 make my MinkeeBlue bags in the U.S. It was  
9 obvious and economical for me to manufacture  
10 overseas in China. Of course, this was a very  
11 scary process, again not knowing about  
12 manufacturing, let alone in a foreign country.  
13 However, I managed to identify a factory to make  
14 my specialty bags at an affordable and  
15 competitive price. With that said, I launched  
16 MinkeeBlue in 2014.

17 Manufacturing overseas was the only way  
18 I was able to make my dream a reality. It all  
19 started with an idea. The skilled and  
20 experienced handbag makers in China were able to  
21 bring my idea to life. I can now compete in an  
22 over-saturated and competitive industry with my

1 specialty bags.

2 I was shocked to learn that the import  
3 tariffs for my bags were as high as 17 percent,  
4 however, it was still cheaper for me to import my  
5 bags from China. Because of the affordable  
6 manufacturing costs in China I'm able to bring to  
7 market a product that solves a problem at a  
8 competitive price point of under \$200.

9 It has been no easy task, but  
10 connecting, networking and joining organizations  
11 like the Accessories Council, Travel Goods  
12 Association, Women Business Enterprise National  
13 Council, and National Minority Supplier Diversity  
14 Council has offered opportunities to help my  
15 business grow. I've worked very hard over the  
16 years learning an industry I knew nothing about.  
17 I'm proud of how far I've come and the growth I  
18 see in my business.

19 A proposed 25 percent increase in  
20 tariffs would be devastating to my business. The  
21 added tariffs would increase my import cost to  
22 approximately 42 to 47 percent. I'm not in a

1 position to financially absorb the cost. This  
2 leaves me with one of two choices: pass the cost  
3 onto the consumer or close my business. Passing  
4 the cost onto the consumer is risky and doomed to  
5 fail over a period of time.

6 I implore the USTR to reconsider raising  
7 tariffs in this category. Save small businesses  
8 like mine so we can continue to stay in business  
9 and contribute to the U.S. economy by employing,  
10 working and paying our taxes. Thank you so much  
11 for this opportunity.

12 MR. BISHOP: Thank you, Ms. Mosee.

13 Our next witness is Jill Soltau with Jo-  
14 Ann Stores, LLC.

15 Ms. Soltau, you have five minutes.

16 MS. SOLTAU: Good afternoon. I'm Jill  
17 Soltau, President and Chief Executive Officer of  
18 Jo-Ann Stores, LLC. Our company appreciates the  
19 opportunity to testify before the U.S. Trade  
20 Representative's Section 301 proceeding.

21 Jo-Ann, a privately-held company based  
22 in Northeast Ohio, is the nation's largest fabric

1 and craft retailer with 870 stores and 21,000  
2 employees across 49 states. For 75 years,  
3 America consumers have depended on Jo-Ann for  
4 affordable components for their Made in America  
5 sewing and crafting projects. We are a strong,  
6 growing and profitably company. In fact, over  
7 the past five years we opened 112 new stores  
8 throughout the United States and have added 2,600  
9 new jobs. Nearly 500 of the codes on  
10 the proposed third list cover products we sell  
11 that are imported from China. Tariffs on these  
12 products would cause substantial harm to millions  
13 of customers, our employees and the economy. Our  
14 customers, many of whom are non-profit  
15 organizations and small businesses that operate  
16 on tight budgets, could not tolerate the  
17 increased pricing resulting from the tariff  
18 costs. In fact, over the past 48 hours tens of  
19 thousands of our customers have let us know that  
20 the tariffs would have a strong negative impact  
21 on their businesses and organizations.

22 Because demand for our products would

1 likely decline we would see a decrease in sales  
2 and a corresponding need to lay off employees.  
3 Further, because of the tariffs Jo-Ann's  
4 continued viability would come into question.

5 By way of example, Heather and Diane  
6 Childress of Hector, Minnesota buy large amounts  
7 of fabric to make kitchen appliance covers which  
8 are sold on their Etsy web site. With the  
9 addition of tariff costs they will not be able to  
10 continue creating and selling affordably and  
11 their customers may instead opt for lower-cost  
12 foreign-made items. This is just one of  
13 thousands of examples of small businesses that  
14 will be negatively impacted by the proposed  
15 tariffs on our products.

16 Nearly every item Jo-Ann sells is used  
17 to create clothing, blankets and other products  
18 that are made in America. The proposed tariffs  
19 would unintentionally amount to a Made in America  
20 tax on sewing and crafting projects completed by  
21 Americans. As a result there will be an  
22 incentive to move production and jobs away from

1 the United States because finished goods made in  
2 China will not be subject to the tariffs while  
3 American-made goods using the same fabric and  
4 other component parts will be subject to import  
5 taxes. Surely the administration did not intend  
6 for this result when considering a tariff  
7 strategy.

8 Fabric sales represent 50 percent of Jo-  
9 Ann's business. We import most of our fabric  
10 from China because there are no domestic  
11 suppliers that can meet our volume and quality  
12 requirements. For example, we annually sell 40  
13 million yards of fleece fabric. There are only a  
14 few companies in the world that can supply this  
15 amount at the quality we require and their  
16 manufacturing plants are all located in China.  
17 Because there is no viable way to build the  
18 necessary manufacturing infrastructure in the  
19 United States and we are essentially unable to  
20 move production to other countries we have little  
21 choice but to continue sourcing from China in  
22 spite of 25 percent increased costs.

1            Tariffs on fabric, yarn and fleece will  
2 not punish China for unfair trade practices  
3 relating to technology-oriented products which  
4 was the intent of the Section 301 tariffs. Jo-  
5 Ann Products are not the result of emerging  
6 technology and have no relationship with the  
7 Chinese government's Made in China 2025 policies.

8            Lastly, about one in three projects made  
9 by our customers is given to America's veterans,  
10 military families, the hospitalized, poor and  
11 underprivileged. Seven million fleece blankets  
12 and ten million quilts are donated by our  
13 customers annually to Project Linus, church  
14 groups, veteran supports groups, St. Jude and  
15 other hospitals and numerous charitable  
16 organizations.

17            This quilt made in America with cotton  
18 fabric and notions purchased at Jo-Ann and  
19 imported from China will be donated after this  
20 proceeding. The American charities that depend  
21 on donations like this quilt will suffer if the  
22 proposed tariffs are implemented. Again, we hope



1 the administration will recognize this is an  
2 unintended consequence that would have more  
3 negative impact than benefit.

4 We support the President's overall  
5 efforts to improve the balance of trade with  
6 China, yet targeting fabric and craft components  
7 is not the appropriate solution. We respectfully  
8 request that fabric and craft HTS lines detailed  
9 in the comments we are submitting are removed  
10 from the third list of Section 301 tariffs. We  
11 urge the administration to protect our nation's  
12 makers and keep items made in America.

13 Thank you for the opportunity to testify  
14 as part of this proceeding. I will be happy to  
15 answer any questions that the members of the  
16 hearing panel may have.

17 MR. BISHOP: Thank you, Ms. Soltau.

18 Our next witness is Josh Werthaiser with  
19 Downlite.

20 Mr. Werthaiser, you have five minutes.

21 MR. WERTHAISER: Thank you very much.

22 Thank you to the USTR panel for allowing us to

1 take part in the hearings. We appreciate the  
2 chance to allow our voices to be heard.

3 My name is Josh Werthaiser. I am CEO of  
4 Downlite and a second-generation family member of  
5 our 35-year-old organization. We have roots back  
6 over 100 years.

7 We are leading domestic -- we are a  
8 leading manufacturer of domestic top-of-bed  
9 products as well as natural fill insulations. We  
10 have five factories located throughout the United  
11 States employing over 600 employees. We are very  
12 proud of what we do and putting Americans to work  
13 building quality bedding and insulation that is  
14 used through various channels of distribution  
15 including home, hospitality and outdoors. Our  
16 customers range from Walmart to Bloomingdale's in  
17 home, as well as Starwood and Marriott hotels in  
18 hospitality, and Patagonia, Columbia, The North  
19 Face, and many others in the outdoor. We sell  
20 domestically in the United States but also to  
21 Canada, Mexico, Europe and various other regions  
22 throughout the rest of the world.

1           We fully respect the efforts of the  
2           administration to drive toward fair trade  
3           practices while protecting U.S. intellectual  
4           property. The concern we have is over the recent  
5           announcement of the Tranche 3 list of U.S. codes  
6           that are being considered for additional tariffs.  
7           Specifically I'm referring to HTSUS Subheading  
8           0505.10.00, feather for kind used for stuffing  
9           and down. Should this tariff go into effect as  
10          currently structured, we believe there will be  
11          adverse impacts opposite of what the  
12          administration is trying to achieve via fair  
13          trade.

14           It is important to understand that the  
15          feather and down that we procure globally is a  
16          byproduct of the poultry industry and it only  
17          comes from waterfowl including duck and geese.  
18          Therefore, our industry must go to the various  
19          regions of the world that consume duck and goose  
20          meat to purchase the key raw material we need for  
21          this domestic production. Of the world  
22          consumption of goose and duck China leads the

1 charge consuming over 80 percent of the world's  
2 supply of these two types of protein.

3 To put this into perspective, in 2017  
4 the United States imported 16.4 million kilos of  
5 feather and down filling material from around the  
6 world. China supplied 88 percent of that at 14.4  
7 million kilo. The rest of the world was only  
8 able to provide 2 percent -- or 2 million, or 12  
9 percent.

10 The United States does consume duck and  
11 there are -- and we are able to secure some  
12 material domestically as we have for many years,  
13 but even if we purchased every kilo of domestic  
14 material, an additional 1.2 -- or 1.3 million  
15 kilo, the total amount that we could procure from  
16 countries outside of China would be about 3.3  
17 million kilo, far less than the 16.4 million kilo  
18 our industry imported in 2017.

19 Another major concern we have is the  
20 impact that tariffs would have on the competitive  
21 balance within our industry. By making one of  
22 our key raw materials more expensive; and for

1 perspective natural fill makes up nearly 80  
2 percent of the cost of materials for a natural-  
3 filled pillow and 40 percent for a comforter,  
4 this will increase the cost of domestically-  
5 manufactured products significantly while the  
6 cost of retail-ready finished goods that come out  
7 of China will remain the same as no tariffs have  
8 been suggested for that category or product.  
9 This will create a competitive edge that did not  
10 previously exist for imported natural-filled  
11 bedding causing our organization and those in our  
12 industry to potentially cut jobs as domestic  
13 products will become less competitive to  
14 manufacture.

15 This is a direct potential loss of jobs  
16 at our organization as well as a domino effect of  
17 the suppliers that we support in the packaging  
18 bags, labels and inserts and other components  
19 that we need for our manufacturing.

20 By forcing domestic manufacturing costs  
21 upward and holding Chinese imports of finished  
22 goods at current levels, we envision a few

1 potential scenarios. To remain competitive with  
2 the global competition the cost increases could  
3 be absorbed by the domestic manufacturers  
4 including Downlite, but this option is not a  
5 reality. We expect to see cost increases at the  
6 manufactured finished good level that range from  
7 7 percent to 20 percent, depending on the  
8 product, more than we can absorb, so most of this  
9 cost will be passed on.

10 Another option is that global  
11 competition will be able to undercut us with  
12 Chinese-made finished goods which will be more  
13 expensive than our manufactured bedding today but  
14 will become relatively cheaper post-tariff versus  
15 our manufactured product. In either case the  
16 cost increases passed onto the retailers will in  
17 turn increase pricing as well.

18 I'd like to close with a quick story.

19 As mentioned previously, we manufacture bedding  
20 for the hospitality industry. Through our  
21 distributors our product enters a wide variety of  
22 hotels, including Trump hotels. Post-election we

1 were honored to receive a call from the  
2 administration to have our bedding, manufactured  
3 in Mason, Ohio, put into the White House. The  
4 concern we have is that if this tariff goes  
5 through we, along with other domestic  
6 manufacturers in our industry, will not be able  
7 to compete versus Chinese retail-ready programs  
8 and the comforters and pillows we are so proud to  
9 build today will be significantly reduced.

10 Once again I would like to thank the  
11 USTR for considering to remove HTSUS Subheading  
12 0505.10.00 from Tranche 3 allowing us to fairly  
13 compete in the global market. Thank you and I'm  
14 open to any questions that you have.

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

16 Our final witness on this panel is Wang  
17 Yu with the China Chamber of Commerce for Import  
18 and Export of Textiles.

19 Mr. Yu, you have five minutes.

20 MR. YU: Good afternoon. Thank you for  
21 the opportunity to appear at today's hearing.  
22 I'm Wang Yu, Vice Chairman of Chamber of Commerce

1 for Import and Export of Textiles, the leading  
2 non-profit organization in textile in the private  
3 sector. CCCT represents 12,000 member  
4 enterprises covering the entire textile and  
5 apparel industry including fibers, yarns, fabrics  
6 and finished products. Hereby on behalf of the  
7 member enterprises affected by the list, we would  
8 like to sincerely submit comments as follows:

9 To begin with both U.S. and Chinese  
10 industries are profiting from stable and reliable  
11 partnership in the textile and the apparel trade  
12 and most of products listed are imported only  
13 from China. The list published by USTR covers  
14 roughly 1,019 tariff items related to the textile  
15 and apparel products totaling 7.4 billion U.S.  
16 dollars.

17 According to the statistics of U.S.  
18 Department of Commerce 36.3 percent of American  
19 textile and apparel imports come from China in  
20 2017. The list covers numerous non-substitutable  
21 products. It is known to all that the stable and  
22 sound partnership between Chinese suppliers and



1 the U.S. importers has been established for so  
2 many years. Chinese exporters are always capable  
3 and providing importers with reliable, high-  
4 quality and cost-effective goods and service in a  
5 tight delivery schedule. Thus, it would be  
6 extremely hard for American importers to find  
7 other competent partners in the short period of  
8 time.

9 Also some American representatives from  
10 U.S. textile industry testified at the hearing  
11 dated July 24th that it would cost them at least  
12 two years to find other suppliers to replace  
13 mature cooperation lasting over 20 years.

14 Second, the list would negatively influence  
15 tremendous American enterprises and end users.  
16 Once the duty is collected the U.S. retailers,  
17 distributors would face with short of stock, less  
18 of competitiveness and a profit loss which will  
19 eventually lead to thousands of layoffs. The  
20 cost increase would come at significant expense  
21 paid by millions of American customers.

22 I would like to take PVC disposable

1 gloves as an example. One hundred percent of the  
2 product in U.S. come from overseas with 98  
3 percent of global PVC gloves production are made  
4 in China. The additional tariff would bring  
5 skyrocketing cost, lowered quality, prolonged  
6 delivery and short supply of the products.  
7 Considering most of the gloves are sold to  
8 medical establishments with a fast and large  
9 consumption, it would definitely add extra burden  
10 to U.S. domestic patients.

11 To conclude, we urge USTR to remove  
12 textile and apparel products from the Section 301  
13 tariff list. It will not be the solution to the  
14 complicate and historical trade deficit, but will  
15 impose negative unintended impacts of U.S.  
16 companies and customers instead. CCCT expects  
17 U.S. to build an in-depth understanding of the  
18 essential and non-substitutable partnership with  
19 Chinese textile industry. In this regard CCCT  
20 hopes U.S. could maintain the normal textile  
21 trade with China.

22 Thank you for listening and I would be

1 pleased to answer any questions.

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

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

5 CHAIR BUSIS: We will start. Our first  
6 question will be for the Duncans. Ms. Pettis?

7 MS. PETTIS: Ms. Duncan, you described  
8 the sourcing of your product and how it's changed  
9 over the years. Could you go in a little bit  
10 more detail and some of the obstacles that would  
11 prevent you from sourcing your product from other  
12 countries?

13 MS. DUNCAN: As you know my husband's  
14 been in this since 1960. He's gone from  
15 importing to exporting in the past 60 years. And  
16 when we started working with China probably 10  
17 years ago, their yarns are so far superior.  
18 They're now supplying yarns to Turkey, to every  
19 country in the world. I'd say probably, I don't  
20 know, 80-90 percent of the yarns come from China.  
21 So by going to them directly it makes our product  
22 more cost-effective because Peter knows more

1 about the yarns really than anyone around today.  
2 He knows how to weave them.

3 And when I mentioned the fire retardant,  
4 it requires more testing. They do the testing  
5 and they're very proactive with us. It's  
6 basically a cost issue. We've always been very  
7 competitive in the product that we sell and the  
8 pricing of it. We're very small. We only have  
9 13 employees.

10 CHAIR BUSIS: Before we start our next  
11 question we should -- well, we do have some new  
12 members to the 301 Committee so I think it is  
13 worth a few minutes to -- or just a minute to  
14 reintroduce ourselves.

15 MR. CONCEICAO: Good afternoon. My name  
16 is Evan Conceicao with U.S. Customs and Border  
17 Protection.

18 MS. MEASE: Laurie Mease, U.S.  
19 Department of Commerce, Office of Textiles and  
20 Apparel.

21 MR. JACKSON: Good afternoon. I'm Bill  
22 Jackson at the Office of the U.S. Trade

1 Representative.

2 MR. FLEMING: I'm Bon Fleming with the  
3 Department of State.

4 MS. KNISLEY: Shelbi Knisley with USDA.

5 MS. PETTIS: Maureen Pettis, Department  
6 of Labor.

7 MR. O'BYRNE: And Bryan O'Byrne from  
8 SBA.

9 CHAIR BUSIS: And I'm Bill Busis of  
10 USTR.

11 Go ahead, Mr. Jackson.

12 MR. JACKSON: My question is for Mr.  
13 Gold.

14 Mr. Gold, you indicate in your testimony  
15 that China dominates the market for a broad array  
16 of the products that your members sell in the  
17 United States. Can you identify an noteworthy  
18 trends in recent years with respect to sourcing  
19 from China? Is it -- are people sourcing more  
20 from China or are they seeking to diversify into  
21 other areas? And particular interest of course  
22 in the products that we're looking at today

1 including travel goods, furniture and other  
2 consumer products.

3 MR. GOLD: Great. Thank you very much for  
4 the question. Obviously retailers are always  
5 looking at alternative sources for their  
6 products. China unfortunately has been a major  
7 source for quite a long time. Travel goods,  
8 thankfully with the passage of GSP that certainly  
9 gives some advantage for folks looking at  
10 sourcing GSP in other countries, but having free  
11 trade agreements help push companies to go and  
12 look for alternate sources as well.

13 Had we stayed in TPP that would have  
14 brought some incentive to go and look at Vietnam  
15 and other countries removing some of the barriers  
16 that were there. So unfortunately that has  
17 dissuaded some folks in looking at alternate  
18 sources.

19 The option is always there but as  
20 companies are looking to diversity, as you've  
21 heard from the multiples of witnesses that have  
22 testified before this Committee thus far, all the

1 challenges remain as far as is the capacity  
2 available? Can they manage the quantity and  
3 quality that is needed from the importers, all  
4 the testing requirements that are there that need  
5 to happen? So it takes time.

6 So this isn't going to happen overnight.  
7 For a lot of the products on the list all these  
8 challenges remain, so it's going to take folks  
9 time to go and figure out where they can shift.  
10 I've talked to a couple companies that have gone  
11 out and looked at shifting and they're finding  
12 it's extremely difficult, extremely expensive and  
13 the problem when you have the entire industry  
14 who's looking at shifting, you don't have enough  
15 capacity in other countries to make up for that.

16  
17 So it's a big challenge. I think there  
18 have been suggestions of can you delay this so we  
19 can go and get those new sourcing availabilities  
20 there. It's going to take time, but when you put  
21 a -- announce a tariff that's going to take place  
22 in three weeks, there's no way to shift. It just

1 -- it's going to take time and money and expense  
2 to go and make those shifts. But folks are  
3 always looking for that alternate source and it  
4 just takes time to develop that because you can't  
5 do that overnight unfortunately. I hope that  
6 answers your question.

7 MS. MEASE: Ms. Hughes, you've  
8 identified a wide array of products that USFIA  
9 would like to see removed from the proposed list  
10 of products. Are there any product areas in  
11 which USFIA believes that higher tariffs on  
12 imports from China might actually improve U.S.  
13 competitiveness?

14 MS. HUGHES: Gee, you know I'm probably  
15 going say not to that, but I mean in our sector  
16 we already pay some of the highest tariffs in the  
17 tariff schedule, so I think for -- I haven't  
18 heard from any members who were suggesting there  
19 might be some products that were ripe and  
20 appropriate to be on the list. Much more we've  
21 been hearing, since we already do pay very high  
22 tariffs, that the idea of even a 10 percent



1 tariff would be determinative for them on  
2 creating issues for their companies and for  
3 pricing.

4 CHAIR BUSIS: A follow-up question is  
5 you had predicted job losses if tariffs would be  
6 increased. Could you explain the assumptions  
7 underlying -- that underlies that and what kind  
8 of jobs you're talking about?

9 MS. HUGHES: Sure. Absolutely. And get  
10 me started on my hobby horse about -- talking  
11 about the Global Value Chain Coalition. I mean,  
12 one of the things that we -- one of the messages  
13 that we've been trying to bring is all of the  
14 jobs that are dependent on trade here in the U.S.  
15 from product design and development to logistics,  
16 you know, to the retail selling floor. All of  
17 those jobs in our companies depend on having the  
18 right product mix.

19 If we see higher prices, what has  
20 traditionally happened -- and just to step back a  
21 minute, our sector has been pretty protected  
22 actually from inflation and increasing prices.

1 It's been an amazing trend line for how prices  
2 haven't risen in the textile and apparel sector  
3 compared to some other consumer product sectors.

4 So what our concern is we see the price  
5 increase. We would anticipate then that  
6 consumers will buy less if they have to pay more  
7 for the same product. If consumers are buying  
8 less, then that means that companies are cutting  
9 back. And if we're cutting back, then it's --  
10 then we're going to be looking at jobs and  
11 potentially workers, whether it's from the  
12 creation of the product or the sales of the  
13 product or the e-commerce segment.

14 CHAIR BUSIS: So just so I understand,  
15 so it's basically an argument that clothing is a  
16 discretionary buy and so the volume would  
17 decrease. Is that --

18 MS. HUGHES: Exactly.

19 CHAIR BUSIS: Okay.

20 MS. HUGHES: So if prices go up, we  
21 expect volume to decrease. And if volume  
22 decreases, then for many companies they'll need

1 to look at restructuring.

2 MR. CONCEICAO: Ms. Mosee, in your  
3 testimony you talked about how you initially  
4 tried to produce your bags in the United States  
5 but did not find that to be viable. I'm  
6 wondering if at any point did you, now or in the  
7 past, look into sourcing from a country other  
8 than China, maybe even one that is eligible for  
9 duty-free treatment under GSP, as Mr. Gold said,  
10 or one of the other free trade agreements.

11 MS. MOSEE: Yes, I also looked at India  
12 and Vietnam. India was more expensive and some  
13 materials they actually source from China.  
14 Vietnam probably competitive with China, but they  
15 wanted higher quantities, which I couldn't afford  
16 to do thousands for that competitiveness.

17 MR. CONCEICAO: Okay. Thank you.

18 MS. MOSEE: Yes.

19 MR. FLEMING: Ms. Soltau, you testified  
20 that certain goods are not and cannot be produced  
21 outside of China. Is this a concern for you that  
22 just a single company so dominates this market?

1 MS. SOLTAU: It is in fact true that the  
2 -- about two-thirds of what we sell at Jo-Ann  
3 stores is imported from China, either directly  
4 from Jo-Ann or through a domestic importer. It's  
5 because the vast majority of what we carry has  
6 been created in China. In the 1970s China  
7 emerged and introduced all of us to these  
8 different types of products that weren't able to  
9 be produced in America, ever. And we became part  
10 of a global economy.

11 In the case of the example of the fleece  
12 fabric that I shared, fleece fabric has always  
13 only been manufactured in China at the quality  
14 level and with the quantity level available that  
15 we need. And so there's very few options.  
16 There's really two to three factories that can  
17 produce that fabric. And I mentioned, we well  
18 over 40 million yards every single year that are  
19 turned into blankets and clothing that are then  
20 turned into products that are sold by small  
21 businesses or are donated to our needy here in  
22 America.

1           MR. FLEMING: Can you speculate on why  
2 that is that only China can produce this type of  
3 material?

4           MS. SOLTAU: Well, it's a capital-  
5 intensive proposition to build and invest in  
6 manufacturing equipment that can do this type  
7 because it's not only making the fabric, it's the  
8 brushing of the fabric and the length of time it  
9 takes to brush. Different fleece fabrics are  
10 brushed different amount of times or a length of  
11 time. If someone, an aspiring business person,  
12 as able to cross that first hurdle of the capital  
13 intensiveness, it would be probably 18 months  
14 before anyone could get set up, 3 to 4 years to  
15 reach any type of scale. And I don't see we  
16 would -- I think we wouldn't see the type of  
17 volume that we would need inside of a decade.

18           MR. FLEMING: Thanks.

19           MS. SOLTAU: Thank you.

20           CHAIR BUSIS: A follow-up question. Who  
21 created the beautiful quilt that you held up?

22           MS. SOLTAU: That was created by one of

1 our crafters right there in Northeast Ohio.

2 Thank you.

3 MR. O'BYRNE: Mr. Werthaiser, would you  
4 comment on the nature of competition within the  
5 United States, and do you compete with finished  
6 goods from China?

7 MR. WERTHAISER: Thank you for the  
8 question. When it comes to the competition that  
9 we have domestically, it's an evolving landscape.  
10 We have a handful of competitors that one -- I'm  
11 not sure if you're looking for specific names,  
12 but there's a company by the name of Hollander  
13 who does a lot of -- who does some manufacturing  
14 as well as importation of finished goods at this  
15 point in the category product we're talking  
16 about. Another company by the name of Allied  
17 Feather & Down that does the same. And then  
18 there are a few other companies throughout the  
19 United States that -- such as Down, Inc., Down  
20 Decor. There's a handful.

21 From an international perspective  
22 absolutely we compete on a global basis. We

1 compete with a lot of companies that are based in  
2 China that are building offices here in the  
3 United States to try to get a better grasp on the  
4 marketplace. They do a lot of importation of --  
5 or they do importation of finished goods or  
6 brings good onto the West Coast where they do the  
7 final production themselves. So it is a global  
8 perspective, or a global landscape.

9 MR. O'BYRNE: Thank you.

10 MR. JACKSON: My question is for Mr. Yu.  
11 Others have testified this week that  
12 counterfeiting of U.S. textile and apparel  
13 products is a major concern out of China. Is the  
14 China Chamber taking steps to address this  
15 problem?

16 MR. YU: (Through interpreter.) Sir,  
17 I'll answer in Chinese and my colleague will help  
18 me.

19 About the counterfeiting problem we --  
20 I haven't heard of this problem. Actually we  
21 have a lot of contact with our member companies,  
22 but we haven't heard so -- complaints about that.

1           MR. FLEMING: I might just suggest that  
2 while you're in town you might meet with a couple  
3 of the trade associations because we hear about  
4 this a lot, counterfeiting of U.S. product from  
5 China in the textile and apparel area, including  
6 some of the people who are on the panel with you  
7 today.

8           CHAIR BUSIS: Mr. Bishop, so I think we  
9 will take about a six-minute break and then we  
10 will go ahead with the three remaining panels for  
11 today and finish around 8:00. So we have about a  
12 six-minute break. Thank you very much.

13           (Whereupon, the above-entitled matter  
14 went off the record at 4:47 p.m. and resumed at  
15 4:57 p.m.)

16           MR. BISHOP: Madam Chairman, our first  
17 witness on this panel is Bob Burns with Trek  
18 Bicycle Corporation.

19           Mr. Burns, you have five minutes.

20           MR. BURNS: Thank you for the  
21 opportunity to testify this afternoon. I am Bob  
22 Burns. I work for Trek. I am a vice president



1 and senior legal officer with the company.

2 For over 40 years Trek has been  
3 designing, engineering, manufacturing, and  
4 selling bicycles. Trek literally began in 1976  
5 with two men working in a barn in Waterloo,  
6 Wisconsin and today it has grown into a company  
7 that employs more than 2,600 people and that  
8 manufactures and sells its products worldwide.

9 Today, Trek makes its bicycles in Asia,  
10 Europe, and the United States. We have also  
11 expanded our production to include almost every  
12 product used on the bicycle or by the bike rider.  
13 We assemble fully custom bicycles domestically at  
14 our factory in Waterloo, Wisconsin. However,  
15 like all bicycle companies, Trek utilizes and  
16 depends on a global supply chain.

17 The 10 to 25 percent tariff increase  
18 that has been proposed as part of the Section 301  
19 Investigation includes a significant portion of  
20 the products we make and would have a major  
21 impact on Trek's bottom line.

22 Trek is one of the largest bicycle

1 companies in the United States, with domestic  
2 sales approaching \$500 million. We sell our  
3 products in 1,600 independent bicycle retailers  
4 nationwide. That is the IBD, your local bike  
5 shop.

6 We are also partners with and  
7 manufacturer of the bicycles for BCycle, one of  
8 the leading providers of bike share services in  
9 the United States. BCycle currently operates in  
10 50 cities in the United States.

11 With operations at this scale, we  
12 anticipate that the proposed tariff, if approved  
13 at a rate of 25 percent, would result in Trek  
14 paying an additional \$30 million in tariffs each  
15 year. Trek will be forced to pass these costs on  
16 to the consumer, raising prices on adult  
17 bicycles, kids' bicycles, components, and key  
18 bicycle safety equipment like helmets.

19 The bicycle industry depends heavily on  
20 Chinese manufacturing to supply goods for the  
21 global bicycle market. Approximately 93 percent  
22 of complete bicycles are sourced from China. At

1 least 40 percent of imported bicycle components  
2 are sourced from China. Trek is no different and  
3 our company manufactures significant portions of  
4 its products in China. For example, all of our  
5 company's helmets, kids' bikes, and our most  
6 popular models are exclusively produced in China  
7 for the U.S. market. If the tariff increases are  
8 finalized, we anticipate that brands like Trek  
9 will have few options but to pass these costs  
10 through the supply chain to our customers. One  
11 of our biggest concerns is the effect that these  
12 tariffs will have on the small business owners  
13 and their employees that sell Trek products in  
14 your community. Sales of complete bicycles  
15 ultimately drive the purchase of other goods and  
16 services from these local bike shops. Tires and  
17 tubes wear out and must be replaced. Drive  
18 trains need adjustment and maintenance.  
19 Customers need comfortable and visible apparel  
20 while biking. Riders and particularly children  
21 need helmets to stay safe in the event of an  
22 accident. All of these needs drive demand for

1 parts and accessories, as well as for the repair  
2 work that shop mechanics provide. If the price  
3 of complete bicycles and related products goes  
4 up, we expect to see diminished demand for these  
5 downstream goods and services that will risk the  
6 profitability of small bicycle retailers.

7 Trek is sympathetic to the underlying  
8 issues driving the Section 301 Investigation.  
9 When we develop cutting edge products our  
10 customers, we are protective of our intellectual  
11 property rights for these inventions and  
12 improvements. However, Trek has not experienced  
13 serious issues related to its technology or  
14 intellectual property as a result of sourcing our  
15 products from China. We have not been pressured  
16 by the Chinese Government to turn over our  
17 intellectual property in order to do business  
18 there or otherwise been forced to release  
19 information related to our technological  
20 innovations, nor have we experience hacking of  
21 our computer systems or other assets that house  
22 business-sensitive information.

1           Accordingly, we don't believe bicycles  
2 or bicycle products are connected to the issues  
3 that lie at the heart of the Section 301  
4 Investigation. Similarly, we do not think  
5 bicycles are implicated in China's future  
6 technology plans, as they are not part of the  
7 Made in China 2025 Plan.

8           In the case of Trek, the likely effect  
9 of the proposed tariffs will be higher prices for  
10 our goods and, in turn, fewer sales for our  
11 products. This risks 2,600 jobs at Trek plus the  
12 thousands of jobs provided by the over 1,600  
13 independent bicycle retailers that sell our  
14 products.

15           We respectfully ask that the Trade  
16 Representative remove bicycles and bicycle  
17 products from the list of goods affected by  
18 either 10 or 25 percent tariff increase,  
19 particularly goods under the tariff headings of  
20 8712 and 8714. A complete list of tariffs  
21 heading that implicate our products will be  
22 included in our official written comment.

1           Thank you very much for the opportunity  
2 to testify.

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

4           Our next witness is Elizabeth Huff with  
5 Anatomical Worldwide.

6           Ms. Huff, you have five minutes.

7           MS. HUFF: Thank you for the opportunity  
8 to appear before you today. My name is Liz Huff  
9 and I'm here today as Director of Operations for  
10 Anatomical Worldwide, a small Illinois-based  
11 business which was founded in 2005.

12           Anatomical Worldwide sells healthcare  
13 education models to medical students, schools,  
14 hospitals, biomedical companies, and even state  
15 and federal agencies. These products range from  
16 human anatomy models like skeletons and heart  
17 models, to healthcare simulation products that  
18 train students and clinicians how to perform  
19 life-saving skills, including CPR, how to  
20 administer IVs, and treat trauma victims, and  
21 even how to deliver newborn babies.

22           Our products are used to teach and train

1 the next generation of healthcare workers in our  
2 country. Without access to these products,  
3 future doctors, nurses, Physical therapists,  
4 surgeons, EMTs, and so many more will be  
5 inadequately equipped to learn how to give the  
6 necessary care to keep our citizens healthy. Our  
7 customers are, first and foremost, students who  
8 work through nearly a decade of school at a  
9 tremendous cost. We are all aware of the rising  
10 cost of higher education in our country and  
11 medical degrees regularly rank among the highest  
12 of all.

13 Many of us are also aware of the  
14 shortage of skilled workers in the healthcare  
15 field, a problem which affects all us, whether in  
16 the form of increased healthcare costs for  
17 regular preventative medicine or, as we and our  
18 loved one's age and require, the specialties of  
19 eldercare. It is of critical importance that we,  
20 as a nation, do everything possible across  
21 sectors of business, technology, government, and  
22 education to promote and support the best medical

1 education to those who will administer an IV into  
2 your arm, provide emergency care to a wounded  
3 soldier, or deliver your first child.

4 It is for these and many other reasons  
5 that I think we can all agree medical education  
6 of the highest quality and degree of access is  
7 paramount to a healthier future for us all.

8 This brings me to why we are here today.  
9 Our anatomical model offering is comprised of  
10 over 2,000 models which we strategically source  
11 and competitively price to offer students,  
12 teachers, and schools the kind of comprehensive  
13 tools they need to support a wide range of  
14 medical disciplines. The vast majority of our  
15 anatomical models, often the introduction a  
16 future nurse or surgeon has into the medical  
17 field, are produced overseas.

18 While we would love to source our  
19 products domestically, there are only two  
20 producers of anatomy models in the U.S. who  
21 collectively produce less than five percent of  
22 the products needed to comprehensively teach and



1 learn about the human body. This limited  
2 domestic capacity is not due to an influx of  
3 Chinese goods or stolen intellectual property  
4 but, rather, the long-standing European  
5 manufacturers who have dominated our industry  
6 since the 20th century. The simple fact is what  
7 our customers need is not supported by a  
8 manufacturing base in the United States. It is,  
9 therefore, logically necessary to import products  
10 from China and other countries.

11 For the last few years, we have been  
12 doing well as a business. We have doubled our  
13 employee headcount and sales are growing but,  
14 despite these positive signals for the future,  
15 our business faces an ever more challenging  
16 landscape. While not within the purview of this  
17 hearing, the recent Supreme Court ruling on  
18 online sales tax obligations, which will affect  
19 small online-based businesses like ours, coupled  
20 with the proposed tariff, there is now a profound  
21 shadow of doubt on the future of Anatomical  
22 Worldwide.

1           Directly put, the proposed tariff will  
2           only serve to increase costs to consumers and  
3           educational institutions, many of which rely on  
4           government funding, as well as significantly  
5           shrink our profits. This has a compounding  
6           negative impact on consumers, taxpayers, and the  
7           employees of Anatomical Worldwide. Regrettably,  
8           our company and those like us will not be able to  
9           support significantly higher costs while  
10          simultaneously continuing to invest in  
11          innovation, growth, new employees, or keeping  
12          pace with the demands of new healthcare  
13          technologies. Instead, the increased cost burden  
14          will be passed to the students and taxpayer-  
15          funded educational institutions who rely on those  
16          products. It will directly impact our employees'  
17          livelihood who participate in a 401(k) profit  
18          sharing plan and also receive annual bonuses  
19          based on company performance. A notable increase  
20          in our operational costs will force us to reduce  
21          employee compensation and possibly even the size  
22          of our staff.

1           Before the proposed tariffs were  
2 outlined, we were busy planning for 2019 and  
3 looking forward to the bright future we've worked  
4 so hard to build for our company and employees.  
5 We were planning to increase our workforce and  
6 invest in new technology with the purchase of a  
7 3D printer to build out new, innovative domestic  
8 manufacturing. All of this has been put on hold  
9 as we change course to assess how to survive as a  
10 business.

11           It's worth noting there are no U.S.  
12 companies with trade secrets, proprietary  
13 practices, intellectual property, or the like  
14 that are being or have been harmed by the  
15 importation of the products we sell. Instead and  
16 exclusively, it will be the health and prosperity  
17 of small businesses and their employees, like  
18 myself and the rest of the Anatomical Worldwide  
19 family, who will suffer. More broadly and  
20 distressingly, it will be the quality and  
21 accessibility of healthcare education that is  
22 harmed by the enactment of this tariff.

1           In the end, the increased cost of goods  
2 imported from China will not result in a boom of  
3 domestic manufacturing but, instead, further the  
4 reliance on and dominance of European  
5 manufacturers.

6           While I agree that correcting unfair  
7 trade practices and preventing theft of  
8 intellectual property is a virtuous and overdue  
9 undertaking, the better tool of correction is the  
10 scalpel, not a hammer.

11           I ask that you thoroughly consider the  
12 impact to consumers, taxpayers, and businesses  
13 and conclude to remove HTS Code 9023.00.0000 from  
14 the proposed list of tariffs.

15           I appreciate the opportunity to share  
16 these insights with you today and I look forward  
17 to any questions you might have.

18           MR. BISHOP: Thank you, Ms. Huff.

19           Our next witness is Arnold Kamler with  
20 Kent International Incorporated in Reshoring  
21 Bicycle Production Team.

22           Mr. Kamler, you have five minutes.

1           MR. KAMLER: Thank you for the  
2 opportunity to be here today. My name is Arnold  
3 Kamler. I'm Chairman and CEO of Kent  
4 International Inc. We are a high-volume, mass-  
5 market supplier of bicycles and accessories to  
6 Target, Walmart, Academy Sporting Goods, and  
7 other retailers.

8           My grandfather arrived from Poland in  
9 1906 and opened a bike shop in New York City, and  
10 soon moved our family to New Jersey, where he  
11 opened a bike shop there. My father expanded the  
12 business and, in 1958, began importing bicycles  
13 from Europe. Over the years, we have imported  
14 bicycles from many countries.

15           I joined the business in 1972 after  
16 graduating from the American University here in  
17 Washington and I'm proud that my younger son,  
18 Scott, has now joined the business, which makes  
19 this a fourth generation American bicycle  
20 business.

21           It was my father's dream to produce  
22 bicycles in the United States and, in 1979, we

1       supplemented our imports with bicycles which we  
2       made in our Kearny, New Jersey factory. Asian  
3       costs became difficult and we were forced to  
4       shutter our operation in 1991.

5               In 2013, we were inspired by Walmart's  
6       push for more American manufacturing and we began  
7       to look. We met and were impressed with the  
8       former South Carolina Governor, Nikki Haley. She  
9       loved our project and helped us and we had our  
10      grand opening of our bicycle factory in Manning,  
11      South Carolina in October 2014, Governor Haley  
12      attended and gave a beautiful speech.

13             Production began in the fall of 2014  
14      with 47 employees and this has now expanded to  
15      167 employees with plans to keep expanding. But  
16      the uncertainty concerning tariffs on such a huge  
17      amount of components, and steel, and aluminum  
18      have forced us to put any expansion on hold. I  
19      refer to the attached list that you see.

20             I know you are interested in two  
21      questions: Are there other countries that  
22      American importers of bicycles can shift their

1 orders to; and is it possible to reshore sourcing  
2 of bicycles to America?

3 With regard to Question 1, in 2016 and  
4 2017, of the approximately 17 million bicycles  
5 sold at retail in the United States, more than 95  
6 percent of these bicycles were purchased from  
7 China and 3.5 percent from Taiwan. I may be off  
8 by one or two percent. I apologize.

9 It is certainly possible in a seven- to  
10 ten-year period to accomplish both but imposing  
11 these extra tariffs on a such a short time line  
12 will only be inflationary and damaging to  
13 wholesalers, retailers, and consumers. My worry  
14 is that some companies will work aggressively to  
15 circumvent the extra tariffs by either  
16 transshipping bikes to other Asian countries or  
17 will ship all the Chinese parts to Vietnam, or  
18 Indonesia, or other Asian countries and assemble  
19 there to avoid the tariffs. I have heard that  
20 many Chinese factories are studying this right  
21 now.

22 With regard to Question 2, in 2017 there

1 were approximately -- there were an estimated  
2 625,000 bicycles consumed by the U.S. market  
3 which were assembled and manufactured here. More  
4 than 50 percent of those are from our factory in  
5 South Carolina.

6 To assemble and manufacture this  
7 quantity of bicycles, we need to import the  
8 required components, most of which are from China  
9 and are included in the 8714.91, 8714.92, and  
10 8714.93, which are on the list of the 301  
11 tariffs, starting at 10 percent and possibly as  
12 high as 25 percent. The 2017 and current tariffs  
13 on these products range currently from zero to 10  
14 percent.

15 In addition, Kent and Specialized  
16 Bicycle Company, we went to Commerce Department  
17 in April of 2017 to gain recognition to advance  
18 the reshoring of bicycle manufacturing in the  
19 United States but to no avail.

20 In summary, the Section 301 tariffs will  
21 have a catastrophic effect on both the bicycle  
22 industry and the multiple millions of bicycles --



1 Americans who buy and ride bicycles annually.

2 Our request: Work together with the  
3 American bicycle industry to create a long-term  
4 plan to reshore bicycle production to the United  
5 States by offering zero tariffs on bicycle parts  
6 which are used to create complete bicycles for at  
7 least a four-year period; reduce the USA content  
8 with the Federal Trade Commission needed to use  
9 the Made in USA label; formalize FTAs which  
10 stimulate export; do not apply Section 301  
11 tariffs to the 68 various things on the attached  
12 list and bicycles; close the de minimis loopholes  
13 for China consumer products under \$800; and  
14 carefully craft products to prevent  
15 circumvention.

16 Thank you very much.

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

18 Our next witness is Lily Lee with Alpha  
19 Sources, Incorporated.

20 Ms. Lee, you have five minutes.

21 MS. LEE: Good afternoon. My name is  
22 Lily Lee. I am President of Alpha Source, Inc.,

1 a U.S. importer and supplier of specialty  
2 chemicals and metals since 1995.

3 Alpha Source seeks the removal of  
4 natural graphite, titanium semi-finished  
5 products, and pigments and preparations based  
6 thereon from the proposed list of items to be  
7 subject to Section 301 tariffs.

8 Natural graphite: U.S. purchasers are  
9 reliant upon Chinese sources of graphite to meet  
10 their production requirements. No domestic  
11 sources are available. Graphite has not been  
12 mined in the U.S. since 1990.

13 The 2018 U.S. Geological Survey notes  
14 global graphite production remains highly  
15 restricted to a few nations and that the  
16 principle U.S. import sources of natural graphite  
17 were, in descending order of tonnage, China,  
18 Mexico, Canada, Brazil, and other. In volume,  
19 China accounted for 65 percent of total global  
20 natural graphite production.

21 Although Mexico is the second largest  
22 supplier, it is important to note that Mexico

1 supplies only amorphous graphite, a lower-quality  
2 graphite that cannot be used for many  
3 applications. Canada, the number three supplier,  
4 only produces 2.5 percent of the world's  
5 graphite. Next to China, India is the world's  
6 second largest producer but their quality is not  
7 up to par and there's virtually no U.S. imports  
8 on record.

9           Natural graphite has been deemed a  
10 critical raw material for the United States.  
11 Some important applications are high-quality  
12 graphite electrodes for metallurgical industries,  
13 including steel and aluminum, refractory  
14 materials, as a carbon raiser in steel making, in  
15 fiber composites, fuel cells, et cetera.

16           Alpha Source sells a form of natural  
17 graphite used as life-saving fire retardant in  
18 standard building construction. For our customer  
19 and many others, China is the only source of the  
20 quality they demand. Future graphite -- future  
21 demand for natural graphite is expected to only  
22 increase with lithium-ion battery production for

1 electric vehicles. Lithium-ion batteries contain  
2 10 to 30 times more graphite than lithium.

3 U.S. industrial users of natural  
4 graphite will necessarily continue to rely  
5 heavily upon Chinese-origin natural graphite,  
6 should the proposed tariffs be imposed.

7 Chinese pricing has been rising due to  
8 tight supply and increased environmental  
9 restrictions placed upon their production  
10 operations. Imposition of an additional tariff  
11 will exacerbate the impact of increased pricing.  
12 Global competitors of U.S. companies will have a  
13 distinct disadvantage, as their access to Chinese  
14 natural graphite will not be encumbered by a  
15 tariff.

16 U.S. businesses will have no choice but  
17 to pass on increased costs attributable to a 10  
18 or 25 percent tariff and U.S. consumers will,  
19 ultimately, pay the difference.

20 Titanium: The United States has  
21 insufficient production of titanium semi-finished  
22 products such as titanium bar, plate, sheets,

1 rods, and wire to supply U.S. industrial demand  
2 for titanium. Russia is our principal source and  
3 accounts for approximately 50 percent of U.S.  
4 imports of titanium feedstock but Russian  
5 production is effectively operating at full  
6 capacity. Lead times for domestic and Russian  
7 product are now over one year. In addition,  
8 Russia does not produce titanium pipe.

9 China is the second largest supplier to  
10 the United States and accounts for approximately  
11 ten percent of total titanium imports but is the  
12 dominant player for titanium pipes and tubes and  
13 is second only to Russia for bar, accounting for  
14 over 25 percent of the U.S. market. The United  
15 States is heavily dependent upon Russian supply.

16 In April 2018, Russia threatened to ban  
17 titanium exports to the U.S. Also, Russian  
18 titanium availability can shift significantly  
19 with changes in demand from the Russian military.

20 Removing China from potential supply  
21 chain would place even more dependence on Russia.  
22 To keep critical U.S. industries such as

1 aerospace, medical implants, chemical equipment  
2 that are reliant on titanium imports, continued  
3 access to Chinese titanium is necessary.

4 This is the injustice: Chinese heat  
5 exchangers made from titanium have no tariff when  
6 imported, yet heat exchangers made in the U.S.  
7 from Chinese titanium feedstock will be subject  
8 to a tariff. U.S. manufacturers would be put at  
9 such a disadvantage. This cannot be the intent  
10 of the Section 301 Committee.

11 Imposing a tariff on Chinese titanium  
12 will cause U.S. companies to either close; raise  
13 the price to the consumers' proportionate to the  
14 tariff; and/or increase reliance upon Russia  
15 sources, if product is available. U.S.  
16 purchasers of Chinese titanium would be placed at  
17 a distant disadvantage in the domestic and global  
18 markets vis-a-vis other global producers who are  
19 able to utilize Chinese titanium that is not  
20 subject to the additional 10 or 25 percent  
21 tariff.

22 Pigments and preparations based thereon:

1 There is insufficient U.S. production of pigments  
2 to meet current demand. Even if the full 25  
3 percent tariff were imposed, there is no  
4 realistic likelihood that substantial production  
5 would return to the United States, as pigment  
6 chemistries are environmentally unfriendly.

7 At the 8-digit tariff level, Chinese and  
8 Indian are the predominant imports. India  
9 largely supplies the phthalocyanines, Blue 15 and  
10 Green 7, while China's strength is lakes and azo  
11 pigments, reds, and yellows. Although some red  
12 and yellow pigments may be available from India,  
13 Indian quality is inferior, more expensive and,  
14 in many cases, does not offer a viable  
15 alternative.

16 Germany is the third largest supplier to  
17 the United States. In the cases where German  
18 origin product can substitute for Chinese  
19 quality, prices from Germany are substantially  
20 higher than Chinese prices, and the Germans  
21 stopped producing workhorse reds and yellows many  
22 years ago. Shifting of Chinese products to

1 alternate sources of supply would greatly disrupt  
2 the end markets as new sources would have to be  
3 qualified by thousands of end users before they  
4 could replace Chinese products.

5 Imposition of a tariff will harm the  
6 downstream U.S. users. The printing inks  
7 industry, one of the largest market segments in  
8 the United States, is already struggling due to  
9 the growth of digital advertising and the  
10 corresponding decline of print media advertising.  
11 Any price increase passed on to this vulnerable  
12 industry could threaten its survival.

13 Imposition of a tariff on any of the  
14 three products will have no impact on the  
15 purported purposes of the proposed Section 301  
16 tariffs to protect U.S. intellectual property and  
17 change Chinese acts, policies, and practices  
18 addressed in the USTR's Section 301 report. To  
19 the best of my knowledge, current production of  
20 any of these three products does not presently  
21 involve foreign technology and does not undermine  
22 any U.S. company's control over its technology in



1 China.

2 Thank you for the opportunity to present  
3 my views to the Section 301 Committee. I would  
4 be pleased to answer any questions you may have.

5 MR. BISHOP: Thank you, Ms. Lee.

6 Our next witness is Jim Pigott with  
7 Medline Industries.

8 Mr. Pigott, you have five minutes.

9 MR. PIGOTT: Thank you for the  
10 opportunity to represent Medline Industries.

11 Medline is the largest privately held  
12 medical supply company in the United States. We  
13 sell over 200,000 different medical supplies,  
14 most of which are commodity in nature. Our  
15 customers include hospitals, surgery centers,  
16 long-term care facilities, physician offices,  
17 homecare, and retail consumers. We are based in  
18 Northfield, Illinois and employ more than 13,000  
19 people in the United States. I have the honor of  
20 serving as one of Medline's Divisional Group  
21 presidents.

22 We are concerned about the inclusion of

1 medical supply products, most of which are FDA-  
2 regulated, Class I and Class II medical devices  
3 in the proposed Section 301 action, including  
4 specimen bags, isolation gowns, incontinence  
5 wipes, vinyl exam gloves, nitrile exam gloves,  
6 and underpads and drapes. Inclusion of vinyl  
7 exam gloves alone would result in nearly \$20  
8 million in annual tariff impact to our company.  
9 China accounts for 97 percent of total imports of  
10 this HTS code.

11 We believe that any tariffs on these  
12 products, whether 25 percent or 10 percent, will  
13 not advance the Section 301 action goals, will  
14 have a disproportionately negative effect on our  
15 business, and will almost immediately increase  
16 healthcare costs.

17 First, tariffs on these products will  
18 not discourage Chinese technology transfer  
19 policies. Our imports are inexpensive, low  
20 technology, large volume products that are not  
21 subject to patents. We have never transferred  
22 any technology or intellectual property to China.

1 The China 2025 strategy does not prioritize these  
2 low technology, low margin, high volume products.

3 Second, there would be significant  
4 impacts on our business and our customers.

5 Ultimately, tariffs on these products would  
6 increase costs for hospitals, surgery centers,  
7 long-term care facilities, individual consumers,  
8 and government programs who purchase our  
9 healthcare products. Hospitals operate on thin  
10 margins, which makes absorbing these cost  
11 increases difficult. Skilled nursing facilities,  
12 one of the primary users of our vinyl exam  
13 gloves, operate on even thinner margins.  
14 According to some studies, the national median  
15 operating margin for these skilled nursing  
16 facilities is 0.5 percent.

17 A recent study by PWC found that  
18 employer medical costs for 2019 are projected to  
19 grow at six percent, well above the general rate  
20 of inflation. The administration is engaged in a  
21 number of actions that are intended to reduce  
22 healthcare costs; however, the imposition of a

1 duty on products consumed by essentially every  
2 single healthcare provider would dramatically  
3 counteract any benefit from the other policy  
4 changes the administration is implementing.

5 Finding alternative sources of supply  
6 for these products to minimize the cost impact of  
7 the duties is not a viable option. These  
8 products are not made in the United States and  
9 starting production in the U.S. or any third  
10 country would be a time-consuming and expensive  
11 process because of the FDA regulatory process  
12 that is required for the production of these  
13 products.

14 Developing a compliant quality system  
15 for FDA-regulated Class I and Class II medical  
16 requires, among other steps, a facility  
17 registration, procedure development and  
18 deployment, development and installation of  
19 environmental controls, facility upgrades, design  
20 controls, equipment and process validation, and  
21 multiple rounds of audits to ensure regulatory  
22 compliance to verify the effectiveness of the

1 quality system. This process can take more than  
2 two years.

3 While there are some FDA-approved  
4 production facilities outside of China, the FDA  
5 process is product- and facility-specific. So  
6 even if there were sufficient production capacity  
7 outside of China, which for many of these  
8 products there is not, this lengthy process  
9 applies.

10 To conclude, due to the fact that the 25  
11 percent tariffs on these low margin products will  
12 not advance the Section 301 goal, coupled with  
13 the potential for significant impact to the  
14 American healthcare systems and consumers, we  
15 request that these products be removed from the  
16 final Section 301 tariff list.

17 Thank you.

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

19 Our next witness is Patrick Seidler with  
20 Wilderness Trail Bikes, Incorporated.

21 Mr. Seidler, you have five minutes.

22 MR. SEIDLER: Thank you for the

1 opportunity to address the Commission today.

2 My name is Patrick Seidler. I am the  
3 President of Wilderness Trail Bikes, also known  
4 as WTB. WTB is the last of the Mohicans, the  
5 last of the pioneering mountain bike companies  
6 from Marin County, California, which is the  
7 birthplace of mountain bikes.

8 Mountain bikes led a globalized  
9 revolution in cycling starting in the late 1970s  
10 and the 1980s. WTB has been in business for 36  
11 years. We are a bicycle component supplier. Our  
12 primary products are tires, tubes, saddles, and  
13 rims. We have suffered the slings and arrows of  
14 globalization and are still standing. We have  
15 almost gone out of business a few times taking a  
16 Made in the USA approach, however, we believe  
17 that Made in the USA can still be done. Please  
18 see page 3, item 6 of my letter.

19 The United States bicycle industry  
20 generates considerable economic activity, jobs,  
21 and taxes. I urge you to become very familiar  
22 with the statistics in that paragraph to see the

1 magnitude of the impact that the bicycle industry  
2 has positively in the American economy.

3 Point number 1, page 1: The bicycle  
4 industry, tires, inner tubes, and rims are not IP  
5 intensive. The U.S. bicycle industry does not  
6 experience the four types of conduct identified  
7 in the March 22nd investigation report. None of  
8 the three specific Chinese programs highlighted  
9 in the report list any technology sectors that  
10 mention or implicate bicycles, bicycle tires,  
11 inner tubes, or rims. The U.S. cycling industry  
12 simply has no nexus with the March 22, 2018  
13 findings of investigation.

14 Furthermore, as outlined in Point 2 on  
15 page 1 of my letter, WTB's intellectual property  
16 experience has been reasonable in China. We  
17 believe we have been largely effective at  
18 protecting our brand with multiple trademarks,  
19 patent applications, and virtually eliminating  
20 counterfeit and gray market products in China.

21 This is not the first time the United  
22 States bicycle industry has faced issues that

1 could decimate it. The United States-China  
2 Relations Act of 2000, Taiwan's first present  
3 vote in 1996, and the surrounding trade events  
4 between the United States and Taiwan at that time  
5 had a huge impact on the United States bicycle  
6 industry.

7 In 1996, the Americans made over eight  
8 million units of bicycles. In 2006, we made  
9 300,000. The exodus of the American bicycle  
10 industry that began with the March to Japan  
11 became a race to Taiwan and China. In the  
12 challenging waters of global trade, to its  
13 credit, the U.S. bicycle industry recovered. In  
14 fact, the international bicycle industry is an  
15 extremely efficient, globally competitive market  
16 and U.S. companies are among global leaders in  
17 the industry.

18 Please turn to page 2, Item 4. WTB does  
19 not believe the Chinese Government provides price  
20 support for bicycle tires or tubes.

21 Item number 5: WTB's tire business is  
22 extremely difficult and costly to move. American



1 firms have made substantial investment in China  
2 and Taiwan because bicycle assembly and bicycle  
3 component manufacturing does not materially exist  
4 in the United States.

5 WTB has put our high-end TCS tire  
6 technology development and production in a  
7 Taiwanese-owned company in Bengbu, China; Innova.  
8 It's 100 percent owned by the Taiwanese. We  
9 believe our IP is safe there and we estimate it  
10 would take us five years to move our production  
11 to another base.

12 Point 7: Like many of the companies who  
13 have testified, WTB will be grievously injured if  
14 tariffs are imposed on the bicycle industry and  
15 on tires, tubes, and rims, in particular.

16 However, there is something more important at  
17 hand with tariffs on the United States bicycle  
18 industry. Section 301 tariffs will not  
19 significantly increase the price of aftermarket  
20 bicycle components. The global bicycle market is  
21 ruthlessly efficient. Putting additional tariffs  
22 on bicycle components from China will cede the

1 U.S. market to foreign competitors who produce  
2 their goods in countries other than China.

3 On the OEM bicycle assembly side of  
4 WTB's China business, WTB will face a permanent  
5 loss from tariffs on complete bicycles, most  
6 particularly from sales of our China rim company.  
7 This business will likely be taken by Taiwanese  
8 companies. As I said, we believe in American  
9 production but we need a chance. Our rim factory  
10 in China is one of those chances.

11 The U.S. Trade Representative's 301  
12 tariff actions should not pick the winners,  
13 particularly when the winners are foreign  
14 companies. What can this committee and the  
15 United States Trade Commission -- Trade  
16 Representative do? Ladies and gentlemen,  
17 bicycles are the most efficient from of energy  
18 transfer on the planet. A human being riding a  
19 bicycle is more energy efficient than the salmon  
20 swimming through water. Our energy created the  
21 flight -- created flight.

22 For those two reasons alone, American

1 ownership of the U.S. bicycle industry should be  
2 preserved. Our ask is very simple: Give us the  
3 runway. We can compete globally. We need a  
4 runway -- five years. Please see my conclusion  
5 on page 4 and the addendum on page 5, the  
6 addendum of the action items.

7 I respectfully request the committee and  
8 the USTR to remove the HST codes on the addendum  
9 from the tariff list. This would have less than  
10 a 0.5 percent effect on the \$200 billion of  
11 proposed tariff products. A United States  
12 bicycle industry owned by Americans hangs in the  
13 balance.

14 Thank you.

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

16 Our next witness is Bill Smith with  
17 Huffy Corporation.

18 Mr. Smith, you have five minutes.

19 MR. SMITH: My name is Bill Smith and I  
20 am the President and CEO of Huffy Corporation and  
21 I will edit my remarks to fit the time allotted.

22 I have been employed by Huffy these last

1 25 years and the last eight years as CEO. Thank  
2 you for allowing me to testify.

3 Huffy has been producing bicycles since  
4 1892 and has sold over 200 million bicycles these  
5 last 126 years. We are headquartered in Dayton,  
6 Ohio and have been since our founding. We employ  
7 over 200 people in the U.S. in various locations,  
8 with over 700,000 square feet of warehouse space  
9 in Long Beach, California and Savannah, Georgia.  
10 Huffy brand bicycles can be found in thousands of  
11 retail outlets across the country from big box  
12 stores to sporting goods stores and independent  
13 bicycle retailers. We will ship over four  
14 million bicycles to our customers in 2018.

15 Huffy is the number one selling bicycle  
16 brand and the number one importer of bicycles in  
17 America. Of 15.7 million bikes imported last  
18 year, 14.6 million or 93 percent came from China,  
19 with Huffy having a 28 percent market share of  
20 those bikes imported from China.

21 I'm not here to offer opinions on the  
22 President's foreign trade policies. I am not

1 here to argue the validity of tariffs or the  
2 United States' right to protect its intellectual  
3 property rights or competitive issues related to  
4 the domestic manufacturing.

5 I have come to speak on behalf of the  
6 bicycle industry, representing over \$80 billion  
7 in consumer spending. I am here to represent the  
8 Americans employed throughout the bicycle  
9 industry by manufacturers, retailers, and many  
10 other entities. Our industry operates through  
11 thousands of retail outlets who together sell  
12 over 17 million bikes annually to American  
13 consumers who are mostly middle class.

14 This proposed tariff is a significant  
15 threat to Huffy and to the bicycle industry as a  
16 whole, which I will explain shortly. Like  
17 previous speakers, before doing so I want to  
18 address two very important concerns.

19 First, the bicycle industry and, in  
20 particular, the mass market segment in which  
21 Huffy competes, is a low technology, high volume,  
22 high value segment. There are very few patents

1 and very few, if any, intellectual property  
2 issues between American bicycle brands and  
3 Chinese bicycle producers. The imposition of a  
4 25 percent tariff under the guise of intellectual  
5 property protection is a fallacy.

6 Second, the time to enact such tariffs  
7 was 20 years ago, when Huffy, along with other  
8 bicycle manufacturers of America, Roadmaster and  
9 Murray, petitioned the U.S. Trade Commission for  
10 relief from aggressive pricing from Chinese  
11 importers. Our request was denied on the grounds  
12 that the administration was not going to  
13 interfere in developing economic relations with  
14 China.

15 The failure to support our request  
16 subsequently resulted in Huffy closing three  
17 domestic bicycle plants and the termination of  
18 over 2,000 Huffy employees and bicycle production  
19 in the U.S. largely ceased. We were the last to  
20 move overseas. Today, over 95 percent of all  
21 bicycles sold in the U.S. are imported.

22 This proposed tariff is too little and

1 too late. The tariff solves no problems; it only  
2 creates problems. There is no other country in  
3 Asia or Europe that can provide the volume Huffy  
4 requires, as China is the largest bicycle  
5 producer in the world. There is no domestic  
6 parts infrastructure to protect, as most bicycle  
7 components are also produced in China.

8 As I stated earlier the proposed tariff  
9 is a serious threat to Huffy, the over 200 people  
10 directly employed by Huffy, and the thousands  
11 upon thousands of Americans employed by our  
12 industry. Simply, our industry has no immediate  
13 viable alternatives to using China as our main  
14 source.

15 This additional 25 percent tariff, above  
16 the 11 percent duty we already pay on bikes, will  
17 increase average retail prices of bicycles sold  
18 in the mass retail segment, which represents 85  
19 percent of the bicycle industry unit volume, from  
20 \$100 per bike to \$125 per bike.

21 The average retail price for a bicycle  
22 in the independent bike dealership is \$500, which

1 equates to a \$125 price increase for middle class  
2 Americans who make up the clear majority of our  
3 riders.

4 The proposed tariffs will have a  
5 devastating impact on bicycle sales as consumer  
6 demand will plummet. More importantly, it will  
7 devastate the American bicycle industry across  
8 all segments, disproportionately impacting 4,000  
9 independent bicycle dealers whose very  
10 livelihoods depends on the sale of bicycles.

11 Bicycling is an integral part of  
12 American culture. It is currently an affordable  
13 and healthy activity producing zero emissions.  
14 It is good for the environment. It is safe. It  
15 is fun and it is American. I urge you to exempt  
16 the bicycle category from this proposed new  
17 tariff.

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

19 Our final witness on this panel is Choon  
20 Teo with the Zhejiang Medicine Company, Limited.

21 Mr. Teo, you have five minutes.

22 MR. TEO: Good afternoon and thank you



1 for the opportunity to testify.

2 My name is Choon Teo. I am the Chief  
3 Scientific Officer at Zhejiang Medicine Company.

4 I previously appeared before you on May  
5 16th to request the exclusion of vancomycin  
6 hydrochloride and Coartem tablets from the first  
7 round of the Section 301 tariffs. I am grateful  
8 that the U.S. Government granted my request to  
9 exclude these important life-saving products from  
10 the tariff.

11 I have returned to ask you to exclude  
12 certain natural food coloring products from the  
13 new list of proposed Section 301 tariffs. These  
14 products include coloring matters of vegetable or  
15 animal origin, classified under HTSUS 3203.00.80  
16 and beta-carotene and other carotenoid coloring  
17 matter classified under HSTUS 3204.19.35.

18 My testimony today will discuss the  
19 impact that the proposed tariffs would have on  
20 ZMC U.S. customers. These companies are large  
21 manufacturers in the U.S. for both the domestic  
22 and export markets.

1           I also want to direct the subcommittee's  
2 attention on the serious indirect consequences of  
3 tariffs on natural food coloring products. Food  
4 colorings are an important part of the food  
5 industry. They make food vibrant, delectable,  
6 and fun. Many of the products, such as lutein  
7 and beta-carotene, also have health benefits,  
8 such as protecting the eyes against UV damage.

9           Natural food coloring products also  
10 offer health-conscious customers the important  
11 choice of food without synthetic color, which are  
12 typically derived from petroleum. Also, use of  
13 beta-carotene as a source of Vitamin A is far  
14 safer than use of synthetic Vitamin A.

15           Over 50 percent of the aforementioned  
16 food coloring products are supplied by two  
17 European companies. These two companies  
18 previously held an effective duopoly on these  
19 products prior to the entry of Chinese-made  
20 products into the U.S. market. Imposing tariffs  
21 on these products may cause the Chinese suppliers  
22 to exit the market. If the Chinese suppliers

1 exit the U.S. market, this European duopoly will  
2 return, and with it, price increases and product  
3 shortages. This would not be beneficial to the  
4 U.S. industry.

5 In addition, these European producers'  
6 facilities are old and prone to accidents. One  
7 of the facilities has experienced two explosions  
8 in just the last two years. These accidents  
9 caused significant supply disruptions and an  
10 immediate 50 percent increase in prices.

11 Also, not a single U.S. company will  
12 benefit from these proposed tariffs, as I am  
13 unaware of any commercially-significant U.S.  
14 production of these products.

15 If tariffs are imposed, U.S. purchasers  
16 will likely find other alternatives to these  
17 natural food coloring products. This would lead  
18 to potential harmful and risky replacements being  
19 used in American food, especially for children.  
20 I will give you three examples.

21 First, synthetic food colors are linked  
22 to hyperactivity and behavioral problems in

1 children, especially those diagnosed with ADHD.  
2 The EU puts warnings labels on most foods that  
3 contain artificial food colors but the U.S. does  
4 not require such labeling. So, U.S. consumers  
5 would be largely unaware of these increased  
6 risks.

7 Second, an increased presence of  
8 synthetic food coloring in the U.S. market would  
9 threaten public health. In the synthetic Sudan  
10 red food coloring scare, 13 years ago, the United  
11 Kingdom was forced to recall hundreds of products  
12 that were contaminated by a synthetic food  
13 coloring with potential carcinogenic effects.

14 Third, companies would replace beta-  
15 carotene with synthetic versions of Vitamin A.  
16 This could lead to a serious issue in the case of  
17 an overdose due to how beta-carotene is stored in  
18 the body versus Vitamin A. In particular, if a  
19 child were to take too many vitamin gummies  
20 containing Vitamin A as compared to beta-  
21 carotene, it could result in death from Vitamin A  
22 poisoning. This is deeply troubling, especially

1 due to the fact that children often eat these  
2 gummies like they are candy.

3 I understand that the administration is  
4 concerned by the number of Chinese trade policies  
5 and that it has used an advanced algorithm to  
6 choose the list of products at issue today. I  
7 respectfully submit that the risks associated  
8 with tariffs on natural food coloring were not  
9 captured by the program and that is the job of  
10 this subcommittee to, again, apply a human touch  
11 to make sure that the tariff does not threaten  
12 the health and well-being of the American  
13 children.

14 For these reasons, I respectfully  
15 request that these food coloring products be  
16 exempted from the Section 301 duty.

17 Thank you for your time.

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

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

21 MR. CONCEICAO: Mr. Burns, during your  
22 testimony you described bicycles that you import

1 from China for the -- exclusively for the U.S.  
2 market, as well as bicycles that you assemble  
3 domestically.

4 What I'd like to know is, has your  
5 company in the past investigated alternative  
6 suppliers outside of China for both completed  
7 bicycles and parts and what conclusions did you  
8 draw?

9 MR. BURNS: Well the answer to that is  
10 yes. We're looking -- we utilize a global supply  
11 chain. So as I and others on the bicycle panel  
12 testified, virtually all of the bicycle supply  
13 chain in the world, particularly for lower and  
14 medium cost bicycles is in China and it's moved  
15 there, as Mr. Smith testified, over the last 20  
16 years in reaction to some of the policies that  
17 were established by the United States Government.

18 When I began working at Trek in 1995,  
19 Trek made approximately 700,000 bicycles in the  
20 United States. Today, we only make a few  
21 thousand very high-end, custom-made bicycles that  
22 are expensive and largely rely on imported parts

1 and most of those parts also come from China.

2 So there is a supply chain outside of  
3 China but the highest quality supply chain in the  
4 world today has moved to China.

5 MR. CONCEICAO: Thank you.

6 MS. PETTIS: I have a question for Ms.  
7 Huff. Your submission states that Anatomical  
8 Worldwide and many other the companies supplement  
9 product offerings with models made outside of the  
10 United States.

11 Besides China, what other countries do  
12 you source from?

13 MS. HUFF: Exclusively from Germany.  
14 There are no other manufacturers in Asia, that  
15 we're aware of, or other European companies.  
16 It's exclusively from Germany.

17 MS. PETTIS: Okay, thank you.

18 CHAIR GRIMBALL: I have a follow-up  
19 question. In your testimony you mentioned that  
20 Anatomical Worldwide was exploring 3D printing  
21 for your products.

22 If you all were to move forward with

1 that, could 3D printing sort of replace the  
2 manufacturing processes that are going on in  
3 China?

4 MS. HUFF: Yes, that's a great question.  
5 3D printing is an exciting technology that we  
6 would absolutely like to bring to the medical  
7 field in the category that we serve and our plans  
8 are to offer more customized, patient-specific  
9 anatomy models. So for example, before you have  
10 a surgery, you would have the opportunity to 3D  
11 print your kidney to better assist your surgeon  
12 in pre-planning the surgery that you're  
13 undergoing.

14 And so those are really specialized,  
15 high cost, low volume models. It would not  
16 supplement the sort of standard what we call  
17 stock anatomy models, you know your basic  
18 skeletons, your basic torsos, et cetera.

19 CHAIR GRIMBALL: Thank you.

20 MS. MEASE: Mr. Kamler, besides China  
21 and Taiwan, what countries supply bicycles'  
22 components and other bicycle-related products?



1 And are there any particular items that are  
2 solely produced by China?

3 MR. KAMLER: I didn't understand the  
4 last part of the question.

5 The first part -- could you repeat the  
6 whole question again? It's a little confusing.

7 MS. MEASE: Sure. Besides China and  
8 Taiwan, what countries supply bicycles'  
9 components and other bicycle-related products?  
10 And then are there any products that are solely  
11 produced in China -- components?

12 MR. KAMLER: Good question. No, there  
13 are bicycles produced -- I mean Taiwan makes all  
14 bicycle parts. There are parts that you can buy  
15 made in Vietnam and other places but not at the  
16 economy of scales that are needed.

17 The bicycle business is a very high  
18 volume, very low profit margin business that is  
19 incredibly competitive. And so the business has  
20 moved, based on competition, to China and so we  
21 are largely dependent on China right now. So  
22 there's really no alternatives.

1           The other thing, though, and if I can  
2           expand in terms of complete bicycles right now,  
3           the whole bicycle industry producing in other  
4           places in Asia is under great stress, as Europe  
5           has imposed dumping duties on all electric bikes  
6           coming from China right now. And so all the  
7           suppliers to Europe are scrambling very quickly  
8           and there is a shortage of production in other  
9           countries in Asia, other than China.

10           CHAIR GRIMBALL: This question is for  
11           Ms. Lee.

12           You mentioned in your testimony that  
13           graphite has not been mined in the United States  
14           since 1990. What happened in 1990 to move that?

15           MS. LEE: It was -- graphite was  
16           previously, up until that point, mined in the  
17           United States. The last mine that closed was in  
18           Montana.

19           I'm not exactly certain what caused it  
20           to close and never return to the United States  
21           but what I cited was from the U.S. Department of  
22           the Interior U.S. Geological Survey. I'm fairly

1 certain that that's correct that graphite has not  
2 been mined in the United States since then.

3 CHAIR GRIMBALL: I was just wondering if  
4 it was more labor costs or the natural resources  
5 that --

6 MS. LEE: I think it was a combination  
7 and I can speak to that a little bit because I  
8 looked into the potential future production in  
9 the United States of graphite.

10 CHAIR GRIMBALL: Okay, please tell us  
11 about that.

12 MS. LEE: So one of the things that's  
13 driving the demand for even looking into that is  
14 that Tesla has a policy of sourcing raw materials  
15 from North America and that's supposed to drive  
16 the demand for natural graphite even higher in  
17 this country.

18 And so there are a few companies that  
19 have expressed interest in potentially mining but  
20 they haven't taken them, as far as the articles  
21 that I've read -- and this is from the Investing  
22 News Network -- demand is rising but there hasn't

1       been actual production in the United States, nor  
2       has it been taken beyond just initial exploration  
3       point.

4               And part of that, I imagine, is related  
5       to the mining and what's available. In the full  
6       natural graphite picture, 75 percent of what we  
7       use in this country is flake and high purity.  
8       That's what China produces. And 24 percent is  
9       amorphous. That's more like Mexico, which is our  
10      number two supplier. And then there's one  
11      percent which is lump and chip. That's the  
12      bottom end of the market.

13              So in order to satisfy the demand of  
14      this new application that's coming, you need the  
15      higher quality material and that may not -- that  
16      just may not be available from the mines. It's  
17      how lucky you strike it.

18              CHAIR GRIMBALL: If U.S. companies  
19      wanted to restart mining in the United States,  
20      could you give us an idea, if you know, sort of a  
21      time line of how long that would take to get  
22      graphite mining up and running in the United

1 States again?

2 MS. LEE: I would have to guess that it  
3 would be somewhere between three and five years  
4 at the minimum because you're talking about a  
5 very labor-intensive activity and you're also  
6 talking about doing exploration and finding the  
7 proper veins. And that's where China excels.

8 CHAIR GRIMBALL: Thank you.

9 This next question is for Mr. Pigott.  
10 Did I pronounce that correctly?

11 MR. PIGOTT: Yes, Pigott.

12 CHAIR GRIMBALL: Okay. Are there any  
13 products listed in your submission that would not  
14 require regulatory approval to change production  
15 locations?

16 MR. PIGOTT: In our submission, no. I  
17 think pretty much everything we've got in here is  
18 a Class I or a Class II device. There could be a  
19 few specific bags that may not be and I'd be  
20 happy to come back to you with that list. But  
21 most all the products that we're supplying are  
22 Class I or Class II.

1           CHAIR GRIMBALL: And you also mentioned  
2 that there are some FDA-approved production  
3 facilities outside of China. Where are these  
4 facilities and I guess why aren't they viable for  
5 some of your products?

6           MR. PIGOTT: There is absolutely some  
7 FDA-approved facilities located throughout the  
8 world but the reality is that the capacity is  
9 just not there. If you look at some of these  
10 larger categories like vinyl exam gloves, 97  
11 percent is in China. Surgical drapes, it's 90  
12 percent plus in China.

13           So there are some facilities but the  
14 capacity is not there. The process to move  
15 production and create that level of capacity  
16 required is very risky. And I think you know the  
17 qualification process for these types of products  
18 is rigorous for a reason. So even if the  
19 facility is approved, it doesn't mean the  
20 specific product that we would want to move to  
21 the facility is approved.

22           So it's still you know a fairly lengthy

1 process.

2 CHAIR GRIMBALL: Thank you.

3 MR. O'BYRNE: Mr. Seidler, can you  
4 estimate what percent of U.S. demand for bicycle  
5 tires and tubes may be met by Taiwan, Vietnam,  
6 and other sources outside of China?

7 MR. SEIDLER: Bicycle tires or inner  
8 tubes?

9 MR. O'BYRNE: Each.

10 MR. SEIDLER: Okay, so bicycle tires I  
11 think China brings in -- we bring in 20 percent  
12 of that market share for tires. And you could  
13 possibly replace some of the production but the  
14 problem is is that bicycle tire production is  
15 very capital-intensive.

16 It takes millions and millions of  
17 dollars to set up a bicycle tire plant. The  
18 primary piece of equipment is called a colander  
19 which costs \$2 million to \$3 million, and lead  
20 time is about two years to buy one of those, and  
21 there's only about two countries in the world  
22 that supply them for bicycle tire factories.

1           So we take it it would be very difficult  
2           and I don't know if the supply channels from  
3           other countries could produce most particular,  
4           for example, our tires. We produce a thing  
5           called TCS tires, which we consider to be the  
6           epitome of the high-end sealant tubeless tires.  
7           There's a lot of knowhow that's inside of it.  
8           And the reason we're inside of a Taiwanese  
9           company in China is we don't want to let it out.

10           And so if we move that somewhere else,  
11           the reason we're inside that company is we think  
12           it's the best place in the industry to be to keep  
13           others away from it. So the very reason this  
14           panel has been established is to protect IP.  
15           We're protecting our IP in the best way.

16           In regards to inner tubes, it's a little  
17           bit different. I think it's about a 60 percent  
18           market share for China in the aftermarket. And  
19           there is no alternative supply of inner tubes  
20           globally that would take that amount. It would  
21           take a number of years -- not quite as capital-  
22           intensive as tires. It would take a number of



1 years to do it. But there's just too many inner  
2 tubes coming in from China to move.

3 MR. O'BYRNE: Thank you.

4 MS. KNISLEY: Mr. Smith, in your  
5 testimony you state that China supplied 93  
6 percent of bicycle industry imports last year and  
7 then over 95 percent of bicycles sold in the  
8 United States are imported. How would this  
9 tariff affect the U.S. industry in the long-term?

10 MR. SMITH: Well, I think this is a  
11 classic case where it's simply a pass-along to  
12 the consumer, in that a 25 percent tariff is not  
13 something that can be absorbed by any of the  
14 companies that are in this room, as far as I  
15 know. And so what happens is we would pass that  
16 along to consumers and that would have a  
17 corresponding effect on retail sales, where we  
18 would expect they would drop.

19 We've had a recent example of that in  
20 Mexico, where the Mexican Government recently, in  
21 2015 and implemented in 2016, a \$7 tariff on  
22 children's bicycles and our sales in Mexico

1       dropped by 30 percent because the price point  
2       went up, as we forwarded that price point along.

3               The challenge we have as an industry is  
4       while there is no doubt a desire in our industry,  
5       as there would be in other industries, that we  
6       would much rather have a supply chain closer to  
7       home here in the U.S. that would have much  
8       shorter lead times. But the capital required to  
9       do that, the lead time required to do that, and  
10      the risk involved in the fact that the tariff  
11      could be resolved at some point in the not too  
12      distant future through a new trade agreement  
13      makes that investment a very, very risky  
14      proposition.

15             So I don't see any near-term value in  
16      terms of driving more production to the U.S.,  
17      particularly as it's not just a matter of paint  
18      and assembly. The entire component supply chain  
19      for something that seems very simple like a  
20      bicycle with two wheels, and a frame, and pedals,  
21      there's a hundred different components in that  
22      bike, when you talk about the spokes, and the

1 hubs, and the shifters, and the derailleurs, and  
2 the grips, and the saddles, and the brakes, and  
3 the tires, and the tubes. That entire supply  
4 chain, right now, starts in China.

5 MR. FLEMING: Mr. Teo, could you  
6 elaborate on the natural food coloring options  
7 outside of China and how alternative sourcing  
8 would affect the U.S. industry?

9 MR. TEO: Basically, the two biggest  
10 suppliers that makes up 50 percent of these  
11 natural food colorings are from Europe; a company  
12 from the Netherlands -- that's the biggest one;  
13 the second one is from Germany. China company  
14 takes up the third largest, which is about 10 to  
15 15 percent of the total volume. And the rest  
16 will be supplied by Indian companies but they  
17 have been suppliers of lower quality because they  
18 started this process a lot later than the  
19 European and the Chinese.

20 MR. BISHOP: We release this panel with  
21 our many thanks.

22 And we invite the members of Panel 31 to

1           come forward and be seated and the members of  
2           Panel 32 to come sit in our waiting area.

3                   (Pause.)

4                   MR. BISHOP: Mr. Chairman, our first  
5           witness on this panel is Brian Burkhardt with  
6           Milliken & Company.

7                   Mr. Burkhardt, you have five minutes.

8                   MR. BURKHART: Distinguished panel  
9           members, my name is Brian Burkhardt and I am here  
10          today as a representative of Milliken & Company.

11                   Milliken is a 153-year-old U.S.-based  
12          manufacturer of specialty chemicals and  
13          colorants, performance and protective textiles,  
14          and floor covering. Milliken employs over 5,700  
15          associates in 37 plants across the United States.  
16          We make products for domestic and international  
17          markets primarily at our U.S. plants. Milliken  
18          is known as a strong supporter of U.S.  
19          manufacturing and for its ability to innovate in  
20          the textile, chemical and floor covering markets.

21                   Thank you for the opportunity to respond  
22          on behalf of Milliken to the proposed Section 301

1 tariffs.

2 Milliken has long been a supporter of  
3 U.S. jobs, intellectual property rights, and  
4 other factors critical to the success of the  
5 United States in the global marketplace.

6 However, the proposed additional 10 percent  
7 tariffs will create significant disruptions in  
8 and economic harm to our business operations.  
9 The possibility of extending these to 25 percent  
10 would be catastrophic.

11 Potentially, unintended consequences of  
12 this proposal include disruptions in the  
13 production of innovative and critical American  
14 products, loss of competitiveness in global markets  
15 and U.S. markets, all leading to the possibility  
16 of loss of U.S. jobs. Therefore, we are  
17 requesting the removal of 93 individual tariff  
18 lines from the proposed list of goods imported  
19 from China.

20 Due to the time constraints of this hearing,  
21 we will respond with written comments on the  
22 proposed items for removal, however, I wanted to

1 take a few minutes to outline the five reasons we  
2 are seeking these actions.

3 Number one, in many cases, these  
4 products are simply not available from U.S.  
5 sources. Milliken imports many critical raw  
6 materials from China solely because there is no  
7 viable U.S. alternative. Either no U.S.  
8 production exists or the U.S. production is not  
9 sold commercially within U.S. markets. Many  
10 commodity chemical building blocks are not  
11 commercially available in significant quantities  
12 in the United States without imports. Examples  
13 include critical ingredients such as pigments and  
14 dyes used in the production of specialty  
15 colorants or organosilane precursors used to  
16 produce silicones. Virtually all recent capacity  
17 additions have been in China, representing the  
18 vast majority of all these productions globally.

19 Number two, U.S. products do not meet  
20 the quality requirements we need. In some cases,  
21 U.S. manufacturers are unable or unwilling to  
22 meet the stringent quality specifications which

1 are required for raw materials used in certain  
2 applications. One example is a high-tenacity,  
3 heavy-denier filament yarn used to produce  
4 certain products for infrastructure applications  
5 in the U.S. automotive industry.

6 Number three, U.S. products are only  
7 available in the U.S. in limited quantities or  
8 from a single supplier. Milliken purchases  
9 certain raw materials that have a sole U.S.  
10 producer or U.S. production isn't sufficient to  
11 supply the entire U.S. market. Reliance upon  
12 this limited U.S. supply represents an  
13 unacceptable risk to Milliken businesses;  
14 therefore, we depend on a Chinese source to  
15 mitigate the supply chain risk.

16 The recent disruptions due to hurricanes  
17 along the U.S. Gulf Coast is exactly the type of  
18 risk being managed. One example is the need to  
19 source hexahydrophthalic anhydride from China for  
20 the production of a top specialty chemical  
21 product that is supplied to the global industry.

22 Number four, U.S.-produced raw materials

1 make subsequent finished goods noncompetitive in  
2 the global marketplace. Milliken has been a  
3 major producer of textile fabrics throughout its  
4 153-year history. Milliken's continued success  
5 in the textile and apparel markets is dependent  
6 upon our ability to meet the quality and price  
7 expectations of our customers, most of whom  
8 source their products from low-cost countries.

9 If Milliken cannot make competitive  
10 fabrics that are converted into apparel and other  
11 end products by our Western Hemisphere supply  
12 chains, our customers will simply source these  
13 finished apparel products directly from Asia.  
14 These finished apparel products were not included  
15 in the Section 301 tariffs.

16 Access to high-quality, cost-competitive  
17 raw materials from China facilitates Milliken's  
18 continued ability to compete in the market.

19 Number five, proposed tariffs will have  
20 a direct negative impact on U.S. customers.  
21 Luxury vinyl tile, LVT, is a large and fast-  
22 growing part of the floor covering industry.



1 Since the vast majority of LVT production is in  
2 China, Milliken sources its finished product from  
3 there to sell to the U.S. market. We currently  
4 do not have the critical mass necessary to  
5 support our own U.S. production. Any increase on  
6 LVT will have a direct and immediate impact on  
7 U.S. consumers because these new costs cannot be  
8 absorbed in the supply chain.

9 As a U.S. manufacturer, Milliken  
10 understands and appreciates the goal of the  
11 Section 301 action as a tool to prevent China  
12 from gaining control of critical technologies and  
13 intellectual property to the detriment of the  
14 United States. The raw materials and finished  
15 products that we source from China do not appear  
16 to be part of the Made in China 2025 plan;  
17 therefore, they do not pose a material risk in  
18 this area.

19 We respectfully request that you remove  
20 the 93 items we will submit from the proposed  
21 list. Imposition of these tariffs do economic  
22 harm to Milliken & Company, will cause a loss of

1 U.S. manufacturing jobs, and will negatively  
2 impact U.S. consumers.

3 Thank you.

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

5 Our next witness is Gregory Dolan with  
6 the Methanol Institute.

7 Mr. Dolan, you have five minutes.

8 MR. DOLAN: Good afternoon. My name is  
9 Greg Dolan. I am the CEO of the Methanol  
10 Institute and thank you for the opportunity to  
11 testify today on behalf of the Methanol  
12 Institute, the trade association for the global  
13 methanol industry, concerning proposed Section  
14 301 tariffs on Chinese imports to the United  
15 States, which included methanol in List 3.

16 We strongly urge the USTR to remove  
17 tariff subheadings 2905.11.10 and 2905.11.20 for  
18 methanol or methyl alcohol from any supplemental  
19 action taken by the USTR.

20 Given that the United States is becoming  
21 a methanol exporting country and imports from  
22 China are not economical and, therefore,

1 practically nonexistent, a tariff on methanol  
2 imports from China would only serve to trigger  
3 the action we've now seen, the threat of  
4 retaliatory tariffs by China on methanol exported  
5 from the U.S. This tariff war on methanol  
6 threatens to curtail the resurgence that we are  
7 now seeing in U.S. methanol production driven by  
8 the shale gas revolution.

9 Methanol, the world's most widely traded  
10 chemical commodity, is a building block for  
11 hundreds of products that touch our daily lives  
12 from paints and plastics and building materials  
13 to windshield wash. Methanol is also an emerging  
14 energy resource for fueling cars, trucks, buses,  
15 boats, boilers, and cook stoves.

16 We were deeply troubled to learn that  
17 methanol is on the USTR's list of 6,000 products  
18 targeted for the imposition of a 25 percent  
19 tariff on methanol on imports from China. The  
20 inclusion of methanol will do little to help  
21 achieve the USTR's goal of assessing duties on  
22 products from China with an annual trade value of

1 \$200 billion, as there is very seldom any  
2 methanol trade flowing from China to the U.S.

3 The inclusion of methanol on List 3 has  
4 now led to proposed reciprocal tariffs on China -  
5 - from China on U.S. methanol, which could have a  
6 strongly negative effect on our nation's  
7 resurgent methanol industry. U.S. methanol  
8 production capacity was just 2.25 million metric  
9 tons per year at the start of 2015 and, by this  
10 summer, capacity jumped to 7.5 million metric  
11 tons per year. That's 2.5 billion gallons of  
12 domestic capacity.

13 The affordability of feedstock natural  
14 gas has led to the restarting of plants that had  
15 been mothballed for a decade or more, greenfield  
16 new builds, the entire -- even entire production  
17 plants being shipped from -- to the U.S. from  
18 other countries.

19 We commissioned a report last year by  
20 ADI Analytics finding that by 2020 new U.S.  
21 methanol plant investments of \$12 billion would  
22 create 19,000 construction jobs and 5,000

1 permanent jobs here in the United States, while  
2 providing tax revenue of \$480 million.

3 The U.S. is now making a critical  
4 transition from being a methanol importer to  
5 becoming a net methanol exporter. The world's  
6 largest market for methanol is China. The  
7 potential for high import tariffs placed on U.S.  
8 methanol by China could lead to a drastic  
9 slowdown of our methanol industry's resurgence at  
10 a cost of investment, jobs, and tax revenue.

11 These projects are already facing  
12 incremental cost increases due to recently  
13 imposed tariffs on steel, aluminum, and process  
14 machinery. Additional impact in the form of  
15 increased tariffs on methanol could lead to  
16 decisions to halt or relocate projects to more  
17 favorable countries. Furthermore, such tariffs  
18 could also jeopardize billions of dollars in  
19 foreign direct investment from Chinese firms who  
20 are now constructing or planning to build  
21 methanol facilities in this country.

22 We have learned through discussions with

1 officials in China, prior to methanol's inclusion  
2 on the USTR product list, that China had planned  
3 to increase imports of U.S. methanol as a way to  
4 reduce the trade imbalance that currently exists  
5 between our two countries. Simply put, China  
6 doesn't want to sell us their methanol; they want  
7 to buy our methanol.

8 At a time when the U.S. is poised to  
9 significantly expand methanol exports to China,  
10 the imposition of tariffs could have the reverse  
11 impact of halting this positive trade.

12 Again, we strongly urge you to remove  
13 tariff subheadings 2905.11.10 and 2905.11.20 for  
14 methanol from any supplemental action taken by  
15 the USTR.

16 Thank you.

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

18 Our next witness is Deborah Hardesty  
19 with Niche Chemicals Industries, Incorporated.

20 Ms. Hardesty, you have five minutes.

21 MS. HARDESTY: Thank you. Okay, hi. I  
22 am a first generation American, whose Dad came to

1 the United States penniless as a victim of the  
2 Holocaust and taught me the expertise of  
3 importing chemicals as an example of realization  
4 of the American dream.

5 I represent Niche Chem Industries, which  
6 is a family-owned, small, woman-owned business  
7 with sales of approximately \$10 million involved  
8 in the importation and distribution of niche  
9 chemicals sold to the cleaning detergent industry  
10 since 2001. Our customer base is mainly small,  
11 mostly family-owned businesses in the revenue  
12 area between \$2 million and \$3 million.

13 All products addressed today are not  
14 part of the 2025 program. The importation and  
15 distribution of chemicals that we handle is  
16 relatively a low-profit industry. We are unable  
17 to sustain the ramifications of a 10 to 25  
18 percent tariff. The additional tariffs, if  
19 imposed, would result in severe economic harm to  
20 our company and our customers, potentially  
21 creating supply shortages and raising the costs  
22 on consumer products purchased by Americans.

1 I have various different categories to  
2 talk about. I'm going to try to speed read here.

3 We're not a manufacturer, so we are  
4 importing these products. The first product is  
5 TAED. First and foremost, this product is not  
6 produced in the United States; there are no  
7 functional equivalents. Imposing tariffs on TAED  
8 would have no benefit to American producers and  
9 their employees.

10 Niche Chem is the main and largest  
11 importer of TAED, which is used in OxiClean-type  
12 products in conjunction with American-made  
13 chemicals such as sodium percarbonate which we  
14 buy from the USA producer Solvay in Texas. Our  
15 sales have grown from 400,000 pounds in 2016 and  
16 upwards of a million pounds this year.

17 TAED and percarbonate are codependent in  
18 our mix for end use formulations. If TAED is  
19 eliminated from China, it will have collateral  
20 damage on this second product, percarbonate, and  
21 severely impact our purchases of this domestic  
22 product, and have a negative domino effect on



1 this American producer.

2 If tariffs are imposed on TAED, there  
3 would remain one higher priced monopoly producer  
4 in Europe to serve the entire USA market, who may  
5 have an inadequate capacity, causing shortages.  
6 This would be a windfall for the European  
7 producer and a detriment to American industry,  
8 resulting in increased pricing on consumer  
9 products or be so expensive that TAED is  
10 eliminated entirely in making detergents with no  
11 equivalent, thus, having no benefit to American  
12 businesses or workers.

13 This is not a high volume product but is  
14 high in dollars in profit to our company and  
15 would not move the needle at all as far as the  
16 301 program.

17 The second product is sodium  
18 tripolyphosphate, STPP. STPP is a high volume  
19 CORE product imported from China by Niche Chem  
20 and many other companies. We purchase three  
21 types, light, medium, and heavy. This product is  
22 used to make laundry and dish detergent, car

1 wash, water treatment, and municipal water  
2 purification products.

3 Exports from China to the USA over the  
4 last several years average about 8,000 tons per  
5 year and represent between 10 to 12 percent of  
6 our purchases. So this is very significant.

7 All three types of this product  
8 represent over 25 percent of our total sales and  
9 15.5 percent of our total profit over the last 19  
10 months.

11 There were two American producers,  
12 Prayon and ICL, who are both foreign-owned.  
13 Prayon, owned by Belgian, makes largely one type  
14 of product, heavy density, in Europe. We import  
15 these other grades, light and medium, not made by  
16 Prayon; hence, no financial impact on this  
17 American producer.

18 The third grade heavy density is made by  
19 Prayon; however, their plant, we believe is at or  
20 near capacity and unlikely to fill the gap  
21 brought by eliminating the competitively priced  
22 product from China.

1            ICL in Kansas, Israeli-owned, produces  
2 all three grades. We are uncertain of their  
3 production capacity but question their ability to  
4 take on over 8,000 tons of STPP now from China.  
5 Further, the raw material for STPP is phos acid,  
6 which is also subjected to tariffs and is  
7 becoming short in supply domestically now with  
8 costs escalating, dominoing into rising costs of  
9 domestic STPP.

10           Alternative STPP at much higher prices  
11 are made in Europe, Mexico, Malaysia, and Canada,  
12 which may take on the supply gap from China,  
13 thus, not benefiting the American producer.

14           STPP from China provides lower price  
15 cost structure to our customer base of small  
16 businesses. Alternative origins will result in  
17 rising costs for detergents and smaller American  
18 business may be unable to compete and perhaps go  
19 out of business.

20           In 2009, ICL and Prayon instituted an  
21 antidumping action against imports from China.  
22 The USITC made negative determinations, ending up

1 with no injury determination to American  
2 producers; thus, no antidumping or countervailing  
3 duties were imposed.

4 The next tariff, 3204.20.80, fluorescent  
5 brightening agents, this is a core product for  
6 our company and is niche, literally. It is a low  
7 volume but high dollar --

8 CHAIR BUTLER: I'm sorry, your time has  
9 expired.

10 MS. HARDESTY: Okay.

11 MR. BISHOP: Thank you, Ms. Hardesty.

12 Our next witness is Phillip McCarter  
13 with National Ford Chemical -- Nation Ford  
14 Chemical. Pardon me.

15 Mr. McCarter, you have five minutes.

16 MR. MCCARTER: Good afternoon, members  
17 of the Section 301 Committee. My name is Phillip  
18 McCarter. I am a chemical engineer and the Vice  
19 President of Nation Ford Chemical. My company is  
20 a specialty chemical manufacturer located in Fort  
21 Mill, South Carolina. I am here on behalf of my  
22 company to request that nine of the chemicals on

1 the proposed List 3 tariffs be delisted. The  
2 names and HTS codes of these materials was  
3 provided in our written testimony.

4 NFC is a small, family-owned chemical  
5 manufacturer. This year, we are celebrating our  
6 40th year anniversary of operations and are  
7 proudly the oldest manufacturer in Fort Mill,  
8 South Carolina. We are a true small business  
9 which employs approximately 100 individuals in  
10 our facility. Though small, our company is  
11 extremely important not only to our local  
12 economy, but also to our nation and to the world.  
13 Our plant produces products that impact the daily  
14 lives of Americans in countless ways. We produce  
15 chemicals that serve as key intermediates in the  
16 manufacture of food and cosmetic colorants, as  
17 well as paper brighteners. Our specialty  
18 chemicals, plastics, and naturally-derived  
19 products are sold both here and abroad.

20 NFC is the sole producer of colorants  
21 for the M-18 smoke canisters used by our Armed  
22 Forces. We are the only remaining producer in

1 the Western World for a key component of jet  
2 engine lubricants that is literally in every jet  
3 aircraft flying today, which includes both  
4 military and commercial airlines. As a contract  
5 manufacturer, many of products -- many of  
6 customers rely on NFC to make over a hundred  
7 specialty products that are only made at our  
8 plant.

9           Unfortunately, NFC must import some raw  
10 materials we need to support our production, as  
11 most of them are not available in the U.S. and  
12 several are only available from China. The  
13 rising -- raising the cost of these materials by  
14 the initially proposed 10 percent will cause a  
15 severe hardship to our company. The products we  
16 produce from these Chinese raw materials will be  
17 more expensive than our non-Chinese competitors,  
18 since these competitors will not be subject to  
19 the tariffs. Moreover, our customers will start  
20 importing these products rather than buying  
21 domestically. Other customers may lose sales  
22 because their products that use our chemicals

1 will have the higher costs.

2 A tariff of 25 percent will likely  
3 create a situation where we would not be cost-  
4 competitive on a global basis. This situation  
5 would be catastrophic for the local American  
6 economy and likely have a net job loss for my  
7 company and for many other American companies.

8 Of the nine List 3 chemicals that we  
9 would like to de-list, I would like to focus on  
10 one in particular, Aniline. Aniline is vitally  
11 important to NFC because it is used in our two  
12 main products, PANA and sulfanilic acid. Almost  
13 all of the domestic supply of aniline is  
14 dedicated to polyurethane production used in the  
15 construction industry. For other requirements,  
16 such as ours, manufacturers like NFC have to  
17 import much of their aniline supply from China.

18 One product that uses aniline is called  
19 PANA, which is an antioxidant used in jet engine  
20 lubrication systems and other specialty fluids.  
21 Every commercial and military plane in the U.S.  
22 requires this additive. NFC also uses large

1 amounts of aniline to manufacture sulfanilic  
2 acid. NFC is the only manufacturer of this  
3 material in the Americas and the most significant  
4 supplier to the U.S. and world markets.

5 Sulfanilic acid is used to make food dyes,  
6 concrete additives, optical brighteners for  
7 paper, and pharmaceuticals.

8 If these tariffs do go into effect, it  
9 is vitally important to NFC that a robust system  
10 for requesting exemptions be implemented. Such a  
11 system needs to be simple to use, easily  
12 monitored and every transparent to proponents and  
13 opponents alike, a system similar to which was  
14 used by the USITC to solicit nominations and  
15 comments in the duty suspension process would  
16 likely serve our needs very well.

17 NFC, therefore, strongly urges the  
18 administration to support the de-listing of these  
19 nine materials detailed in this testimony.

20 Thank you for your time and  
21 consideration.

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



1           Our next witness is John Pittman with  
2 SNF Holding Company.

3           Mr. Pittman, you have five minutes.

4           MR. PITTMAN: Good afternoon and my name  
5 is John Pittman. I thank the committee for your  
6 time and consideration regarding proposed  
7 tariffs.

8           Not only the impact of my company should  
9 be considered but the ability to produce clean  
10 and safe water throughout the United States is  
11 the reason I am here today.

12           SNF Holding Company is a privately held  
13 company headquartered in Riceboro, Georgia, just  
14 outside of Savannah. We are the world leader in  
15 the manufacture of polyacrylamide, which is the  
16 water soluble polymer primarily used to clean  
17 water. Over the past ten years, SNF has invested  
18 over a billion dollars in the United States in  
19 manufacturing facilities located in eight  
20 different states. At these locations, we employ  
21 over 1,800 people and 49 percent are minorities  
22 and 11 percent are military veterans.

1           Our primary market is water treatment.  
2           We are the largest water treatment polymers into  
3           the United States municipal market, supplying 24  
4           of the 25 largest cities in the U.S. Our  
5           products are critical to the cleaning of  
6           municipal waste and without them cities would not  
7           be able to produce water and sewage in a safe and  
8           a responsible way.

9           There were many products on the list  
10          that we could have listed that we source from  
11          China but I'm here today to request a withdrawal  
12          of only one, a proposed additional tariff on  
13          goods under Subheading 2923.90.01. Included in  
14          this subheading is one product, which is  
15          quaternized dimethylaminoethyl acrylate. For  
16          everybody, including me, I'm going to call that  
17          ADAME-QUAT going forward.

18          So ADAME-QUAT is a key monomer used in  
19          the manufacture of cationic-grade polyacrylamide,  
20          which SNF sells to the municipal market to treat  
21          all the municipal waste. We produce 100,000  
22          metric tons of ADAME-QUAT in Georgia and is

1 planning to increase our capacity by 30 percent.  
2 It may be unusual for the market leader to  
3 request withdrawal of a tariff but we see this  
4 particular tariff as impeding our ability to  
5 invest in this expansion product.

6 In 2016, the market became undersupplied  
7 and SNF has taken steps to ensure that the  
8 municipal and industrial water treatment market  
9 remained adequately supplied with cationic  
10 polyacrylamide. These steps included, but were  
11 not limited to, importing ADAME-QUAT from other  
12 SNF facilities in France and China. As the  
13 world's largest polymer supplier to the municipal  
14 market, we have a similar footprint for ADAME-  
15 QUAT in both Europe and Asia. Our European  
16 capacity is not enough to serve the additional  
17 need in the U.S.; therefore, we import from our  
18 subsidiary in China.

19 We also commenced engineering and site  
20 preparation work in construction for a 30,000-  
21 metric ton facility in Riceboro, Georgia. That  
22 work has begun. We have not broken ground. We

1 are still in the engineering steps. It is  
2 expected to be up and producing late 2020 or  
3 early 2021.

4 We also restricted our growth in many  
5 other markets in the last two years to make sure  
6 we continued our supply to what is really a very  
7 low-margin business in the municipal waste  
8 treatment market.

9 We contend that this particular tariff  
10 will cause direct economic harm to both SNF and  
11 to the municipalities that we serve. SNF cannot  
12 immediately pass on tariffs to the municipalities  
13 due to approximately the 1,500 existing fixed-  
14 price contracts that we have with municipalities.  
15 Therefore, we would have to bear the full cost of  
16 these tariffs until fix-priced contracts expire  
17 between one and three years in duration.

18 The additional tariff with respect to  
19 ADAME-QUAT only will put at least one-third of  
20 our contracted business at a net loss, which will  
21 delay our ability to invest in the planned new  
22 \$50 million investment for ADAME-QUAT in

1 Riceboro, Georgia. This is not a tariff on the  
2 latest electronic gadget or luxury item that can  
3 be passed on to a consumer. Instead, it will  
4 increase the cost of drinking water and waste  
5 water treatment, both which we see as a basic  
6 human necessity.

7 To date, we are the only entity  
8 requesting this particular additional tariff be  
9 removed. We feel this is because there are very  
10 few companies participating in the municipal  
11 market, not only with these products but with  
12 others, and users do not understand the relation  
13 between ADAME-QUAT and the end use product, the  
14 cationic polyacrylamide.

15 Historically, and once we finish our  
16 expansion, this will not be an issue because  
17 importation of ADAME-QUAT is not something that  
18 is done. Footprints -- you will not be able to  
19 make money through footprint for this material  
20 isn't in the market that you serve. So this is a  
21 temporary issue for our company.

22 We're privately held. We depend on our

1 cash flows to invest in our operations and this  
2 tariff will deprive us of the needed funds that  
3 we need currently to invest in the ADAME-QUAT  
4 expansion in our Riceboro, Georgia facility.

5 CHAIR BUTLER: Please conclude.

6 MR. PITTMAN: Thank you.

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

8 Our next witness is Wylie Royce with  
9 Royce Associates.

10 Mr. Royce, you have five minutes.

11 MR. ROYCE: Thank you so much. I  
12 appreciate you giving me the time to present our  
13 views today.

14 My name is Wylie Royce. I am the  
15 Executive Vice President of Royce Associates and  
16 also Chairman of the Plastics Industry  
17 Association.

18 Royce Associates is an 89-year-old  
19 manufacturing firm that was started by my  
20 grandfather in New Jersey. We're a small family  
21 business that, along with 65 employees, we serve  
22 the textile, plastics, and paper industries. We

1 have no manufacturing facilities outside of the  
2 U.S.

3 On the outset here, I would like to  
4 state that we support the Government's goal of a  
5 level playing field for U.S. manufacturers. In  
6 fact, in the late '70s, I was here to testify to  
7 maintain certain tariffs on certain chemicals  
8 that we felt there was unfair trade going on at  
9 that point in time.

10 Today though, I am here, and I feel that  
11 I'm not testifying just for Royce but more on  
12 behalf of the thousands of U.S. textile workers,  
13 the U.S. military, and the blue collar  
14 professionals who the administration has pledged  
15 support for. We believe that the proposed  
16 tariffs on vat dyes will cause the unintended  
17 consequence of causing harm to these groups of  
18 people, rather than helping them.

19 In order to prove my point here, a  
20 little operational background I think is  
21 necessary. Royce imports crude vat dyes from  
22 China and converts and processes it into vat dye

1 liquids in our Gaffney, South Carolina plant.  
2 China is the single-only global source of the vat  
3 dye crudes that are required to manufacture these  
4 products that our customers need and there are  
5 not alternative products that are available  
6 anywhere in the world that we can formulate  
7 equivalent products with. Vat dye production, in  
8 fact, ceased over 30 years ago in the United  
9 States for a number of reasons.

10 Vat dye crude production is a mature low  
11 tech market and it's inconceivable that anyone  
12 would today build a new facility for the  
13 relatively low volume of product that is produced  
14 or used anywhere in the world and the very low  
15 margins that it operates at. While the market,  
16 as I mentioned, is rather small, less \$10 million  
17 of the vat dyes that I am referring to that we're  
18 asking for exclusion are imported into the U.S.  
19 on an annual basis. These vat dyes are critical  
20 to a much larger supply chain.

21 In fact, our vat dye liquids are used by  
22 the largest U.S. textile manufacturing companies



1 to dye fabrics for the military and industrial  
2 uniform markets. The reason vat dyes are used is  
3 that it's the only class of dyes that can be  
4 subjected to repeated laundering and bleaching  
5 without fading; and, more importantly, in the  
6 U.S. military, vat dyes are the only class of  
7 dyes that when used in both printing the  
8 camouflage uniforms, as well as normal uniforms,  
9 can stand up to the intense and harsh conditions  
10 that uniforms can be subjected to when our  
11 soldiers are in battle; and, most importantly,  
12 vat dyes are the only dyes that have a unique  
13 infrared, anti-reflectant property, which help  
14 keep our soldiers less visible at night to enemy  
15 forces and, thus, helping to keep them out of  
16 harm's way.

17 In short, we are quite proud of the fact  
18 that we feel that our vat dyes are helping to  
19 keep our soldiers safe.

20 Raising tariffs on vat dyes will  
21 directly increase the cost to our customers, not  
22 only putting in jeopardy the few remaining U.S.

1 textile manufacturers and their employees but  
2 also raising costs to all the major manufacturers  
3 that provide uniforms to their employees. In  
4 some cases, these workers in our factories  
5 actually share in the cost of their uniforms from  
6 the suppliers and an increase in the cost of  
7 these uniforms would act like an additional tax  
8 on their weekly paycheck.

9           Additionally, the factory uniform  
10 sector, unlike the military, has the option to  
11 source offshore, if they choose. If they did  
12 this, we question the flame retardancy of the  
13 potential uniforms and potentially hurting our  
14 factory workers or putting them in jeopardy.

15           An imposition of tariffs on vat dyes  
16 will not advance the stated goals of the  
17 administration. They are not part of the Made in  
18 China 2025 proposition, nor do they challenge any  
19 U.S. tech industry. We are not aware of any  
20 intellectual property relating to vat dyes.

21           In conclusion, these tariffs will raise  
22 cost to our military, put thousands of jobs at

1 risk, affect the safety of our factory workers  
2 without advancing the stated goals of the  
3 administration. This small limited number of vat  
4 dyes play a very large part in much larger  
5 industries crucial to keeping our fighting men  
6 and women safe and to the continued growth and  
7 safety of our reenergized blue collar workforce.

8 For these reasons, we respectfully  
9 request the USTR exclude from the proposed list  
10 of specific tariffs the highlighted vat dyes in  
11 our submission.

12 Thank you so much.

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

14 Our next witness is Ritchie Straff with  
15 Daikin America.

16 Mr. Straff, you have five minutes.

17 MR. STRAFF: Members of the panel, thank  
18 you for the opportunity to appear today on behalf  
19 of Daikin America, a chemical company with  
20 headquarters in Orangeburg, New York. Daikin has  
21 manufacturing facilities in Decatur, Alabama, and  
22 Hanover, Massachusetts.

1           We are participating in these  
2           proceedings because the imposition of tariffs on  
3           certain fluorochemical products will undermine  
4           our ability to continue to produce and sell  
5           blends of refrigerant gases from our new  
6           investment in Alabama. They will undermine the  
7           major investment by Goodman, our sister company,  
8           to manufacturer air conditioners domestically in  
9           the U.S. and it is not likely to have any effect  
10          on the administration's objectives with regard to  
11          China.

12           The specific products of concern are  
13          within the HTSUS Code 2903.39.20. These are  
14          products that were recently involved in an  
15          antidumping investigation and we have recent  
16          findings by the U.S. International Trade  
17          Commission, the ITC, regarding the capacity of  
18          the domestic industry to produce and the  
19          unavailability of these products for Daikin  
20          America and other manufacturers if we cannot  
21          receive the products at world prices.

22           The ITC issued its final determination

1 opinion in their titled Hydrocarbon Blends and  
2 Components from China, found in USITC Publication  
3 4629, August 2016. We have discussed this  
4 determination in more detail in our brief but,  
5 for today, I want to highlight a few points.

6 The ITC found that imports of the  
7 component chemicals in this HTS category did not  
8 injure the U.S. industry. The ITC found that,  
9 while the import volume had increased during the  
10 period of investigation, this increase was, in  
11 the words of the ITC, primarily due to the  
12 unavailability of domestic product. This  
13 discussion is found in the opinion on pages 37  
14 and 42. In fact, the Chinese product had higher  
15 prices than the comparable domestic product in  
16 six of the eight quarterly comparisons.

17 These findings by the ITC make it clear  
18 that a tariff on the imports from China will  
19 disrupt a market where the U.S. blenders are  
20 faced with insufficient HFC supply for these  
21 hydrocarbons and are dependent on the only other  
22 source of supply for these materials, China.

1           DAI produces the blends R-410A, R-407C,  
2 R-407H in Alabama using components mostly from  
3 China. It has just completed a capital  
4 investment in Alabama of \$5 million and has  
5 created new jobs as a result. Tariffs on these  
6 imported components put this investment and these  
7 jobs in jeopardy.

8           In addition to the jobs in Alabama, it  
9 is important to mention the effect on our sister  
10 company, Goodman Manufacturing. Goodman recently  
11 completed a \$500 million plant outside of  
12 Houston, where 5,000 employees now produce  
13 residential central air conditions, heat pumps,  
14 and commercial heat pump systems that are  
15 specifically focused on the U.S. comfort cooling  
16 market. They compete with imports from Asia and  
17 Mexico. By 2020, Daikin expect to have 7,000  
18 workers at these plants.

19           Our Alabama plant sells the blended  
20 product made from Chinese components to Goodman.  
21 Goodman is one of the country's largest users of  
22 these blends. The unavailability of blended

1 products at market prices undermines the  
2 investment in Houston.

3 Let me be very direct. Daikin America's  
4 parent has made investments in the United States  
5 based on the fact that the U.S. is a country that  
6 is generally friendly to business and allows the  
7 market to determine cost. Current investments  
8 and additional investments will be affected by  
9 Government actions that undermine our ability to  
10 obtain sufficient inputs at world market prices.  
11 Additional tariffs on these HFC components will  
12 not cause us to import from countries other than  
13 China or buy in the U.S. There is insufficient  
14 capacity outside of China. Instead, the tariffs  
15 will only drive up our U.S. costs, make our U.S.  
16 plants less competitive, and help the Chinese and  
17 other producers who compete with our U.S. plants.

18 The administration is understandably  
19 concerned by what it believes are market  
20 distortions caused by the Chinese Government.  
21 Reacting by providing disincentives to invest in  
22 the U.S., in our view, will neither persuade the

1 Chinese Government to make concessions nor lead  
2 to more employment in the U.S.

3 Thank you for your consideration of our  
4 views and we ask that USTR eliminate this tariff  
5 schedule item from any additional tariffs  
6 imposed.

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

8 Our final witness on this panel is Mark  
9 Zelniker with Econoco Corporation.

10 Mr. Zelniker, you have five minutes.

11 MR. ZELNIKER: Good afternoon. I am  
12 Mark Zelniker, President of Econoco Corporation.  
13 I have worked in the steel retail display rack  
14 industry for over 45 years and have held the  
15 position of president at Econoco since 1998.  
16 Econoco Corporation is a three-generation family  
17 business that began in 1925 in New York City, New  
18 York as a small importer of vinyl shoulder  
19 covers, a product line that served to keep dust  
20 from collecting on garments that hung in retail  
21 stores.

22 Today, Econoco provides its U.S.



1 customers with high-quality retail fixtures and  
2 displays. I am proud to say that we employ 57  
3 people and continue to grow. The company's focus  
4 is providing product lines and innovative custom  
5 solutions for retail stores to market their  
6 products with more appealing, effective, and  
7 functional selling environments. Econoco  
8 directly serves the entire retail industry from  
9 department stores, specialty stores, mass  
10 merchandisers and discounters to store planners,  
11 architects, design consultants, and more than 600  
12 store fixture and retail packaging distributors.

13 Econoco opposes the proposed Section 301  
14 duties. The specific Harmonized Tariff numbers  
15 at issue are 7326.90.86, 8302.50.00, and  
16 9403.20.00. Econoco relies on these products to  
17 provide its customers with necessary retail steel  
18 display racks and related products, which are not  
19 made or readily available in the United States.  
20 Racks that are made in the United States do not  
21 meet the specifications required for our retail  
22 customers. If we were to shift production from

1 China, it would take at least three years. This  
2 and the lack of U.S. production for our product  
3 lines would mean significantly higher, cost-  
4 prohibitive expenses due to the research and  
5 development that would be required by other Asian  
6 countries, or India, Mexico, or Eastern Europe.  
7 However, realistically, Econoco will not survive  
8 these increased tariffs and we are certain to  
9 close due to the high increase in potential  
10 selling prices, as our current margins on  
11 standalone products are often smaller than the 25  
12 percent tariff.

13 I would estimate that if these tariffs  
14 were to go forward on the retail display racks  
15 that we import, Econoco, an American company for  
16 three generations, will cease to exist within a  
17 year.

18 The increased tariffs on Econoco's  
19 retail display racks and accessories will have no  
20 impact on the Chinese Government. Tariffs on  
21 this small industry will not cause the Chinese  
22 Government to change its practices or policies

1 related to technology transfer, intellectual  
2 property, and innovation. Our products do not  
3 involve high technology or industries that would  
4 influence the Chinese Government's behavior.

5 We sell racks, shelving, merchandising  
6 units, and many types of metal display fixtures.  
7 These are simple products designed to highlight  
8 the merchandise, enhance the shopping experience,  
9 and generate more revenue for the retailer. The  
10 imposition of the proposed tariffs would simply  
11 hurt Econoco and hundreds of other similarly  
12 situated U.S. companies, as well as the retail  
13 customers we serve, who are already overburdened  
14 by the proposed tariffs.

15 Econoco is not aware of the Chinese  
16 Government restricting the manufacture of the  
17 retail display racks that Econoco relies upon for  
18 business or in any way impairing U.S. investment.  
19 We rely upon the decades' long close  
20 relationships with our manufacturers to supply  
21 our business with the steel display racks that we  
22 order. We are not aware of the Chinese

1 Government employing any tactics to regulate or  
2 intervene in our providers in China. Because  
3 these items are basic commodities, do not involve  
4 cutting edge technology or any new materials,  
5 China has not required or pressured its users to  
6 transfer any technology or intellectual property.  
7 Furthermore, there is no intellectual property  
8 involved in these retail display racks.

9 Econoco respectfully requests the U.S.  
10 Trade Representative exclude retail display racks  
11 and related accessories that fall within HTS  
12 7326.90.86, 8302.50.00, and 9403.20.00 from the  
13 list of proposed goods subject to 25 percent  
14 tariff, pursuant to the Section 301  
15 investigation. Imposing the proposed duties on  
16 these products will cause disproportionate  
17 economic harm to U.S. interests, will cause our  
18 company to close, and will hurt many other small  
19 and medium sized businesses.

20 Thank you for the opportunity to testify  
21 today. I look forward to answering any questions  
22 you may have.

1 MR. BISHOP: Thank you, Mr. Zelniker.

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

4 CHAIR BUTLER: Thank you.

5 MS. PETTIS: Mr. Burkhardt, I have a  
6 question for you. What percentage of the U.S.  
7 industry's manufacturing imports are sourced from  
8 China and are there third country suppliers that  
9 could meet this demand?

10 MR. BURKHART: You mean for our business  
11 in particular or --

12 MS. PETTIS: Well I guess it would have  
13 to be for your business. If you could speak any  
14 more generally, that would be great.

15 MR. BURKHART: And then it gets real  
16 specific. Milliken is a diversified manufacturer  
17 so I run our silicon's business, a very small  
18 business.

19 MS. PETTIS: Okay.

20 MR. BURKHART: Three-quarters of our  
21 chemical raw materials come from China because  
22 they are basic commodity outlets.

1 MS. PETTIS: Okay.

2 MR. BURKHART: So for us this is  
3 catastrophic, if this goes down.

4 MS. PETTIS: Okay.

5 MR. BURKHART: For the other businesses,  
6 I can't comment. I don't know as much about the  
7 textile and other areas. If there is something  
8 you'd like me to make sure ends up in the written  
9 response, I can.

10 MS. PETTIS: That would be great. Thank  
11 you.

12 MS. MEASE: Mr. Dolan, your submission  
13 described U.S. imports of methanol from China as  
14 actually being produced in Oman or Saudi Arabia,  
15 among other third countries. Is there something  
16 specific that prevents your members from  
17 importing directly from those sources?

18 MR. DOLAN: Well, methanol is a global  
19 commodity. Global demand is about 80 million  
20 tons.

21 What I pointed out in my written  
22 testimony is that various consultants track what

1 is going on with the methanol global trade.  
2 There was one instance where product was shipped  
3 from China to the United States but it was bonded  
4 product. It basically was produced in another  
5 country, was shipped to China, sat in a storage  
6 tank, went back on a ship, and came to the U.S.  
7 So it really wasn't China-produced product. Most  
8 consultants realize or recognize that there is  
9 essentially zero methanol that is coming from  
10 China to the United States.

11 CHAIR BUTLER: Sorry, just as a follow-  
12 up, so the issue for you is not imports from  
13 China. It's really what is going to happen in  
14 terms of retaliation.

15 MR. DOLAN: Correct. Yes, there's  
16 basically zero imports from China but we're  
17 building plants in the United States right now  
18 that are designed for an export market and the  
19 biggest market for methanol today is China. And  
20 some of the plants that are being built in the  
21 United States, there is one being built in  
22 Louisiana right now, there is a thousand guys on-

1 site building a methanol plant. The plant is  
2 owned by Yuhuang Chemical, which is a subsidiary  
3 of Shandong Chemical. So there is literally  
4 billions of dollars in China's foreign investment  
5 to make methanol plants here in the United  
6 States. A lot of that product is going to stay  
7 in this country but some of it will go back to  
8 China.

9 CHAIR BUTLER: Okay, thank you.

10 MS. KNISLEY: Ms. Hardesty, I have two  
11 questions just to clarify. You said that you all  
12 only import the goods, correct?

13 MS. HARDESTY: Yes.

14 MS. KNISLEY: You're not exporting  
15 anything?

16 MS. HARDESTY: No.

17 MS. KNISLEY: Okay. And then my other  
18 question is can India or Europe meet China's  
19 capacity supply of oxalic acid for the U.S.?  
20 This question is based on your testimony. I know  
21 you didn't get to that.

22 MS. HARDESTY: Yes. India, likely, no.



1 India is very opportunistic in its exports.

2 There are often hiccups of supply from India.

3 Spain has recently expanded capacity and  
4 would remain really the sole monopoly exported to  
5 the United States if the Chinese dropped out.

6 Are they able to fill the gap from  
7 China? There is a decent possibility but I don't  
8 think -- I think -- I mean if I had to answer off  
9 the cuff, I would say they can probably fill the  
10 gap by maybe 60 to 70 percent but if you wanted  
11 an exact number, I'd have to get back to you.

12 MS. KNISLEY: Okay, great. Thank you.

13 MR. FLEMING: Mr. McCarter, what other  
14 countries produce aniline and the other eight  
15 chemicals that were highlighted in your  
16 testimony?

17 MR. MCCARTER: Aniline is also produced  
18 in Portugal but they really don't have any excess  
19 capacity. There may be a little production in  
20 India but they are a net importer. So really,  
21 China is the only country that has aniline that  
22 is available for export in significant quantities

1 to fill our needs and others'.

2 Of the other materials, most of those  
3 intermediates are only made in China. Some of  
4 them are made in India but the lion's share of  
5 them are only made in China.

6 MS. HOWE: My question is for Mr.  
7 Pittman.

8 What other countries, besides China, can  
9 supply the United States with ADAME-QUAT?

10 MR. PITTMAN: There's not many  
11 manufacturers of actual ADAME-QUAT. So we are  
12 the largest in both China, U.S., and Europe that  
13 manufactures this product. In China, there's  
14 probably a few smaller companies I don't know  
15 about that manufactures but we're the lion's  
16 share of the production there, as we are in the  
17 U.S.

18 With the exception of this 2016 event,  
19 where the other manufacturer in the U.S. decided  
20 to close their facility of 15,000 tons went off  
21 the market is the reason the U.S. is short. So  
22 we immediately started importing from our

1 facilities in China.

2           Could we bring it from Europe from our  
3 parent in France? It would be complicated only  
4 because Europe is balanced.

5           So this is not a product that is  
6 commonly imported. And if you look at import  
7 records, everything that comes out of China,  
8 including to one other company, is all coming to  
9 our facility. So it's just a unique situation  
10 just for a short period of time.

11           MS. HOWE: Right. I just wanted to make  
12 sure I understood that correctly. So you're  
13 saying that eventually, you would not require  
14 imports from China.

15           MR. PITTMAN: As soon as I can build our  
16 facility, we will not be importing from China.  
17 That is not our desire.

18           MS. HOWE: And would you be able to  
19 estimate what the time line would be for that?

20           MR. PITTMAN: Well, if I have to pay the  
21 tariff, it's going to be longer because we invest  
22 with our cash flow. So that would hurt our cash

1 flow.

2 Our timing right now is Q4 2020. So if  
3 you wanted to delay this a few years, that would  
4 be great.

5 MS. HOWE: Thank you.

6 CHAIR BUTLER: Sorry.

7 MS. PETTIS: I just have a follow-up  
8 question, Mr. Pittman. You had stated that you  
9 had some other chemicals that you were also  
10 concerned about. I know you have a very  
11 compelling story about the ADAME-QUAT but if you  
12 have anything else that you want to you know --

13 MR. PITTMAN: Well we have supported the  
14 tariffs on List 2 on polyacrylamides, which is  
15 our final end use product and we submitted that  
16 submittal.

17 We also put a submittal in for acrylic  
18 acid out of China. Acrylic acid is very tight in  
19 both Europe and Asia -- excuse me, Europe and the  
20 U.S. and the only available capacity in the world  
21 for acrylic acid is in China.

22 So we would rather buy here. We can't

1 get the U.S. manufacturers to sell us all that we  
2 need because we are a very large user. So we do  
3 import some material there.

4 We do have other options there. You  
5 know we can bring it out of countries in Europe  
6 and things like that. So we can probably modify  
7 our supply chain around China for that one.

8 Methyl chloride is another one that is  
9 extremely tight in the U.S. that is more  
10 available in Asia. It is actually used with this  
11 material to quaternize this material. So it's  
12 kind of both materials are on that list for this  
13 one. Again, we will pay the tariffs on that if  
14 they are enacted and try to modify our supply  
15 chain in our global network to minimize the  
16 impact on the municipalities.

17 Those are minor, compared to this  
18 particular one.

19 MS. PETTIS: Okay, thank you very much.

20 MR. PITTMAN: Thank you.

21 CHAIR BUTLER: Sorry, I just had a  
22 follow-up. You said Europe is basically

1 balanced.

2 MR. PITTMAN: For the most part.

3 CHAIR BUTLER: Could you see a  
4 possibility of you shifting things so that Europe  
5 may get supplied by China and the U.S. get  
6 supplied by Europe a little bit?

7 MR. PITTMAN: The reason I say it is  
8 difficult is that it's a two-step process in our  
9 facilities in France. So before you quaternize  
10 the product, you have to make the ADAME before  
11 you make the ADAME-QUAT. In Europe, we do not  
12 make the ADAME. So we buy -- well, we make some  
13 but we purchase the majority of that and  
14 quaternize it. So it would be three parts to the  
15 supply chain and the volumes that we use, even  
16 though we are only importing about 20,000 to  
17 25,000 tons right now, there is not enough ADAME  
18 production in Europe to support that.

19 But technically, could we import from  
20 China to France and then make France sell to us  
21 as a way to get around the tariffs? I don't know  
22 that that's why it's designed to have the tariffs

1 but possibly, we could do something like that.  
2 We prefer not to.

3 MR. O'BYRNE: Mr. Royce, what  
4 percentage, approximately, of the inputs for U.S.  
5 liquid dye production is supplied by China and  
6 what other countries also produce these inputs?

7 MR. ROYCE: Right now it is interesting  
8 you bring that up because we've been looking at  
9 this very closely over the last six months  
10 because there has some other disruption in supply  
11 out of China due to environmental impacts that  
12 are going on in China. So we've been looking at  
13 this very closely.

14 And I can tell you with a very high  
15 level of confidence right now that of the 12 vat  
16 dyes that we have listed in our request, eight of  
17 them China currently holds approximately 70  
18 percent of the global capacity and on four, China  
19 has 100 percent of the global capacity.

20 Now we've tried to source of those eight  
21 that China I'm saying has 70 percent. We've  
22 attempted to look at sourcing them from India.

1 India is the only other manufacturer of vat dye  
2 crudes today, globally. And right now India  
3 could supply probably no more than 20 percent of  
4 just our needs for our customers. So it's a very  
5 critical situation in that respect.

6 MR. O'BYRNE: Thank you.

7 MR. CONCEICAO: Mr. Straff, in your  
8 testimony you said that the fluorochemical that  
9 you are requesting be removed from the proposed  
10 tariff list, China is the main supplier. You  
11 said other suppliers don't have the capacity to  
12 offset anything that's lost by China.

13 What other countries produce this  
14 product?

15 MR. STRAFF: The U.S.

16 MR. CONCEICAO: Just us and China?

17 MR. STRAFF: I believe so. There may be  
18 some small production in Japan but that's  
19 internal production for Daikin.

20 MR. CONCEICAO: Okay.

21 MR. STRAFF: And I'm not an expert on  
22 the globe but I don't believe it's -- it may be



1 made in Russia. I don't know.

2 MR. CONCEICAO: So anything you would  
3 not be able to source here due to capacity  
4 restraints could only come from China.

5 MR. STRAFF: That's correct.

6 MR. CONCEICAO: Fair enough. Thank you  
7 very much.

8 MS. KNISLEY: Mr. Zelniker, I have a  
9 couple questions for you, sir. For the first  
10 one, is China your only supplier of these metals  
11 and other related products; and if, not, who else  
12 are you sourcing from?

13 MR. ZELNIKER: China is our only  
14 supplier.

15 MS. KNISLEY: Okay and then what  
16 percentage of the industry's imports are coming  
17 from China?

18 MR. ZELNIKER: I can't say exactly but  
19 it's, of the commodity-type product that we  
20 import, I would say as close to 100 percent as  
21 possible, I believe.

22 MS. KNISLEY: Okay, thank you.

1           CHAIR BUTLER: And just as a follow-up,  
2           you had said that it would be very costly to move  
3           production at all to -- or you've tried to move  
4           to third countries and it was, the expenses were  
5           too much. Can you elaborate on that a little  
6           bit?

7           MR. ZELNIKER: Well, what has gone on is  
8           that the manufacturer of our products are very  
9           labor-intensive. We started out in Japan. We  
10          moved to Taiwan. We then moved to South Korea.  
11          And we then moved to China. Now why did that  
12          happen? Because each of those countries  
13          westernized and the young people coming up wanted  
14          to be white collar, not work in the factory.  
15          It's even starting to happen in China but,  
16          obviously, the Chinese population is so large  
17          that it's still the most advantageous place to  
18          import from.

19          We're not aware of any facilities in  
20          Eastern Europe or other countries that are making  
21          our type product. We'd have to start from  
22          scratch. It certainly would be a three-year

1       turnaround, as it took us each time we moved from  
2       country to country. And I don't see what's to be  
3       gained, what the United States gains by forcing  
4       us to move our production somewhere else. But I  
5       don't even -- like I say, I don't think we can  
6       exist on that timetable because the retailer, I'm  
7       sure you know, the retailer is reeling today.

8               The retailer, the brick and mortar,  
9       what's happened in 2017 and 2018, you know how  
10       many bankruptcies there have been, how many  
11       retail store closings there have been. The  
12       retailer is hurting. Companies like Amazon are  
13       having a tremendous negative effect on the brick  
14       and mortar store.

15               And so if now -- and like I said, we  
16       don't have the ability to absorb a 25 percent  
17       tariff, so we would have to pass it on. I don't  
18       see how our retailers could absorb that. I  
19       really don't. So that's when I talk about our  
20       company being threatened, I think the volume of  
21       our type product will just keep diminishing to  
22       the point that we're out of business.

1 CHAIR BUTLER: Okay, thank you.

2 MR. BISHOP: We release this panel with  
3 our many thanks and we invite the members of our  
4 last panel to come forward and be seated.

5 (Pause.)

6 MR. BISHOP: Mr. Chairman, our first  
7 witness on this panel is Kelvin Adee with the  
8 American Honey Producers Association.

9 Mr. Adee, you have five minutes.

10 MS. ADEE: Good afternoon. My name is  
11 Kelvin Adee and I am a third generation  
12 commercial beekeeper. My company, Adee Honey  
13 Farms, is the largest commercial beekeeping  
14 operation in the U.S. at just under 100,000  
15 beehives. I am also the President of the  
16 American Honey Producers Association. AHPA  
17 strongly supports President trump's efforts to  
18 remedy the injury China has inflicted on the  
19 United States through many years of its unlawful  
20 international trade practices. We also support,  
21 as part of the Section 301 remedies, the  
22 imposition of an additional 25 percent tariff on

1 imports of pure honey from China.

2 AHPA represents 393 commercial  
3 beekeepers based in 44 of our 50 states. Our  
4 members collectively manage more than one million  
5 beehives and account for about half of the 160  
6 million pounds of raw honey produced and sold in  
7 this country each year. Our member beekeepers  
8 also pollinate a wide range of crops each year,  
9 thereby ensuring the crops will grow and be used  
10 for as food. Without pollination services  
11 provided by America's commercial beekeepers, the  
12 produce aisles of our grocery stores would be  
13 bare.

14 For more than three decades, China has  
15 been trying to destroy our commercial beekeepers  
16 by dumping huge volumes of their honey here at  
17 ultra-low prices, enabled by China's state-  
18 controlled economy. Our government did impose  
19 steep duties on Chinese honey imports in 2001.  
20 China, however, has used many fraudulent duty-  
21 evasion schemes to continue entering huge volumes  
22 of its honey at dumped prices without paying the

1 hundreds of millions of dollars in duties that  
2 are owed on these imports. Through these  
3 criminal duty-evasion schemes, China has  
4 continued to inflict massive industry on our  
5 commercial beekeepers.

6 Honey imports reported as originating in  
7 China have dropped significantly in recent years;  
8 however, that honey is now being falsely imported  
9 as having been produced in other countries such  
10 as India, Vietnam, Thailand, and Ukraine. That  
11 transshipped Chinese honey is now being sold here  
12 at steeply dumped prices while totally evading  
13 the collection of dumping duties owed. We  
14 estimate that 90 million pounds of Chinese honey  
15 is smuggled in the U.S. from third countries each  
16 year and it is sold here at prices well below our  
17 cost of production.

18 Further, much of that transshipped  
19 Chinese honey has been blended with hard to  
20 detect low value sugars like rice syrup or it  
21 contains harmful antibiotics and/or other  
22 contaminants, or possibly both. This tainted

1 adulterated honey continues to enter here  
2 unchallenged, as Customs lacks the equipment and  
3 the knowhow to detect such illegal imports.

4 All of this circumvented Chinese honey  
5 is being sold here at historically low prices,  
6 far below our commercial beekeepers' historically  
7 high prices -- costs for domestic honey  
8 production. These costs have nearly doubled  
9 since 2008, largely due to the high jump in our  
10 commercial bee mortality rates. This has been  
11 caused by a range of harmful environmental  
12 factors, such as increased nationwide use of  
13 dangerous pesticides and the growth of bee  
14 predators like the varroa mite.

15 The result: China continues its long  
16 drive to destroy America's commercial beekeepers  
17 and dominate our country's valuable honey market.  
18 China's eventual success would be a huge  
19 commercial loss for our country. Why? The  
20 essential pollination services provided by our  
21 beekeepers would vanish with their pure domestic  
22 honey and pollination services cannot be imported

1 from China.

2 On behalf of the AHPA's 393 commercial  
3 beekeeper members and their many employees, I  
4 appreciate this opportunity to testify before the  
5 Section 301 Committee.

6 MR. BISHOP: Thank you, Mr. Adee.

7 Our next witness is Mike Bober with the  
8 Pet Industry Joint Advisory Council.

9 Mr. Bober, you have five minutes.

10 MR. BOBER: Thank you.

11 Good evening. My name is Mike Bober and  
12 I am the president of the Pet Industry Joint  
13 Advisory Council.

14 PIJAC represents members of all aspects  
15 of the companion animal care community from  
16 manufacturers and retailer of food and products  
17 to distributors and service providers. We  
18 represent small local businesses, as well as the  
19 largest pet retail chains in the nation creating  
20 and supporting more than 1.3 million jobs  
21 nationwide. I am here today on their behalf and  
22 on behalf of the 68 percent of American



1 households who own pets.

2 PIJAC acknowledges that the trade  
3 imbalance with and unfair trade practices of  
4 China need to be addressed and we are encouraged  
5 to see that the administration is confronting  
6 these challenges. We wish to point, however,  
7 that the current and planned tariffs and the  
8 resultant Chinese retaliations are having and  
9 will continue to have an increasingly significant  
10 impact on all aspects of the pet trade and, by  
11 extension, on over two-thirds of Americans.

12 Existing steel and aluminum tariffs have  
13 had severe repercussions, as these materials are  
14 used in packaging as well as in fabrication. Our  
15 colleagues at the Pet Food Institute estimate  
16 that pet food producers have already seen an  
17 increase of ten percent in their packaging costs  
18 due to these tariffs. While we hope that  
19 domestic production will eventually stabilize  
20 this market, the current cost increases are  
21 substantial.

22 Retaliatory trade restrictions put into

1 place by the Chinese are not only increasing the  
2 cost of goods and products, interactions with  
3 Chinese agencies have also been affected. In  
4 this way, the tariffs impact not just current  
5 trade but prospects for improved future trade as  
6 well.

7 Exports of pet food, currently subject  
8 to existing restrictions in China, were only \$6.5  
9 million last year. Easing these restrictions  
10 would make China the second largest export market  
11 for American pet food overnight. Instead, we see  
12 things moving in the opposite direction as a  
13 direct result of these back and forth punitive  
14 actions with exports of dog and cat food now  
15 subject to 25 percent tariffs.

16 Manufacturers of pet products have also  
17 felt the effect the these tariffs. One larger  
18 corporation within our industry identified  
19 approximately 250 products within its aquatics  
20 line alone. These products incorporate  
21 components like motors and thermometers, as well  
22 as raw materials that have been subject to

1 increased tariffs under previously approved lists  
2 and, as a result, their costs have increased.

3 These increased costs have triggered price hikes,  
4 despite efforts to mitigate their effects. With  
5 larger players in the industry unable to absorb  
6 the full brunt of these tariffs, we see their  
7 impact on small and medium sized business within  
8 our community as potentially catastrophic.

9 Because of its scope, this newest round  
10 of proposed tariffs will have an even broader  
11 impact on our members. For example, our  
12 distributor members rely on China for specific  
13 species of ornamental fish under Subheadings  
14 0301.11.00 and 0301.19.00. Unlike some of the  
15 products and components affected by these  
16 tariffs, these fish are not readily available  
17 elsewhere. We are aware of importers who are  
18 committed through long-term contracts to supply  
19 these specific fish at set price points. These  
20 duties would make it impossible for them to do so  
21 without incurring significant financial hardship,  
22 as they would not be able to source these fish

1 elsewhere, without violating the terms of their  
2 existing contracts.

3 Participants in these hearings have been  
4 encouraged to address whether alternate sources,  
5 domestic or otherwise, exist for their affected  
6 products and materials; what sort of time would  
7 be required to transition to those alternate  
8 sources; and the likely impact on consumers.  
9 Because our members include manufacturers,  
10 distributors, and retailers, the answers to these  
11 questions are complex. While alternate sources  
12 do exist for some of the products listed, in  
13 other cases like the one cited previously, they  
14 do not. Where alternate sources do exist,  
15 securing them takes time and resources that  
16 simply cannot be marshaled on demand to meet an  
17 arbitrarily imposed deadline. For our smallest  
18 members, such rapid transition is all but  
19 impossible.

20 Just as production costs are already  
21 being passed along, in part, to retailers, so too  
22 are price increases likely to be borne by the

1 roughly 85 million pet-owning households across  
2 the country. Our national retail members have  
3 identified dozens of product codes on the  
4 Harmonized Tariff Schedule that correspond to  
5 products they offer. Tariff rates of 25 percent  
6 on products that have previously been subject to  
7 rates less than seven percent, and in some cases,  
8 none at all, eliminate already slim profit  
9 margins, forcing retailers to decide between  
10 temporarily discontinuing sale of these products  
11 or raising prices.

12 With the average pet-owning household  
13 already spending more than \$500 per year caring  
14 for their companion animals, price increases will  
15 have a significant impact on household budgets  
16 nationwide.

17 We strongly urge you to suspend further  
18 tariff actions in favor engagement that includes  
19 trading partners and allies to address trade  
20 policies that disadvantage American interests and  
21 do not comply with the spirit of cooperative  
22 international trade. PIJAC requests that the

1 administration reconsider these new tariffs at  
2 either the original 10 percent or at the newly  
3 proposed 25 percent rate. Barring this, we will  
4 be seeking the exclusion of items vital to the  
5 pet trade in this latest round of duties.

6 We have been adversely impacted by each  
7 previous round of tariffs and by the resultant  
8 Chinese retaliations. We would welcome the  
9 opportunity to discuss these details with you  
10 further at your convenience.

11 Thank you for your consideration.

12 MR. BISHOP: Thank you, Mr. Bober.

13 Our next witness is Kenneth Christopher  
14 with Christopher Ranch, LLC.

15 Mr. Christopher, you have five minutes.

16 MR. CHRISTOPHER: Good afternoon. I am  
17 Ken Christopher, Executive Vice President and  
18 third generation member of Christopher Ranch, the  
19 nation's largest grower, packer, and shipper of  
20 fresh garlic. As such, we are uniquely  
21 positioned to comment on and support the proposed  
22 imposition of a 25 percent tariff on Chinese

1 garlic.

2 Christopher Ranch grows over 100 million  
3 pounds of garlic up and down the State of  
4 California, employing a fulltime workforce of  
5 approximately 1,000 people here in the U.S. We  
6 have nationwide distribution and sell across  
7 retail, foodservice, and industrial channels. We  
8 also offer one of the highest corporate minimum  
9 wages in the country at \$15 an hour, which makes  
10 a major economic impact in our hometown of  
11 Gilroy, California.

12 Our American fresh garlic products are  
13 grown, harvested, processed, and sold in a manner  
14 that guarantees the highest level of food  
15 security and transparency. This cannot always be  
16 said of food products inbound from China.

17 Over the past 25 years, the domestic  
18 garlic industry has been significantly harmed by  
19 Chinese shippers that continually sell their  
20 garlic in the U.S. market at prices below their  
21 cost of production. These imports have greatly  
22 distorted our home market, thereby causing

1        tremendous financial damage to American garlic  
2        producers. Since 1993, when dumped Chinese  
3        garlic first flooded the U.S. market, three-  
4        fourths of U.S. garlic producers have gone out of  
5        business.

6                While antidumping duties have been  
7        imposed on Chinese imports since 1994, the  
8        Chinese have used a wide range of fraudulent  
9        duty-evasion schemes to import over 100 million  
10       pounds of garlic every year at steeply dumped  
11       prices, without paying the required duties. In  
12       total, the U.S. Government has reported that  
13       dishonest Chinese exporters have defrauded the  
14       U.S. Government out of \$2.6 million in billed but  
15       unpaid antidumping duties from 2001 to 2014.  
16       Garlic imports top that list at \$549 million in  
17       uncollected dumping duties.

18               In the years since, Customs has reported  
19       the value of total uncollected duties has  
20       increased for garlic imports by an additional \$40  
21       million. The continued staggering amounts of  
22       uncollected dumping duties on Chinese garlic



1 imports shows that they continue to be sold here  
2 at below-cost prices and to greatly injure our  
3 remaining domestic garlic producers.

4 By imposing a 25 percent tariff on these  
5 imports, the administration can provide critical  
6 aid to an industry that remains under siege by  
7 China. American consumers often don't know where  
8 their garlic is coming from, whether it's  
9 American grown or not. A 25 percent tariff would  
10 enable domestic garlic producers to offer U.S.  
11 consumers an all-American alternative on a scale  
12 that we haven't seen for decades.

13 Our industry stands ready to meet  
14 increased demand by American consumers if Chinese  
15 imports decline after being impacted by a  
16 proposed 25 percent tariff. We believe in the  
17 role of free markets but when nonmarket actors in  
18 China seek to distort our marketplace, it is  
19 imperative that our government steps in.

20 Thank you for your attention.

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

22 Our next witness is Victor Shanon

1 Michael with Otsuka Chemical America.

2 Mr. Michael, you have five minutes.

3 MR. MICHAEL: Thank you.

4 Thank you for the opportunity to appear  
5 today and state our case. My name is Shanon  
6 Michael, Plant Manager for our Griffin, Georgia  
7 manufacturing facility. I'm giving testimony on  
8 behalf of Otsuka Chemical America. I am here  
9 today to respectfully request that certain  
10 chemical products be removed from the list of  
11 goods being considered for a 10 or even a 25  
12 percent tariff, if imported from China.

13 My company, Otsuka Chemical America,  
14 manufacturers and supplies Terracess, which are  
15 compounds used to make Terracess, which are  
16 compounds used to make safer, more effective, and  
17 ecofriendly brake pads for automobiles. Our  
18 parent company, Otsuka Chemical Company, Limited,  
19 headquartered in Osaka, Japan, developed  
20 technology on fiber-free titanates, which is  
21 Terracess.

22 Our Terracess is a friction modifier

1 that improves stability, wear resistance, and  
2 fade properties of automotive brake pads, as well  
3 as the noise, vibration, and harshness of pads  
4 when in use. We both import Terracess which is  
5 then sold to brake pad manufacturers supplying  
6 auto manufacturers, such as Ford, G.M., and  
7 others, and we import chemicals from China that  
8 are essential for manufacturing Terracess at our  
9 Georgia facility.

10 The specific HTSUS codes we are seeking  
11 removal from the list include 2824.90.90, salts  
12 of inorganic acids or peroxyacids N-E-S-O-I,  
13 excluding azides; 2841.90.50, salts of  
14 oxometallic or peroxometallic acids; 2825.20.00,  
15 lithium oxide and hydroxide; and 2823.00.00,  
16 titanium oxide.

17 These compounds and chemicals are  
18 essential to our ability to manufacture and  
19 supply the automobile industry. The auto  
20 industry is suffering from increased prices for  
21 aluminum and steel and facing potential  
22 additional increases, pending the outcomes of the

1 Section 232 Investigation. We want to continue  
2 to supply the brake industry and to do that, we  
3 need to have these key ingredient chemicals and  
4 compounds available. Our ability to do so will  
5 impact the cost to U.S. automakers and,  
6 ultimately, the consumer.

7           Importantly, U.S. brake manufacturers  
8 must approve and inspect our compounds before  
9 purchasing them. As you can imagine, for  
10 something as important as automotive brake pads,  
11 the process is quite rigorous. It would take  
12 several years to get new inspections and  
13 approvals for all automotive models and cost  
14 approximately \$100,000 for each model. We will  
15 have to demonstrate to U.S. brake pad and brake  
16 manufacturers that our products containing  
17 chemicals from other sources are as safe as the  
18 already approved chemicals from China, again,  
19 taking years to verify with substantial cost for  
20 each model.

21           Another issue with sourcing elsewhere is  
22 the unique titanium oxide only available in

1 China. Other types of titanium oxide are  
2 available from other countries but cannot be used  
3 to manufacture our compounds due to failure  
4 issues in performance.

5 Otsuka is the only producer of Terracess  
6 in the United States. Terracess is patented;  
7 thus, cannot be made by other manufacturers.  
8 Terracess made in the U.S. cannot be substituted  
9 for Terracess made in China without going through  
10 the same approval process as stated above.

11 In closing, we want to keep  
12 manufacturing our products in the U.S. at our  
13 plant in Griffin, Georgia using the Chinese  
14 chemicals which, for now, are the only suitable  
15 material but, in order to do so, we need you to  
16 remove from the final list of those products  
17 stated above.

18 Thank you, again, for this opportunity  
19 to appear before you today and I welcome any  
20 questions you may have.

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

22 Our next witness is Robert Hubbard with

1 Team Three Group Limited, LLC.

2 Mr. Hubbard, you have three minutes.

3 MR. HUBBARD: Three?

4 MR. BISHOP: I'm sorry, five.

5 MR. HUBBARD: Oh my God.

6 MR. BISHOP: Five minutes.

7 MR. HUBBARD: I mean that's so not fair.

8 Come on, guys.

9 Hello, everyone. I believe Amy has  
10 distributed a copy of my full testimony to each  
11 of you. For purposes of the next five minutes, I  
12 will try to hit the high points in my testimony  
13 and explain in as concise a manner as possible  
14 why these nine product groupings, all of which  
15 apply to food service disposable products should  
16 be excluded from the proposed tariff actions.

17 As it stands today, there is a nice  
18 balance between domestically-produced products  
19 and imported products in food service  
20 disposables. Much of this evolution to the  
21 current balance was driven by domestic  
22 manufacturers setting up and supporting

1 manufacture in low-cost countries for products  
2 within the food service disposable channel that  
3 they did not want to make domestically or, for  
4 their own strategic reasons, chose to make  
5 offshore.

6 Indeed, one of the previous presenters  
7 to this panel is such a domestic manufacturer  
8 and, while rightfully claiming to have enjoyed  
9 great success and growth, would like to ensure  
10 not only the straw tariff remain in place but  
11 also have tariffs levied against equipment and  
12 raw materials that would effectively prevent any  
13 new entries into the market. Any reasonable  
14 person can see this is, very simply, a margin  
15 grab by a large corporation at the expense of the  
16 American consumer.

17 Let me explain. It is far more likely  
18 that straw manufacturing, for example, will  
19 simply move from China to another low-cost  
20 country over time. In the meantime, the entities  
21 that will be most hurt by these tariffs are the  
22 independent restaurant owners, who will see a

1 significant increase in the cost of goods for  
2 these disposable items and thus, their customers,  
3 the consumers, will ultimately absorb the  
4 increase in the cost of their meals.

5 As I understand it, the basis for an  
6 exclusion is that the tariff will cause, quote,  
7 disproportionate economic harm to U.S. interest,  
8 including small or medium sized businesses and  
9 consumers, end quote. This is exactly the  
10 entities that will be most harmed by these  
11 tariffs on disposable, not-for-resale expense  
12 items used by independent restaurants throughout  
13 our country.

14 Consider the following: The independent  
15 restaurant is a significant key player in the  
16 economy of the United States, employing in excess  
17 of 15 million people and representing more than  
18 four percent of our GDP. The average net income  
19 of these operators is less than ten percent.  
20 Clearly, these restauranteurs will be severely  
21 impacted, as will their customers, by 25 percent  
22 increases on items not for resale like food



1 service disposables.

2           Number two, there is no reason to expect  
3 that these tariffs will return the manufacture of  
4 these disposables to the USA in the short- or  
5 long-term, due to environmental concerns, absence  
6 of adequate labor for these low-paying jobs, and  
7 the relatively low cost of entry for  
8 manufacturers to simply move to another country  
9 in Asia, Africa, or Eastern Europe.

10           Number three, there is a rapidly growing  
11 consumer-driven movement in this country toward  
12 ecofriendly products. These are biodegradable,  
13 compostable, and recyclable products largely made  
14 from renewable resources. The supply of these  
15 products is nearly entirely from China because  
16 they have the raw material supply, the  
17 manufacturing equipment, and production capacity  
18 to support the change. It is not in our  
19 collective best interest to disrupt this positive  
20 environmental movement by levying these severe  
21 tariffs, which also adversely impact the  
22 ecofriendly alternatives. If the core products,

1 those being targeted to be replaced by  
2 ecofriendly alternatives, don't move from China,  
3 the economic support for the new ecofriendly  
4 products is disrupted and the model doesn't work  
5 anymore.

6           Simply put, the evolution of the  
7 ecofriendly alternatives is dependent upon the  
8 existing volume of traditional products to  
9 bolster the economies of scale from a  
10 manufacturing logistics standpoint.

11           Number four, lastly, and perhaps most  
12 importantly, I have very real concerns for the  
13 safety of the consumers, as importers scramble to  
14 find sources for these disposable items in  
15 countries other than China. Our current  
16 suppliers have passed numerous third-party GMP  
17 audits, as well as our Team Three Group audits  
18 for corporate citizenship, child labor, and fair  
19 wages and these suppliers fully understand the  
20 requirements of the business, including being FDA  
21 compliant. This cannot be said about the many  
22 new manufacturers who will enter the market in

1 response to these tariff actions.

2 Further, with the bulk of these products  
3 historically being made in China, our staff can  
4 perform pre-shipment inspections to ensure the  
5 quality of the products is correct, the  
6 specification is correct, and there are no safety  
7 concerns with these direct food contact items  
8 prior to their shipment. If we were forced to  
9 source these same products from dozens of  
10 countries, the inspection process will go away.  
11 It simply is not feasible under that  
12 circumstance.

13 In closing, and singularly in the case  
14 of these food service disposables, there are not  
15 enough USA sources to fill this void. The  
16 proposed tariff action will force companies to  
17 source products from wherever they can,  
18 ultimately putting the USA consumer at risk.  
19 Further, there can be no reasonable expectation  
20 that this risk will be offset by a significant  
21 gain in USA production. The domestic companies  
22 will simply pocket the raise in the market,

1 enhancing their margin at the detriment of the  
2 restaurant industry and the American consumer.

3 Lastly, the consumer-driven conversion  
4 to ecofriendly products will be irreparably  
5 harmed and, at a minimum, set back three to five  
6 years as a result of these tariffs.

7 Thank you very much for your time today  
8 with all my sincerest regards.

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

10 Our next witness is Thomas Kraft with  
11 Norpac Fisheries Export.

12 Mr. Kraft, you have five minutes.

13 MR. KRAFT: Aloha. My name is Thomas  
14 Kraft and I am the Managing Director of Norpac  
15 Fisheries Export based in Honolulu, Hawaii, with  
16 an office in Seattle, Washington. I founded my  
17 seafood company 30 years ago and am responsible  
18 for the company's overall management.

19 Norpac maintains a fishing supply chain  
20 that is globally recognized as a leader in  
21 seafood sustainability. The vast majority of our  
22 products are sourced from fisheries engaged in

1 Marine Stewardship Council process for certified  
2 sustainability. We established the first  
3 industry-led Tuna Fishery Improvement Products in  
4 the Federated States of Micronesia and the  
5 Republic of the Marshall Islands, former U.S.  
6 territories with which we maintain a special  
7 relationship. On Majuro, the main island of the  
8 RMI, we have become the largest employer as our  
9 sustainability practices have been well-received  
10 by the U.S. marketplace.

11 Norpac is focused on providing our  
12 clients with quality tuna that have undergone  
13 rigorous food safety quality control and third-  
14 party laboratory testing, exceeding the  
15 industry's strictest sanitation regimes. We  
16 provide an end-to-end logistics chain which, in  
17 combination with our first of the kind electronic  
18 traceability platform, provide high-value, top  
19 quality seafood products with unparalleled  
20 transparency throughout the U.S. Our approach to  
21 quality assurance and environmental  
22 responsibility ensures our customers, such as

1 restaurants, hotels, broad line distributors,  
2 retailers, and distributors receive safe,  
3 consistent, environmentally responsible seafood  
4 products. Our customers include Albertsons,  
5 Darden, Hilton, J-Alexanders, Marriott, Red  
6 Lobster, Sam's Club, and Wholefoods.

7           The proposed annex includes two  
8 subheadings that cover the tuna that we import  
9 from China. Imposing increased duties on tuna,  
10 including loins, blocks, steaks, cubes, and  
11 minced tuna would not be effective in obtaining  
12 the elimination of Chinese acts and policies, as  
13 tuna is far outside of high technology. Instead,  
14 these tariffs would not only negatively impact  
15 Norpac and its customers but would hurt the  
16 entire U.S. seafood industry made up of a  
17 significant number of independent small and  
18 medium sized businesses.

19           A significant portion of U.S. seafood is  
20 exported to China after being caught by U.S.  
21 fishermen, many of whom are small independent  
22 businesses. The Small Business Administration's

1 statistics on this sector found that 86 percent  
2 of employment in the agriculture, foresting,  
3 fishing, and hunting sectors is made up of small  
4 businesses, equaling approximately 258,000 firms,  
5 which is the largest category of small business  
6 in Alaska. Small businesses in this sector  
7 represents 100 percent of employment in Hawaii,  
8 90 percent in Oregon, 85 percent in Washington  
9 State, and 76 percent in California.

10 Our tuna is not from China. Our company  
11 exports whole gutted tuna from these former U.S.  
12 trust territories to China for processing. The  
13 Chinese processing only adds 10 percent of the  
14 value to the goods entering the U.S. This supply  
15 chain is representative of a significant amount  
16 of U.S. seafood captured outside of China but  
17 processed in China.

18 It is important to remember U.S.  
19 environmental goals for fishery sustainability.  
20 Seafood is a worldwide commodity. Price drives  
21 the market. The imposition of these tariffs is  
22 likely to shift imports to less sustainable

1 fishing grounds. Once lost, these markets are  
2 very difficult to regain. Further, 33 percent of  
3 our sales volume would be wiped out, impacting or  
4 eliminating U.S. jobs from our staff of 75. A  
5 tariff on our tuna would be insurmountable, as  
6 profit margins tend to be below four percent of  
7 sales revenue.

8           Given my years of experience and my  
9 knowledge of the tuna market, I can state with a  
10 high level of confidence that these tariffs will  
11 be highly destructive to my business, equivalent  
12 to a perfect storm. I strongly urge the  
13 administration to remove these products from  
14 tariff list. The tariffs would harm former U.S.  
15 territories, U.S. seafood and fishing industries,  
16 and U.S. consumers.

17           I appreciate the opportunity to appear  
18 before you today.

19           Mahalo.

20           MR. BISHOP: Thank you, Mr. Kraft.

21           Our final witness on this panel is Nancy  
22 Wilkins with the Grocery Manufacturers



1 Association.

2 Ms. Wilkins, you have five minutes.

3 MS. WILKINS: Good evening. I am Nancy  
4 Wilkins, Director of Federal Affairs for the  
5 Grocery Manufacturers Association, GMA. GMA  
6 appreciates this opportunity to present our views  
7 to this committee as it considers action pursuant  
8 to Section 301.

9 GMA represents the world's leading food,  
10 beverage, and consumer products manufacturers.  
11 The U.S. food, beverage, and consumer packaged  
12 goods industry is the largest employer in U.S.  
13 manufacturing, directly employing 2.1 million  
14 Americans in 30,000 communities across the  
15 country. Our industry accounts for 16 percent of  
16 all U.S. manufacturing employment and indirectly  
17 supports an additional 11 million jobs. We  
18 provide the safe, affordable, convenient products  
19 Americans rely on every day and enable Americans  
20 to spend less of their disposable income on food  
21 than consumers in any other industrialized  
22 economy.

1           Our industry is also globally  
2 integrated. GMA members have spent decades  
3 developing their supply and distribution networks  
4 to maximize quality, efficiency, and consistency  
5 while minimizing costs and uncertainty. When  
6 U.S. manufacturers are unable to access markets  
7 or maximize their supply chains, they are in  
8 jeopardy of ceding market share to competitors in  
9 other countries.

10           We support the administration's 301  
11 investigation but respectfully urge a measured,  
12 commercially-meaningful response that is  
13 consistent with international obligations and  
14 benefits U.S. farmers and manufacturers.

15           We are concerned that the proposed  
16 expansion of tariffs on China, notably USTR List  
17 3, will have a unique impact on food, beverage,  
18 and consumer product manufacturers that could  
19 complicate or disrupt their existing sourcing  
20 programs and market access opportunities. We  
21 encourage careful consideration of the impacts of  
22 List 3 on our industry and respectfully submit

1 that additional duties on imported Chinese foods,  
2 beverages, and consumer products, and ingredients  
3 are unlikely to accomplish the laudable goal of  
4 reducing or eliminating China's harmful  
5 intellectual property and technology transfer  
6 practices.

7 For that reason, we respectfully request  
8 that tariffs not be imposed on agricultural goods  
9 and other key ingredients used in the manufacture  
10 of food, beverage, and consumer products of  
11 Chinese origin on List 3. Should USTR proceed  
12 and finalize List 3 as proposed, we urge  
13 exclusions be provided for these products and  
14 ingredients to avoid the most significant impacts  
15 on U.S. manufacturers, farmers, and consumers.

16 A review of List 3 reveals thousands of  
17 HTS codes comprising products that our industry  
18 uses directly in production or indirectly to  
19 support the manufacture of safe and affordable  
20 foods, beverage, consumer products, and household  
21 goods. A sampling of products of concern include  
22 fruits, vegetables, nuts, seafood, flours, and

1       juices; food ingredients, additives, and  
2       processing aids; consumer products ingredients,  
3       preparations, and additives; and packaging  
4       components, materials and additives. Our sector  
5       is indirectly impacted by proposed tariffs in the  
6       following categories: worker protection  
7       equipment, cleaning and sanitizing agents, waste  
8       management components; and components used  
9       directly in manufacturing.

10               Any increase in the cost of foods,  
11       beverage, and consumer goods resulting from these  
12       tariffs will be felt by all Americans but, most  
13       acutely, by low and middle-income consumers.  
14       Higher sourcing and production costs will hamper  
15       manufacturing growth, shrink export  
16       opportunities, and make it more difficult for  
17       manufacturers and farmers to sell their goods  
18       overseas. At a time when tax reform is yielding  
19       economic benefits, higher costs for consumers and  
20       manufacturers from tariffs will erode these tax-  
21       related gains and do little to punish Chinese bad  
22       practices.

1           Thank you for this opportunity to  
2 testify and I look forward to your questions.

3           MR. BISHOP: Thank you, Ms. Wilkins.

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

6           CHAIR BUTLER: Thank you.

7           MR. O'BYRNE: Mr. Adee, can you estimate  
8 the percent change in honey imports from China  
9 to the United States under the proposed tariffs;  
10 and do you believe the tariff could lead to  
11 higher instances of illegal and fraudulent  
12 imports?

13           MS. ADEE: Estimate the change that  
14 would happen? Right now there is very little  
15 that is coming in legally that is defined as  
16 Chinese honey. Most of it is coming in  
17 fraudulently.

18           Would more come in at that point? I  
19 don't believe so. If we can have a higher tariff  
20 on honey that would be coming in from China, that  
21 would be a deterrent, even if it was fraudulent,  
22 if it can be detected at Customs.

1 MR. O'BYRNE: Thank you.

2 MR. FLEMING: Mr. Bober, could you be  
3 more specific about which species of fish are  
4 only available in China?

5 MR. BOBER: Sure. Was that the entirety  
6 of the question?

7 MR. FLEMING: Yes.

8 MR. BOBER: Great. We have a number of  
9 Asian carp, koi, and other subspecies within the  
10 goldfish family that are specifically identified  
11 as SKUs by some of the major retailers that are  
12 dependent on coming exclusively from China. They  
13 literally aren't available anywhere else in the  
14 world.

15 I could get a more thorough list for you  
16 if you would like but they are primarily in the  
17 goldfish and koi family.

18 MR. CONCEICAO: Mr. Christopher, in your  
19 submission -- in your testimony, rather, you  
20 stated that there have been antidumping duties on  
21 Chinese garlic since 1993 and you indicate that,  
22 over the years, there have been a number of duty

1 of Asian techniques to avoid paying.

2 The question I have for you is: Do you  
3 think that the imposition of an additional 25  
4 percent duty on Chinese garlic would have an  
5 effect of those duty of Asian tactics that are  
6 being employed?

7 MR. CHRISTOPHER: So a proposed 25  
8 percent tariff wouldn't necessarily solve the  
9 problem. It would go some way to restoring some  
10 level of equal footing. But what we really would  
11 like to look forward to is seeing Customs further  
12 enforce existing law.

13 MR. CONCEICAO: Understood. Thank you.

14 CHAIR BUTLER: Mr. Shanon Michael, you  
15 said there have been performance issues with  
16 titanium oxide that you have bought from third  
17 countries. Can you explain why that is and why  
18 it is that Chinese product is unique or doesn't  
19 have the same performance issues?

20 MR. MICHAEL: Thank you very much for  
21 your question. We will confirm the details and  
22 provide an answer to your question in our post-

1 hearing brief, please.

2 CHAIR BUTLER: Sorry and a second  
3 question you can answer in post-hearing, if you'd  
4 like.

5 You said it would take years to verify  
6 any substantial cost for each model, in order to  
7 move production. Is that correct?

8 MR. MICHAEL: That is correct.

9 CHAIR BUTLER: And I guess what I want  
10 to understand is why, if this is the raw material  
11 that is going into the brake pads, why do you  
12 have to do each individual model.

13 MR. MICHAEL: Yes. Yes, sir.

14 CHAIR BUTLER: By is that?

15 MR. MICHAEL: You understand the  
16 importance of safety of brake pads in the auto  
17 industry and every time you have a new model,  
18 there is a new formulation that goes along with  
19 it. And if you supply a product and you have to  
20 -- once you supply a product, you can't change  
21 that product or the material that goes into it.

22 So in order to change something, it has



1 to go through a rigorous process to be approved  
2 throughout the chain from the brake pad  
3 manufacturer to the car, the Ford, G.M.,  
4 whomever, has to approve. So there is a long  
5 delay in that process.

6 CHAIR BUTLER: Sorry. So are you saying  
7 that each brake pad has a different formula of  
8 titanium oxide in it?

9 MR. MICHAEL: No. No, sir, that's not  
10 what I'm saying. That's not what I'm saying.  
11 I'm just saying that if we had to change to a  
12 different type of titanium oxide, then we would  
13 have to go through vigorous steps to get it  
14 analyzed, tested, and approved.

15 MS. PETTIS: Question for Mr. Hubbard:  
16 Can you source disposable food service products  
17 from countries besides China? And will this  
18 tariff impact the Third Group's decision to  
19 facilitate its domestic capacity through U.S.  
20 manufacturing?

21 MR. HUBBARD: The quick answer is yes,  
22 we can.

1 MS. PETTIS: Okay.

2 MR. HUBBARD: You know we currently  
3 source products from Vietnam, from Malaysia,  
4 Indonesia on occasion. And I think as I had  
5 mentioned in my testimony that we should all  
6 expect that if the tariffs hold up on food  
7 service disposals, over the course of a two- to  
8 three-year period, they will move out of China  
9 and move to some other low-cost country.

10 A couple of key points to be made here  
11 is I don't see a situation where those return in  
12 mass to the USA. And I'd be happy to explain my  
13 views on that, if it's all right.

14 So basically -- and what I'd like to do,  
15 if that's all right, is take maybe take three  
16 subsets as an example because, while our products  
17 are very simple, disposal food service products  
18 -- does everyone understand what those are?  
19 Basically, the stuff used to run a restaurant.  
20 While the products are very simple, the  
21 marketplace is actually quite complex and the  
22 food service marketplace is a totally different

1 animal than the retail marketplace.

2 So talking really about the food service  
3 marketplace at this time, let me offer three  
4 examples.

5 First off, I think the Medline folks  
6 have said on more than one occasion that vinyl  
7 gloves are made almost entirely in China -- 97-98  
8 percent is made in China. That won't come back  
9 to the USA. Why? First off, there is  
10 environmental issues association with the  
11 conversion of polyvinyl chloride. I don't think  
12 the United States EPA really wants that in this  
13 country on the first hand. And then all the  
14 things that they mentioned regarding FDA and  
15 those types of things, and registration come into  
16 play as well.

17 The process used to make the vinyl glove  
18 is also used to make other kinds of products in  
19 other kinds of countries. But as it stands  
20 today, the vinyl glove, specifically, is made  
21 almost entirely in China. Latex gloves, on other  
22 hands, are made in places like Taiwan and

1 Vietnam. Why? Because they have a raw material  
2 supply to support that industry. Whereas, China  
3 doesn't, so they base it on petroleum-type  
4 products.

5 So that's an example of a product that  
6 won't come back.

7 You may say straws. I brought up straws  
8 in my example. Why won't straws come back? Well  
9 the USA marketplace has basically made a decision  
10 on what straws they want to make and what straws  
11 they don't want to make. So if you look at the  
12 quick service restaurant industry, for example,  
13 you know how nice to have a McDonald's, or a  
14 Wendy's, or a Burger King where you have massive  
15 amounts of a single straw. Well, the USA  
16 marketplace wants that business.

17 But if you look at a food service  
18 distribution business, they may have 70-75 SKUs  
19 of which 15 are large-volume, high-moving items,  
20 the other 50, or 55-60 are not. So what do they  
21 do? They balance here. That's why I'm trying to  
22 make there is a balance that exists today between

1 the items that they want to make in the USA and  
2 the items that they want to make in a low-cost  
3 country.

4 So even with the 25 percent tariff, it  
5 is unlikely that this has moved back to the USA.  
6 In the case of our example, and I think in my  
7 brief is what you are referring to, we actually  
8 have a project that comes online in November to  
9 make both paper and plastic straws in Saint Louis  
10 but guess who the target market is. The regional  
11 chains, the quick serve restaurants, the one-two  
12 straw kind of folks. So basically, what we plan  
13 to do is take the supply chain that's already in  
14 existence. We're already shipping trucks to  
15 these food service distributors. Make straws in  
16 Saint Louis co-located in the same warehouse and  
17 put them in the same truck. It's a win for  
18 everyone.

19 The last one I'd like to mention is just  
20 the discussion I made about the exposure and the  
21 concern I have for the consumer. I'll share a  
22 quick example and this was maybe a dozen or so

1 years ago. We had an issue where we had so-  
2 called smelly deli bags. Everyone know a deli  
3 bag is what you go to the grocery store and they  
4 put your lunch meat in, right? So we had an  
5 issue with the deli bags having an odor. So we  
6 did some research and we realized that the Saudi  
7 Arabian resin had an additive in it that if you  
8 overheated it, it causes a leaching effect. It  
9 just got worse over time.

10 So we were, at that time, buying these  
11 products from a facility in Thailand. So we went  
12 to the Thailand facility and we showed them the  
13 illustrations. We showed them the examples. We  
14 told them you've got to make a decision here.  
15 You know they were trying to run their machine  
16 hotter and faster to improve their efficiency.  
17 You can't use this resin. Okay, fine.

18 The long and short of it is,  
19 everything's great for about three months and  
20 then we have smelly delis again in the  
21 marketplace. So we show up unannounced and do an  
22 inspection. Guess what? They're running the

1 Saudi Arabian resin again. Why? They didn't  
2 believe us. They wanted to prove us wrong. Of  
3 course, we don't do business with that factory  
4 anymore.

5 The key point here is back to the point  
6 I made in my testimony. Because we can't be on  
7 the ground doing pre-shipment inspections all  
8 over the world, we didn't catch that until it was  
9 in the market, putting the consumer at risk.

10 Does that answer the question?

11 MS. PETTIS: Yes.

12 MR. HUBBARD: Okay, good.

13 MS. PETTIS: Thank you.

14 MR. HUBBARD: I'm sorry if I talked  
15 longer than I should.

16 MS. PETTIS: No. No, it's very  
17 interesting.

18 MS. KNISLEY: Mr. Hubbard, I want to ask  
19 you just one quick question.

20 MR. HUBBARD: Okay.

21 MS. KNISLEY: I was looking at the  
22 product, the HS codes on here and one of them is

1 wheat fiber tableware and you say that there's no  
2 supply available in the U.S. So is all of that  
3 being manufactured over in China and they are  
4 using the wheat that's in China to produce those  
5 products? Do you know?

6 MR. HUBBARD: Yes, that's accurate. The  
7 organization that testified two days ago that  
8 will go nameless actually created some capacity  
9 in Alabama but I believe they've closed that and  
10 they actually are importing as well.

11 Basically, it's not the wheat. It's the  
12 byproduct. So it's the stuff left over after you  
13 take the wheat out, the shell, the husk. It's  
14 basically done through a process very similar to  
15 making paper. It's made into a slurry and then  
16 the slurry is pressed into these wheat fiber-type  
17 containers, plates, bowls, et cetera.

18 MS. KNISLEY: Okay, great. Thank you.

19 MR. HUBBARD: Yes.

20 MS. MEASE: Mr. Kraft, I have two  
21 questions for you.

22 First of all, are there alternative



1 processing facilities outside of China that could  
2 serve Norpac?

3 MR. KRAFT: Yes, there are. I have used  
4 most of them. The issue is really consistency,  
5 quality, food safety. A lot of the fish that  
6 comes out of Alaska goes to China and so they  
7 have a better understanding in China of the  
8 requirements for our industry from food safety  
9 standard from a quality consistency standard  
10 meeting specifications.

11 I've bought product out of the  
12 Philippines, out of Thailand, out of Indonesia,  
13 out of Vietnam. It's the same problem in all  
14 these countries.

15 There is also another issue at stake  
16 here and that is setting up a facility to supply.  
17 It used to be, in the old days of seafood, which  
18 aren't that long ago, where you could just swap  
19 from one processing facility to another. Now,  
20 you have to make sure that they have a robust  
21 HACCP plan. You have to review it. You have to  
22 make sure that the HACCP plan is real. You have

1 SQF and other food safety requirements, ISO, and  
2 so on, BRC. That requires an audit. You need to  
3 get an auditor set up. You have to get the  
4 facility set up to pass the audit, which means  
5 you have to educate them on documentation  
6 procedures, as well as the sanitation procedures  
7 within the facility. You have to get their  
8 employees. They have hundreds of employees.  
9 Then you also have employer practice audits which  
10 you need to do which are required by our  
11 customers.

12           These audits aren't harmonized. So you  
13 might have two different sanitation or food  
14 safety audits, as well as two different employer  
15 practice audits for the very same facility.

16           So it's very difficult to switch from  
17 say a Chinese facility that's getting it right to  
18 a facility in another country that hasn't got it  
19 right before and is probably not going to get it  
20 right again.

21           Now this isn't to say that other  
22 companies aren't using these facilities in other

1 countries; they are. And that's why if you go to  
2 the CDC, you'll see Vietnam, Philippines,  
3 Indonesia, Thailand all with having problems with  
4 hep A, with bacterial loads causing E. coli and  
5 other bacterial loads that are causing infection  
6 in people that eat these products. It's just not  
7 where our customers wish to go and they really  
8 rely upon us to do a good job and make sure that  
9 we meet the sustainability requirements that  
10 they've put in place. They want us to make sure  
11 that we keep their customers safe, we keep them  
12 out of the newspapers and, in doing that, we've  
13 settled on China as being the only reliable  
14 source of this kind of processing for us.

15 It's not cheaper to go to China. I  
16 don't go to China because I'm saving money. I  
17 would save more money by going to Vietnam,  
18 Indonesia, and Thailand. However, each of these  
19 countries have problems. I don't want to go  
20 through them because I don't want be on record of  
21 trashing other countries. That's not what I am  
22 here for.

1           But I am here to tell you what we do, we  
2 do to the highest standard, and our customers are  
3 very happy with what we do, and it's not easy to  
4 switch and, in fact, it's darn near impossible  
5 under the current regulatory environment.

6           MS. MEASE: Thank you. One other  
7 question: Is it possible to distinguish U.S.  
8 sustainably-caught tuna from imports from other  
9 places?

10           MR. KRAFT: Genetically, the tuna stocks  
11 are similar throughout the country or throughout  
12 the Pacific Ocean. So genetically, you can't  
13 distinguish them, if that's what you mean. I'm  
14 not sure if I understand the question properly.

15           MS. KNISLEY: Ms. Wilkins, this question  
16 is for you. Are there certain products on List 3  
17 that can only be sourced from China or can some  
18 of these products be imported from other  
19 countries; and if so, which ones?

20           MS. WILKINS: Thank you for the  
21 question. There are particular products that are  
22 predominately available in China -- fruit trees,

1 for example. Sourcing decisions, as some of my  
2 colleagues sitting on the panel have mentioned,  
3 you know, that we're looking at quality, safety,  
4 and consistency in the inputs for our products  
5 that we provide to American consumers.

6 MS. KNISLEY: Okay, great. Thank you.

7 CHAIR BUTLER: I think that's it. So  
8 we're adjourned now.

9 MR. BISHOP: Okay, we will release this  
10 panel with our many, many thanks.

11 And we stand in recess until tomorrow  
12 morning at 9:30 a.m.

13 (Whereupon, the above-entitled matter  
14 went off the record at 7:39 p.m.)

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18  
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20  
21  
22

## A

- a.m** 1:10 7:2 76:20  
461:12
- abating** 104:5
- abilities** 199:1
- ability** 30:2 37:5 40:21  
52:4 59:20 60:1 67:7  
97:17 108:22 112:5  
124:10 187:1 211:2  
215:8 223:7 240:21  
248:15 262:3 356:19  
360:6,18 371:3 377:9  
379:4 380:21 388:4  
391:9 411:16 427:18  
428:4
- able** 39:16 48:21 54:4  
56:14 60:12 98:4  
112:17 133:2,17  
147:22 163:12 192:8  
193:10 201:10 206:11  
227:1 236:18 243:17  
246:2,15 248:10  
252:6 258:1 266:18  
266:20 267:6 270:9  
276:8,11 278:11  
279:6 292:8 293:12  
306:8 318:19 378:7  
381:18 401:6 403:18  
409:3 419:22
- above-entitled** 76:19  
296:13 461:13
- abrasive** 167:3
- abroad** 180:18 373:19
- absence** 48:4 433:5
- absent** 87:3
- absolute** 46:1
- absolutely** 46:7 52:3  
98:5 100:9 138:7  
289:9 294:22 344:6  
350:6
- absorb** 30:2 116:21  
122:11 149:7 190:15  
215:3 216:3 228:7  
258:1 268:1 278:8  
411:16,18 419:5  
432:3
- absorbed** 251:6,11  
278:3 353:13 361:8
- absorbing** 323:10
- absorbs** 117:5
- Academy** 218:7 309:6
- acceptable** 226:12
- accepted** 226:10  
265:11
- access** 46:2 165:13  
303:2 304:6 316:13  
318:3 360:16 442:6  
442:20
- accessibility** 307:21
- accessories** 76:2 78:17  
105:20 213:5 267:11  
300:1 309:5 394:19  
396:11
- accident** 232:10 299:22
- accidental** 34:13
- accidents** 339:6,8
- accolades** 213:17
- accommodate** 247:13
- accomplish** 143:15  
311:10 443:3
- account** 35:2 255:1  
413:5
- accountable** 18:2
- accounted** 171:21  
314:19
- accounting** 80:20  
317:13
- accounts** 11:21 48:8  
51:7 204:20 234:6  
256:2 317:3,10 322:9  
441:15
- accurate** 456:6
- achieve** 185:9 204:10  
205:22 275:12 363:21
- achievements** 180:1
- achieves** 106:15
- acid** 371:5 375:12 376:2  
376:5 400:19 404:18  
404:18,21
- acids** 427:12,14
- acknowledge** 233:9
- acknowledges** 417:2
- acknowledgment** 9:16
- acquire** 47:13 48:21
- acrylate** 378:15
- acrylic** 404:17,18,21
- act** 12:16 106:9 189:20  
328:2 386:7
- action** 8:11,13,17,21  
9:2,10 17:19 30:10  
54:13 80:2 103:17  
105:13,16 176:5  
184:15 213:22 215:16  
234:21 254:3 260:15  
260:19 322:3,13  
331:6 361:11 362:19  
363:3 366:14 371:21  
435:16 441:7
- actions** 7:14 8:4 79:12  
181:8 184:16 191:7  
323:21 330:12 358:2  
391:9 418:14 421:18  
430:16 435:1
- actively** 89:19 163:21
- activities** 23:15 89:20  
99:20
- activity** 26:1 163:17  
204:8 326:20 336:13  
349:5
- actors** 425:17
- acts** 7:8 8:5 120:21  
122:8 169:5 202:20  
253:13 255:15 258:9  
320:17 438:12
- actual** 69:6,9 195:12  
348:1 402:11
- acutely** 444:13
- ad** 151:15 153:1 154:18  
155:10
- AD/CVD** 86:8,16 131:14
- adamant** 265:13
- ADAME** 406:10,12,17
- ADAME-** 379:14
- ADAME-QUAT** 378:17  
378:18,22 379:11  
380:19,22 381:13,17  
382:3 402:9,11  
404:11 406:11
- add** 117:12 128:18  
155:20 172:14 196:1  
254:15 256:16 282:9
- added** 24:6 172:11  
180:5 219:7 257:22  
267:21 269:8
- addendum** 331:5,6,8
- adding** 28:18 99:11  
111:17 136:21 206:21
- addition** 111:4 117:2  
127:21 149:19 170:6  
172:11 195:14 204:17  
205:16 208:3 258:16  
270:9 312:15 317:7  
339:5 390:8
- additional** 7:16,21 8:13  
8:20 25:14 36:6 37:4  
37:13 42:6 44:7,11  
49:8,15 50:1 52:14  
73:7 79:18 86:18  
99:11 101:2,12  
102:18 116:9 117:12  
117:18 120:5,13,19  
122:6,15 123:18,22  
124:5 125:2 145:22  
149:4 157:3 159:5,9  
159:12 161:14,20,22  
164:4 173:19 177:4  
177:15 178:18 185:21  
188:2 190:5 193:8  
202:10,16 205:20  
206:21 214:13 217:10  
218:13 224:13 228:12  
239:9 251:5 258:19  
275:6 276:14 282:4  
298:14 316:10 318:20
- 329:21 335:15 357:6  
365:14 367:18 378:12  
379:16 380:18 381:8  
386:7 391:8,11 392:5  
412:22 424:20 427:22  
441:17 443:1 447:3
- Additionally** 116:11  
184:1 244:20 251:19  
265:11 386:9
- additions** 358:17
- additive** 375:22 454:7
- additives** 51:22 376:6  
444:1,3,4
- address** 11:2 50:2 54:2  
69:13 76:12 79:6  
107:7 177:5 259:2  
295:14 326:1 333:18  
420:4 421:19
- addressed** 320:18  
367:13 417:4
- addressing** 8:4
- adds** 439:13
- Adee** 2:1 6:11 412:7,9  
412:10,11,12 416:6  
445:7,13
- adequate** 38:15 104:11  
169:14 433:6
- adequately** 35:1 379:9
- ADHD** 340:1
- ADI** 364:20
- adjourned** 461:8
- adjusted** 251:8
- adjusting** 232:20
- adjustment** 35:12  
299:18
- adjustments** 233:5
- administer** 302:20  
304:1
- administrability** 216:7
- administration** 1:18  
11:9 14:6 16:6,15  
17:17 18:7 19:4 31:4  
34:8 72:11 82:7,15  
87:16 88:18 99:20  
163:5 167:10 178:14  
178:22 229:17 231:12  
253:15 254:16 255:17  
257:7,11 258:8,21  
260:13 265:8 271:5  
273:1,11 275:2,12  
279:2 323:20 324:4  
334:12 341:3 376:18  
383:14 386:17 387:3  
391:18 417:5 422:1  
425:5 440:13
- administration's** 10:18  
11:2 12:12 14:7 27:4  
27:8,20 32:19 79:6,11

- 95:19 100:3 173:18  
175:13 180:22 205:9  
215:17 223:20 233:10  
388:10 438:22 442:10  
**administrative** 19:20  
248:6  
**adult** 298:16  
**adulterated** 415:1  
**advance** 27:8 32:19  
40:19 88:2 191:6  
205:8 257:19 312:17  
322:13 325:12 386:16  
**advanced** 50:13 112:22  
205:13 223:22 224:7  
341:5  
**advancing** 85:4 387:2  
**advantage** 19:5 44:18  
57:9 99:3 111:6  
182:19 227:1 286:9  
**advantageous** 410:17  
**advantages** 18:17  
74:12 220:7  
**adverse** 156:19 161:15  
275:11  
**adversely** 31:7 109:11  
109:17 215:1 422:6  
433:21  
**advertising** 320:9,10  
**Advisory** 2:3 6:13  
416:8,13  
**advocating** 179:22  
**aerospace** 318:1  
**AES** 2:8 4:18 162:4,12  
**Affairs** 101:8 113:17  
179:14 441:4  
**affect** 31:7 67:7 261:2,5  
305:18 353:9 355:8  
387:1  
**affective** 177:8  
**affiliate** 168:16  
**affiliated** 156:15 193:21  
**affirmative** 86:1  
**afford** 85:3 137:18  
139:12 140:9 206:6  
206:11 210:18 215:3  
266:7 291:15  
**affordability** 35:21  
364:13  
**affordable** 70:19 89:11  
94:4,18 116:6 207:17  
229:21 259:20 263:18  
266:14 267:5 269:4  
336:12 441:18 443:19  
**affordably** 270:10  
**aforementioned** 338:15  
**Africa** 250:12 433:9  
**aftermarket** 70:20  
71:13 74:7 75:11
- 108:9 113:22 115:13  
115:15 119:6 126:19  
137:9,10,12 140:5  
142:15 329:19 352:18  
**afternoon** 77:9,12,20  
78:9 83:5 95:12 101:7  
107:8 113:14 118:17  
125:7 126:9 145:3  
151:7 168:11 173:16  
193:18 207:8 211:21  
216:22 222:19 229:2  
249:18 252:16 268:16  
279:20 284:15,21  
296:21 313:21 336:22  
362:8 372:16 377:4  
392:11 412:10 422:16  
**age** 93:6 303:18  
**age-appropriate** 204:9  
**agencies** 9:18,18,21  
10:8,14 21:17 119:15  
121:2 302:15 418:3  
**agenda** 18:10  
**agent** 170:13 183:5  
**agents** 372:5 444:7  
**aggressive** 115:8  
334:10  
**aggressively** 181:1  
184:17 311:14  
**aging** 46:22  
**ago** 10:3 12:17 18:4,7  
66:10 87:5 253:16  
283:17 319:22 334:7  
340:10 384:8 436:17  
454:1 456:7 457:18  
**agree** 59:7 102:8 110:9  
246:6 304:5 308:6  
**agreed** 248:21 249:4  
**agreement** 354:12  
**agreements** 121:16  
196:3 214:7 286:11  
291:10  
**agricultural** 119:9  
443:8  
**agriculture** 1:17,19,20  
22:9 63:1 77:19  
146:19 439:2  
**ahead** 285:11 296:10  
**AHPA** 412:16 413:2  
**AHPA's** 416:2  
**aid** 425:6  
**aids** 444:2  
**air** 90:17 219:1,3 221:6  
222:8 388:8 390:13  
**Air-** 145:11  
**Air-Way** 2:2 4:16  
145:16 146:2,14  
147:5,10,20,22 148:6  
148:19 149:5,10
- 150:4,7,22  
**Air-Way's** 146:6 147:14  
149:1,14,20  
**Air-Ways** 150:17  
**aircraft** 374:3  
**airlines** 374:4  
**aisles** 413:12  
**Alabama** 387:21 388:6  
390:2,4,8,19 456:9  
**Alaska** 10:13 11:15,16  
11:18,21 12:3,22 13:8  
13:13 14:13,18 15:9  
17:21 439:6 457:6  
**Alaska's** 13:3  
**Alaskan** 13:7,10 15:2  
16:20 42:8  
**Alaskans** 18:18  
**Albertsons** 438:4  
**alcohol** 362:18  
**algorithm** 341:5  
**alike** 376:13  
**all-American** 425:11  
**Alliance** 5:5  
**Allied** 294:16  
**allies** 421:19  
**allotted** 331:21  
**allow** 37:17 99:15 204:1  
232:12 274:2  
**allowed** 21:10 229:19  
250:14  
**allowing** 26:15 36:14  
118:20 207:10 220:2  
264:10 273:22 279:12  
332:2  
**allows** 147:10 259:19  
391:6  
**alluded** 197:9  
**Aloha** 436:13  
**alongside** 71:1  
**Alpha** 2:16 5:16 313:18  
313:22 314:3 315:16  
**alter** 215:8  
**alternate** 34:1 216:1  
239:6 255:20 257:5  
286:12,17 288:3  
320:1 420:4,7,11,14  
**alternative** 126:11,13  
133:20 134:11,13  
135:4,7 142:10  
158:16 161:4 166:21  
169:14 171:1 192:1,5  
198:9 200:13 204:13  
217:19 219:15 221:3  
234:10 236:4 246:2  
257:10 261:14 286:5  
319:15 324:5 342:5  
352:19 355:7 358:7  
371:10,16 384:5
- 425:11 456:22  
**alternatives** 25:9 118:9  
261:13 262:15 335:13  
339:16 345:22 433:22  
434:2,7  
**alternators** 120:11,13  
122:13,19 123:19  
**aluminum** 104:14 105:4  
106:2,14 177:14  
310:17 315:13 365:13  
417:12 427:21  
**Amanda** 3:11 4:12  
95:10,13  
**amazon** 248:12 290:1  
**Amazon** 89:17 220:15  
411:12  
**amazon.com** 236:14  
**Ambassador** 72:1  
**America** 2:19 3:8,10 4:9  
6:7,16 10:19 12:9,22  
13:16 14:11,20 15:1  
16:19 17:3,6,21 18:8  
27:18 50:6,10 126:2  
175:11 259:21 265:14  
265:18 269:3,4  
270:18,19 272:17  
273:12 292:9,22  
311:2 332:17 334:8  
347:15 387:15,19  
388:20 426:1,8,13  
**America's** 23:16 215:5  
230:9 272:9 391:3  
413:11 415:16  
**American-born** 104:20  
**American-led** 104:20  
**American-made** 51:9  
271:3 368:12  
**American-owned** 96:15  
98:22  
**Americans** 11:8 16:17  
16:19 18:22 19:5  
53:13 54:15 85:19  
86:21 88:1 89:18  
114:4 116:10 128:9  
128:17 151:21 251:18  
260:14 264:2 270:21  
274:12 313:1 328:7  
331:12 333:8 335:11  
336:2 367:22 373:14  
417:11 441:14,19,19  
444:12  
**Americas** 50:18 253:7  
376:3  
**amorphous** 315:1  
348:9  
**amount** 48:15 63:2  
110:3 166:14 243:17  
247:8,9 270:19

271:15 276:15 293:10  
310:17 352:20 439:15  
**amounts** 58:18 270:6  
376:1 424:21 452:15  
**AmPac** 83:11  
**ample** 210:5  
**Amy** 430:9  
**analogous** 16:21  
**analogy** 16:3 17:2  
**analysis** 218:1  
**Analytics** 364:20  
**analyzed** 449:14  
**anatomical** 2:13 5:13  
302:5,10,12 304:9,15  
305:21 306:7 307:18  
343:7,20  
**anatomy** 302:16 304:20  
344:9,17  
**anchors** 223:16  
**and/or** 236:4 318:14  
414:21  
**Andrew** 1:19 22:8  
**anhydride** 359:19  
**aniline** 375:10,10,13,17  
375:18 376:1 401:14  
401:17,21  
**animal** 337:15 416:15  
451:1  
**animals** 42:4 421:14  
**animals'** 43:6  
**Ann** 3:13 4:14 113:11  
113:16 144:3 268:14  
272:5  
**Ann's** 271:9  
**annex** 116:12 233:17  
259:22 438:7  
**anniversary** 373:6  
**announce** 287:21  
**announcement** 76:11  
275:5  
**announcing** 8:19  
**annual** 7:18,22 8:15  
221:19,22 253:8  
306:18 322:8 363:22  
384:19  
**Annualized** 37:9  
**annually** 13:2 208:6  
271:12 272:13 313:1  
333:12  
**answer** 82:20 88:7  
106:17 134:19 179:4  
211:15 273:15 283:1  
295:17 321:4 342:9  
401:8 447:22 448:3  
449:21 455:10  
**answered** 136:18  
**answering** 396:21  
**answers** 288:6 420:10

**Anthony** 2:6 5:2 207:5  
207:9  
**anti-** 91:7 99:8 102:19  
103:19  
**anti-dumping** 85:20  
**anti-reflectant** 385:13  
**antibiotics** 414:21  
**anticipate** 124:7 258:4  
290:5 298:12 299:8  
**antidumping** 371:21  
372:2 388:15 424:6  
424:15 446:20  
**antioxidant** 375:19  
**anybody** 132:18 140:2  
201:6  
**anymore** 434:5 455:4  
**anyway** 135:18  
**apartment** 212:8  
**apologize** 311:8  
**apparel** 259:15 260:1  
261:9,15,17 262:5,11  
265:21 280:5,11,15  
280:19 282:12 284:20  
290:2 295:12 296:5  
299:19 360:5,10,13  
360:14  
**apparent** 163:18  
**Apparently** 240:5  
**appealing** 15:18,18  
393:6  
**appear** 45:21 88:17  
113:5 156:5,8 179:15  
228:17 229:13 264:2  
279:21 302:8 361:15  
387:18 426:4 429:19  
440:17  
**appearance** 36:17  
**appeared** 114:6 337:4  
**appearing** 20:8  
**appears** 22:16  
**appendix** 231:2  
**applauds** 180:22  
**appliance** 270:7  
**appliances** 105:19  
176:20 189:7  
**applicable** 153:19  
**application** 224:21  
348:14  
**applications** 50:15  
169:21 315:3,11  
327:19 359:2,4  
**applied** 54:17 240:15  
**applies** 325:9  
**apply** 110:12 186:21  
313:10 341:10 430:15  
**applying** 44:16  
**appreciate** 12:11 26:22  
31:11 54:10,12 82:19

113:4 142:6 179:3  
212:2 248:12,22  
252:20 274:1 308:15  
382:12 416:4 440:17  
**appreciated** 27:19  
**appreciates** 27:3  
268:18 361:10 441:6  
**approach** 117:14  
326:16 437:20  
**approaching** 298:2  
**appropriate** 56:19  
273:7 288:20  
**approval** 39:3 189:15  
349:14 429:10  
**approvals** 428:13  
**approve** 262:10 428:8  
449:4  
**approved** 242:16  
298:12 350:19,21  
419:1 428:18 449:1  
449:14  
**approximately** 7:18 8:1  
8:15 11:21 14:9 20:2  
24:12 25:19 29:3  
110:20 119:18 120:12  
123:7,21 124:14,18  
267:22 298:21 311:4  
312:1 317:3,10  
342:19 367:7 373:9  
380:13 407:4,17  
418:19 423:5 428:14  
439:4  
**April** 312:17 317:16  
**aquatics** 418:19  
**Arabia** 398:14  
**Arabian** 454:7 455:1  
**arbitrarily** 420:17  
**architects** 393:11  
**area** 68:10 70:9 145:2  
166:20 201:16 245:16  
245:17 248:3 296:5  
356:2 361:18 367:12  
**areas** 59:20 135:11  
152:5 181:14 233:7  
285:21 288:10 398:7  
**argue** 333:1  
**argument** 290:15  
**arm** 304:2  
**Armed** 250:4 373:21  
**arms** 125:15 217:20  
218:4,15  
**Army** 108:1 123:4  
**Arnold** 2:14 5:14  
308:19 309:2  
**arrangements** 232:13  
**array** 29:1 34:6 55:16  
285:15 288:8  
**arrive** 24:4

**arrived** 309:8  
**arrives** 24:3  
**Arrowhead** 3:15 4:15  
118:15,19,21 119:18  
120:12,15 121:4,13  
121:21 122:3,11,13  
123:7,20 124:14,22  
**arrows** 326:13  
**art** 51:4 73:18  
**arteries** 157:10  
**Arthur** 1:11,14 78:1  
**article** 219:9  
**articles** 32:8 46:13 47:5  
59:14 93:19 208:13  
347:20  
**artificial** 184:3 340:3  
**artificially** 72:4 106:4  
**arts** 212:22 213:8  
215:10 216:2  
**asbestos** 138:9,11,13  
138:16  
**Asia** 98:16,21 99:2,6  
130:5,22 250:13  
297:9 335:3 343:14  
346:4,9 360:13  
379:15 390:16 404:19  
405:10 433:9  
**Asian** 221:5 244:16,18  
310:2 311:16,18  
394:5 446:9 447:1,5  
**aside** 167:12 200:5  
**asked** 83:7  
**asking** 19:9 135:2  
162:17 241:17 384:18  
**asks** 21:5  
**aspect** 199:10  
**aspects** 145:21 416:14  
417:10  
**aspiring** 293:11  
**assemble** 297:13  
311:18 312:6 342:2  
**assembled** 96:5 108:3  
312:3  
**assembler** 96:1  
**assemblies** 190:20  
**assemblies** 96:4  
108:16 111:10 186:11  
**assembly** 35:4 93:7,7  
96:21,22 109:8 110:8  
112:1 221:7 329:2  
330:3 354:18  
**assess** 307:9  
**assessed** 37:12  
**assessing** 363:21  
**assessment** 245:6  
**assets** 300:21  
**assist** 344:11  
**assistance** 32:9



**assistant** 10:8  
**associate** 154:11  
**associated** 122:14  
 137:14 138:18 341:7  
**associates** 3:2 6:6  
 356:15 382:9,15,18  
**association** 2:2,11,13  
 2:17,21,22 3:9,12,14  
 4:6,8,11,13,14,21 5:9  
 6:12,20 31:16 32:4,5  
 32:11 41:16,21 42:16  
 71:11 75:15,19 78:11  
 79:5 101:6,9,14,15  
 113:12,18 136:15  
 138:15 174:1 179:8  
 179:15,16 253:2  
 259:8,14 267:12  
 362:12 382:17 412:8  
 412:16 441:1,5  
 451:10  
**associations** 260:11  
 296:3  
**assuming** 158:6  
**assumptions** 289:6  
**assurance** 437:21  
**ASTM** 89:20 91:18  
 219:3,8,21  
**astounding** 86:12  
**Atlanta** 230:15  
**attached** 310:19 313:11  
**attacks** 251:18  
**attempt** 8:7 81:10,18  
 240:6  
**attempted** 407:22  
**attempting** 235:20  
**attempts** 100:4 142:9  
 200:12  
**attended** 310:12  
**attention** 45:12 54:21  
 338:2 425:20  
**attributable** 316:17  
**attribute** 219:7  
**attributed** 239:14  
**ATV** 144:16  
**ATVs** 144:12  
**audience** 152:21  
**audio** 21:9  
**audit** 458:2,4  
**auditor** 458:3  
**audits** 324:21 434:17  
 434:17 458:9,12,14  
 458:15  
**August** 1:7 7:12 8:2,17  
 9:3 19:22 389:3  
**Austere** 215:4  
**Australia** 160:19  
**Australian** 158:3,13  
**Australian-based** 157:6

**authored** 12:21  
**Authority** 12:16  
**auto** 2:11 3:5 4:11,13  
 71:5,16,18 74:14  
 75:15,18,20 78:11,12  
 79:5 106:21 107:4,9  
 108:21 109:5,12,18  
 110:15 111:3,7,12,13  
 112:3,4,12,17 134:7  
 427:6,19 448:16  
**automakers** 53:17 67:9  
 67:12 428:5  
**automated** 98:19  
**automatic** 188:11  
**automobile** 34:10  
 427:19  
**automobiles** 426:17  
**automotive** 70:20 71:8  
 71:10,11,13 74:7  
 75:10,22 78:15 82:10  
 87:2 110:2 119:10  
 137:10 359:5 427:2  
 428:10,13  
**avail** 210:12 312:19  
**availabilities** 287:19  
**availability** 135:6 138:2  
 148:4,8 162:22 188:7  
 191:4 198:14 210:12  
 317:18  
**available** 33:10 34:2  
 40:1 42:15 60:18  
 67:11 82:20 100:15  
 148:6 165:6 171:11  
 172:14 183:14 195:3  
 196:3,7 209:19 214:6  
 255:8 287:2 292:14  
 314:11 318:15 319:12  
 348:5,16 358:4,11  
 359:7 374:11,12  
 384:5 393:19 401:22  
 404:20 405:10 419:16  
 428:4,22 429:2 446:4  
 446:13 456:2 460:22  
**average** 34:19 51:14  
 128:10,17 165:1  
 180:8 221:19 335:17  
 335:21 370:4 421:12  
 432:18  
**averaging** 164:20  
**avert** 129:8  
**avoid** 84:3 215:18  
 311:19 443:14 447:1  
**avoided** 35:17  
**aware** 122:3 161:12  
 166:6 205:16 214:10  
 238:7,11,21 256:21  
 303:9,13 343:15  
 386:19 395:15,22

410:19 419:17  
**azides** 427:13  
**azo** 319:10

---

**B**

---

**B** 125:21  
**babies** 94:1 204:2,10  
 220:5 221:15 232:14  
 302:21  
**baby** 5:3 31:20 32:10  
 32:14 35:18 220:8  
 229:5 230:22 254:12  
**back** 13:4 14:2 16:13  
 36:21 61:16 62:10  
 64:9,11 65:1 67:21  
 77:2 120:2 134:15  
 166:9 178:15 188:18  
 189:1 204:12 235:22  
 240:12 248:11 274:5  
 289:20 290:9,9  
 349:20 399:6 400:7  
 401:11 418:13 436:5  
 451:8 452:6,8 453:5  
 455:5  
**backbone** 29:17  
**background** 121:7  
 265:4 383:20  
**bacteria** 23:13  
**bacterial** 459:4,5  
**bad** 132:19 220:22  
 444:21  
**bag** 264:19,22 265:3  
 266:4 454:3  
**bags** 264:13,16,20  
 265:2,14 266:1,8,14  
 267:1,3,5 277:18  
 291:4 322:4 349:19  
 454:2,5  
**balance** 165:3 273:5  
 276:21 331:13 430:18  
 430:21 452:21,22  
**balanced** 165:18 403:4  
 406:1  
**ball** 109:19,19 125:14  
 125:20,21 135:1  
 136:2,2 144:9,12,14  
 144:17  
**ban** 219:18 242:15  
 317:16  
**bands** 242:2  
**bank** 72:4 149:11  
**bankrupt** 97:21  
**bankruptcies** 411:10  
**bankruptcy** 98:5  
**banned** 91:11 219:16  
 219:18 241:21 243:22  
**bans** 220:1 241:22  
 242:1

**bar** 316:22 317:13  
**Barbara** 2:20 4:7 41:15  
 41:19 61:2  
**bare** 413:13  
**barite** 162:16 163:1,13  
 163:22 164:21 166:22  
 168:20 169:6,12,15  
 170:11,20 171:2,3,5,9  
 172:15,18,21 173:3  
 183:12,14 194:21  
 198:20 199:9 200:5  
**barium** 168:20 169:18  
 183:4  
**barn** 297:5  
**barometer** 253:9  
**barrel** 166:10  
**barriers** 286:15  
**Barring** 422:3  
**base** 33:16 58:17 90:17  
 102:1 148:13 305:8  
 329:11 367:10 371:15  
 452:3  
**based** 24:21 35:10 57:3  
 66:14 118:22 121:22  
 126:10 140:20 148:2  
 149:15 151:13 156:11  
 207:14 212:15 217:2  
 218:2 226:9 236:12  
 249:21 256:11 259:16  
 268:21 295:1 306:19  
 314:5 318:22 321:17  
 345:20 391:5 400:20  
 413:3 436:15  
**basement** 248:10  
**bases** 90:17 229:18  
 233:21  
**basic** 150:19 260:14  
 264:1 344:17,18  
 381:5 396:3 397:22  
**basically** 199:13 236:12  
 237:7 284:6 290:15  
 355:9 399:4,16  
 405:22 450:14,19  
 452:9 453:12 456:11  
 456:14  
**basis** 111:2 112:19  
 195:16 222:9 294:22  
 375:4 384:19 432:5  
**bassinets** 88:21 140:19  
**baths** 176:16  
**bathtubs** 174:12 176:19  
**batteries** 51:9 52:6  
 53:16 67:8,13 316:1  
**battery** 52:8 53:12  
 315:22  
**battle** 385:11  
**BCDMH** 23:4,12,12,16  
 23:20,22 24:9,12,15

- 25:7 55:8,16,18 56:15  
57:1  
**BCycle** 298:7,9  
**Beach** 332:9  
**beam** 247:6,8,13  
**bear** 49:20 166:13  
205:4 221:11 380:15  
**bearing** 136:7,9,10  
156:21  
**bearings** 109:19,19  
135:1 136:2,3  
**beautiful** 293:21 310:12  
**becoming** 10:1 15:17  
217:21 362:20 365:5  
371:7  
**bed** 93:14,15 250:5  
**bed-sharing** 93:15  
**bedding** 105:19 274:13  
277:11 278:13,19  
279:2  
**bedrooms** 231:6  
**beds** 95:2 232:12  
**bee** 415:10,13  
**beehives** 412:15 413:5  
**beekeeper** 412:12  
416:3  
**beekeepers** 413:3,7,11  
413:15 414:5 415:16  
415:21  
**beekeepers'** 415:6  
**beekeeping** 412:13  
**beet** 15:8  
**began** 97:15 297:4  
309:12 310:6,13  
328:10 342:18 392:17  
**beginning** 98:20 107:22  
212:11  
**begun** 103:3 379:22  
**behalf** 26:21 41:20 54:8  
83:2 145:16 168:15  
179:15 229:9 280:6  
333:5 356:22 362:11  
372:21 383:12 387:18  
416:2,21,22 426:8  
**behavior** 159:15 177:9  
395:4  
**behavioral** 339:22  
**Belgian** 370:13  
**believe** 18:11 26:10  
49:14 57:21 78:2  
82:12 83:21 102:1  
111:22 128:2 149:6  
175:20 184:13 192:12  
194:19 196:15 198:21  
199:19 206:15 224:1  
232:19 233:13,19  
238:18 243:9,10  
260:12,19 275:10  
301:1 322:11 326:16  
327:17 328:19 329:9  
330:8 370:19 383:15  
408:17,22 409:21  
425:16 430:9 445:10  
445:19 455:2 456:9  
**believes** 177:3 181:9  
183:13 189:10 288:11  
391:19  
**BELLAMY** 1:22 252:12  
**belonging** 155:1  
**below-cost** 425:2  
**benchmarking** 262:22  
**beneficial** 339:3  
**beneficiaries** 48:20  
**benefit** 40:17 49:15  
66:6 105:8 165:15  
167:19 188:5 247:17  
273:3 324:3 339:12  
368:8 369:11  
**benefiting** 371:13  
**benefits** 45:6 338:7  
442:14 444:19  
**benefitted** 44:6 160:3  
**Bengbu** 329:7  
**best** 15:9 34:9 137:21  
259:2 260:19 303:22  
320:19 352:12,15  
433:19  
**beta-** 340:14,20  
**beta-carotene** 337:16  
338:7,13 340:17  
**better** 137:21 140:6  
166:17 252:7 295:3  
308:9 344:11 457:7  
**beverage** 441:10,11  
442:17 443:10,20  
444:11  
**beverages** 443:2  
**beyond** 348:2  
**bias** 132:7 133:9  
**bicycle** 2:4,14 5:13,15  
296:18 297:12,15,22  
298:3,18,19,21 299:1  
300:6 301:2,13,16  
308:21 309:19 310:10  
312:16,18,21 313:3,4  
313:5 326:11,19  
327:1,3,5,10,22 328:5  
328:9,13,14,20 329:2  
329:2,14,17,20,20,22  
330:3,19 331:1,12  
332:13,15 333:6,8,15  
333:19 334:2,3,8,17  
334:18 335:4,6,19,21  
336:5,7,9,16 342:11  
342:12 345:14,17  
346:3 351:4,7,10,14  
351:17,22 353:6  
354:20  
**bicycle-related** 344:22  
345:9  
**bicycles** 254:8 297:4,9  
297:13 298:7,17,17  
298:22 299:14 300:3  
301:1,5,16 309:5,12  
309:14,22 310:1,22  
311:2,4,6 312:2,7,22  
313:1,6,12 327:10  
328:8 330:5,17 332:3  
332:4,10,14,16  
334:21 335:17 336:10  
341:22 342:2,7,14,19  
342:21 345:13 346:2  
353:7,22  
**bicycles'** 344:21 345:8  
**Bicycling** 336:11  
**bidding** 257:8  
**big** 10:13 128:19 244:1  
247:13 253:3 287:17  
332:11  
**biggest** 299:11 355:9  
355:12 399:19  
**bike** 297:12 298:4,8  
299:16 309:9,11  
326:5 335:20,20,22  
354:22  
**bikes** 3:2 5:18 299:5  
311:16 325:20 326:3  
326:7,8 332:17,20  
333:12 335:16 346:5  
**biking** 299:20  
**Bill** 1:16,21 2:11 3:3  
4:11 5:19 22:13 75:14  
75:17 78:10 284:21  
285:9 331:16,19  
**billed** 424:14  
**billion** 7:18 8:1,15 12:4  
13:2 14:10 17:11,19  
28:19,21 50:20 71:14  
71:16 73:12 75:20  
78:12 114:9 173:19  
174:22 177:4 181:3  
253:8 255:6,11  
280:15 331:10 333:6  
364:1,11,21 377:18  
**billions** 50:22 365:18  
400:4  
**bio** 10:2  
**biodegradable** 433:12  
**biomedical** 302:14  
**birthday** 92:4  
**birthplace** 326:7  
**Bishop** 1:21 19:14,16  
22:15,18 26:16 31:14  
36:9 41:14 45:13 50:4  
55:1 70:3,5,11 75:13  
76:16,22 78:7 82:21  
83:1 88:8 95:9 101:4  
106:19 113:10 118:13  
125:4 144:20 145:10  
151:3 155:22 156:6  
162:3 168:7 173:11  
179:6 185:11 191:19  
201:12,18 207:4  
211:17 216:17 222:15  
228:19 234:2 247:21  
248:5 249:12,14  
259:6 264:5 268:12  
273:17 279:15 283:2  
296:8,16 302:3  
308:18 313:17 321:5  
325:18 331:15 336:18  
341:18 355:20 356:4  
362:4 366:17 372:11  
376:22 382:7 387:13  
392:7 397:1 412:2,6  
416:6 422:12 425:21  
429:21 430:4,6 436:9  
440:20 445:3 461:9  
**bit** 78:7 130:16 170:3  
183:7 195:2 198:12  
247:19 283:9 347:7  
352:17 406:6 410:6  
**bladder** 42:3  
**Blaine** 118:22  
**Blank** 2:2 4:16 145:11  
145:13,14,15 151:3  
191:22 192:3,10,18  
**blanket** 117:15  
**blankets** 270:17 272:11  
292:19  
**blanks** 148:8  
**bleaching** 385:4  
**blended** 390:19,22  
414:19  
**blenders** 389:19  
**blending** 170:15  
**blends** 388:5 389:1  
390:1,22  
**block** 363:10  
**blocks** 358:10 438:10  
**blood** 11:14  
**Bloomington's** 274:16  
**blowout** 170:10  
**blue** 319:9 383:13  
387:7  
**blunt** 37:17  
**board** 91:22 92:6  
142:14  
**boards** 213:6  
**Boasting** 180:6  
**boat** 126:7  
**boats** 14:19 17:5,6

363:15  
**Bob** 2:4 5:13 296:17,21  
**Bober** 2:3 6:13 416:7,9  
 416:10,11 422:12  
 446:2,5,8  
**bodies** 90:2 186:11  
 189:16  
**body** 305:1 340:18  
**boilers** 363:15  
**bolster** 434:9  
**Bolstered** 15:14  
**Bolt** 51:11  
**bolts** 223:17  
**Bon** 1:15 22:6 77:16  
 285:2  
**bonded** 399:3  
**bonuses** 306:18  
**boom** 308:2  
**booming** 51:11  
**boosters** 34:9 232:7,8  
**booths** 152:13 154:7  
 155:16  
**Border** 21:22 77:10  
 284:16  
**bore** 170:4  
**borne** 206:19 420:22  
**Boston** 202:11  
**bottom** 128:6 129:20  
 227:21 297:21 348:12  
**bought** 139:11 447:16  
 457:11  
**bowls** 456:17  
**box** 236:20 247:10,12  
 253:4 332:11  
**boxes** 241:14  
**Bradley** 4:4  
**Bragg** 90:17  
**brake** 80:7,9,10,13,20  
 81:2,7,17,22 82:1  
 126:17,18 127:5  
 138:10,13 426:17  
 427:2,5 428:2,7,10,15  
 428:15 448:11,16  
 449:2,7  
**brakes** 355:2  
**braking** 80:8  
**brand** 213:14 327:18  
 332:10,16  
**brands** 25:8 95:1 174:6  
 259:15,18 262:3  
 265:18 299:8 334:2  
**Brazil** 128:3 314:18  
**Brazilian-** 130:17  
**brazing** 150:2  
**BRC** 458:2  
**breadth** 201:2  
**break** 19:14 20:6,7  
 296:9,12

**breaking** 226:13  
**Breathable** 5:3  
**BreathableBaby** 2:18  
 216:19 217:1,3,17  
 222:2  
**breathing** 243:12,12  
**Brian** 2:3 6:1 356:5,9  
**brick** 411:8,13  
**brief** 20:6 203:12 389:4  
 448:1 453:7  
**briefly** 13:3,20 17:7  
 87:4  
**bright** 307:3  
**brighteners** 373:17  
 376:6  
**brightening** 372:5  
**bring** 69:21 94:10 125:9  
 149:20 150:7 199:18  
 203:20 221:14 237:8  
 254:17 266:21 267:6  
 282:4 289:13 344:6  
 351:11 403:2 405:5  
 407:8  
**bringing** 134:18 245:1  
 245:4  
**brings** 36:21 295:6  
 304:8 351:11  
**broad** 32:7 33:6 46:15  
 102:11 136:16 201:2  
 285:15 438:1  
**broad-based** 178:11  
**broader** 71:20 147:10  
 148:1 256:22 419:10  
**broadly** 141:15 307:19  
**brochure** 90:15  
**broken** 379:22  
**bromine** 23:3,22 57:8  
 57:10,13  
**Brooklyn** 89:8  
**brother** 91:15  
**brought** 286:14 370:21  
 452:7  
**brunt** 419:6  
**brush** 293:9  
**brushed** 293:10  
**brushing** 293:8  
**Bryan** 1:18 22:12 77:22  
 285:7  
**budget** 84:4,20 88:1  
 128:17 231:22 233:18  
**budgets** 215:5 269:16  
 421:15  
**build** 101:17 132:5,8  
 152:12 187:4 197:17  
 265:17 271:17 279:9  
 282:17 293:5 307:4,7  
 365:20 384:12 403:15  
**building** 76:17 100:6,7

155:16 176:19 180:19  
 188:22 189:19 190:12  
 247:3 248:11,21  
 274:13 295:2 315:18  
 358:10 363:10,12  
 399:17 400:1  
**buildings** 23:20 188:16  
 188:20  
**builds** 364:16  
**built** 16:9,11 135:15,20  
 210:15 245:14 399:20  
 399:21  
**bulk** 13:3 24:3 435:2  
**bulletin** 213:6  
**bullied** 73:2  
**bumper** 219:8,12  
 220:11  
**bumpers** 217:19 218:18  
 218:21 219:11,13,15  
 219:17,19 220:1,9,13  
 241:22 242:1,9,9,15  
 243:22  
**burden** 28:9 30:4 84:8  
 205:4 206:1 221:12  
 243:22 282:9 306:13  
**Bureau** 10:10 219:3  
**burgeoning** 72:18  
**Burgher** 452:14  
**Burkhart** 2:3 6:1 356:5  
 356:7,8,9 362:4 397:5  
 397:10,15,20 398:2,5  
**Burnett** 2:4 4:22 185:12  
 185:14,15,16 191:19  
 200:12,17  
**Burns** 2:4 5:13 296:17  
 296:19,20,22 302:3  
 341:21 342:9  
**bus** 83:22 87:4,6,7,12  
 87:14  
**buses** 96:13 115:21  
 363:14  
**Bush** 10:6  
**business'** 187:21  
**business-sensitive**  
 300:22  
**businesses** 15:3 19:2  
 29:12,16,19,22 32:22  
 42:21 49:11 71:12,15  
 74:19 75:22 76:7  
 78:16 79:1,22 101:16  
 121:3 151:17,19  
 175:2,14 214:3  
 215:19 258:5,16  
 259:4 260:9 265:16  
 268:7 269:15,21  
 270:13 292:21 305:19  
 307:17 308:12 316:16  
 359:13 367:11 369:12

371:16 396:19 398:5  
 416:18 432:8 438:18  
 438:22 439:4,6  
**Busis** 1:11,13 7:3 19:11  
 19:18 22:13,13 57:7  
 62:14 63:9,16,20 64:7  
 64:17 65:3,7,11,18  
 68:3 69:12 70:1 248:4  
 249:12 283:5 284:10  
 285:9,9 289:4 290:14  
 290:19 293:20 296:8  
**busy** 307:2  
**Butler** 1:11,13 145:3  
 167:14 168:3,5 372:8  
 382:5 397:4 399:11  
 400:9 404:6 405:21  
 406:3 410:1 412:1  
 445:6 447:14 448:2,9  
 448:14 449:6 461:7  
**buy** 84:21 133:2 139:13  
 139:15 155:15 165:20  
 225:16,17 270:6  
 290:6,16 313:1  
 345:14 351:20 366:7  
 368:14 391:13 404:22  
 406:12  
**Buybuy** 220:8  
**buyers** 125:9 172:22  
**buying** 128:9 176:15  
 290:7 374:20 454:10  
**buys** 140:8  
**byproduct** 275:16  
 456:12

---

**C**


---

**C-O-N-T-E-N-T-S** 4:1  
**C570068** 147:18  
**cabinets** 176:20  
**cab** 223:1,13  
**Calabrese** 2:5 5:1  
 201:20,22 202:1,2  
 207:4 234:5,12  
 235:12,16,21  
**California** 42:22 83:18  
 96:19 212:15 214:20  
 230:17 326:6 332:9  
 423:4,11 439:9  
**call** 22:15 64:3 68:13  
 133:7 249:13 279:1  
 344:16 378:16  
**called** 63:1 87:10  
 102:13 219:10 243:4  
 244:21 351:18 352:5  
 375:18 454:2  
**calls** 137:20 248:5  
**cameras** 21:9  
**camouflage** 385:8  
**Campaign** 90:11,16

**camping** 101:20  
**Canada** 74:10 126:3,21  
 274:21 314:18 315:3  
 371:11  
**cancel** 117:7  
**cancellations** 15:13  
**Candle** 92:1,5  
**candy** 341:2  
**canisters** 373:21  
**capability** 186:15 201:1  
 201:6,8,9  
**capable** 39:8 281:2  
**capacity** 11:1 25:7  
 39:11 40:10 103:6  
 105:3 124:21 130:9  
 131:10,18 133:16  
 141:9,11 143:17  
 146:16 148:7 151:20  
 168:13 186:14,20,22  
 187:4 190:5 192:11  
 200:22 201:6 204:21  
 204:22 211:8 234:7  
 287:1,15 305:2 317:6  
 325:6 350:8,14,15  
 358:16 364:8,10,12  
 369:5 370:20 371:3  
 379:1,16 388:17  
 391:14 400:19 401:3  
 401:19 404:20 407:18  
 407:19 408:11 409:3  
 433:17 449:19 456:8  
**capital** 72:21 149:10,13  
 178:2 190:16 226:15  
 293:12 354:8 390:3  
**capital-** 25:20 293:4  
 352:21  
**capital-intensive**  
 226:16 351:15  
**caps** 149:22  
**captured** 341:9 439:16  
**captures** 102:12  
**car** 16:8,8,11,18 33:19  
 34:8 59:18 95:2  
 102:15 125:15 132:4  
 202:7 203:13,15,18  
 203:21,22 204:2  
 205:7,15 229:7,18  
 230:21 232:2,6,10  
 233:22 234:7,8  
 235:12 245:16,17  
 369:22 449:3  
**carbon** 131:3 225:19  
 315:14  
**carbonate** 51:21  
**carcinogenic** 340:13  
**card** 213:2  
**cards** 213:10  
**care** 2:11,15 4:5,11

26:18,21 27:10,13  
 28:8,13 29:14 31:8  
 32:8,15 34:14,21  
 35:16 36:1,3 59:4,14  
 71:11 75:15,18,20  
 78:11,12 79:5 154:15  
 229:5 254:8 261:4  
 304:2 321:16 323:7  
 416:15  
**career** 9:22  
**careful** 198:18 442:21  
**carefully** 9:6 41:7  
 184:19 313:14  
**caregivers** 32:10  
**cares** 16:7  
**cargo** 96:2  
**cargos** 165:9  
**caring** 421:13  
**Carolina** 43:1 119:3  
 202:11 250:12 310:8  
 310:11 312:5 372:21  
 373:8 384:1  
**carotene** 340:15,21  
**carotenoid** 337:16  
**carp** 446:9  
**carpet** 105:18  
**carried** 264:16,17 265:2  
**carriers** 186:11  
**carries** 149:11  
**Carrollton** 47:2  
**carry** 264:22 292:5  
**carrying** 170:4  
**cars** 109:21 110:4  
 115:20 231:5 363:14  
**carve-out** 49:22  
**case** 59:1 60:14 102:20  
 111:22 112:9 135:17  
 136:2 147:12 232:10  
 278:15 292:11 301:8  
 340:16 353:11 426:5  
 435:13 453:6  
**case-by-case-** 60:16  
**cases** 60:19 115:11  
 143:18 190:19 202:19  
 227:19 230:4 233:8  
 261:16 319:14,17  
 358:3,20 386:4  
 420:13 421:7  
**cash** 382:1 403:22,22  
**casing** 2:20 4:7 41:16  
 41:21 42:11 43:19  
 44:1,12,17,21 45:2  
 61:14,17 62:5,10 64:4  
**casings** 42:2,9,18 43:3  
 43:6,15 44:10,13,15  
 44:19 61:5,20 62:15  
 63:3 65:16  
**cast** 127:7,8 186:5

**casting** 223:18  
**cat** 418:14  
**cataloged** 30:11  
**catastrophic** 195:20  
 232:9 312:21 357:10  
 375:5 398:3 419:8  
**catch** 15:7 455:8  
**categories** 33:19 85:6  
 101:1 105:15 109:10  
 109:15 112:16 186:5  
 218:5 229:7 231:8  
 256:15 350:10 368:1  
 444:6  
**category** 59:16 98:2  
 102:14 112:8 126:17  
 188:8,9,13 189:5  
 231:15,17 233:2,2  
 268:7 277:8 294:15  
 336:16 344:7 389:7  
 439:5  
**cater** 84:18  
**cationic** 379:9 381:14  
**cationic-grade** 378:19  
**caught** 14:18 17:3  
 218:9 438:20  
**cause** 8:7 25:10 28:4  
 30:5 32:20 37:19 49:9  
 61:5 75:4 79:19 99:17  
 103:1 108:20 120:22  
 129:16 169:7 172:21  
 177:11 178:1 182:13  
 202:22 208:22 224:13  
 239:12 269:12 318:12  
 338:21 361:22 374:14  
 380:10 383:16 391:12  
 394:21 396:16,17  
 432:6  
**caused** 15:13 339:9  
 346:19 391:20 415:11  
**causes** 34:15 72:16  
 93:18 214:2 454:8  
**causing** 73:10 215:18  
 277:11 369:5 383:17  
 423:22 459:4,5  
**CCCT** 280:3 282:16,19  
**CDC** 459:2  
**cease** 394:16  
**ceased** 80:15 334:19  
 384:8  
**cede** 329:22  
**ceding** 442:8  
**ceiling** 136:8  
**celebrating** 373:5  
**cells** 315:15  
**center** 186:4 206:2  
**centers** 97:2 119:16  
 123:12 204:9 208:1  
 265:9 321:15 323:6

**central** 72:4 390:13  
**century** 89:9 305:6  
**CEO** 75:18 78:11 83:11  
 83:14 118:18 173:21  
 207:9 222:21 229:3  
 274:3 309:3 331:20  
 332:1 362:9  
**certain** 13:9 15:15  
 51:20,21,21 58:12  
 84:7 95:4 102:12  
 111:8 137:1 145:21  
 150:10 181:16 223:12  
 225:10,12 235:8  
 241:20 247:8,9  
 253:12 291:20 337:12  
 346:19 347:1 359:1,4  
 359:9 383:7,7 388:3  
 394:8 426:9 460:16  
**certainly** 78:9 88:2  
 95:20 135:22 199:15  
 286:8 311:9 410:22  
**certification** 189:15  
**certified** 34:6,20 35:3  
 182:15 437:1  
**cetera** 315:15 344:18  
 456:17  
**chain** 34:3 79:10,17  
 81:21 97:4,16 109:5  
 121:22 122:1 130:15  
 131:8 144:1 176:9  
 181:21 182:13 184:8  
 187:14 199:18 200:2  
 204:19 209:1 223:2  
 223:14 224:17 227:22  
 232:21 234:14,16  
 245:20 246:5 252:18  
 289:11 297:16 299:10  
 317:21 342:11,13  
 343:2,3 354:6,18  
 355:4 359:15 361:8  
 384:20 405:7,15  
 406:15 436:19 437:16  
 439:15 449:2 453:13  
**chains** 35:4,5 62:8 76:9  
 79:3 105:2,6 106:3  
 135:21 147:1 233:4  
 257:14 262:6 360:12  
 416:19 442:7 453:11  
**chair** 1:13,13,14,14 4:2  
 7:3 12:7 19:11,18  
 21:5 22:13,14 57:7  
 62:14 63:9,16,20 64:7  
 64:17 65:3,7,11,18  
 68:3 69:12 70:1 76:13  
 77:1 78:1 95:7 124:16  
 127:3 131:11 145:3  
 167:14 168:3,5 235:5  
 235:14,18 236:2

- 239:9,17 240:4,9  
246:17 247:19 248:4  
249:12 283:5 284:10  
285:9 289:4 290:14  
290:19 293:20 296:8  
343:18 344:19 346:10  
347:3,10 348:18  
349:8,12 350:1 351:2  
372:8 382:5 397:4  
399:11 400:9 404:6  
405:21 406:3 410:1  
412:1 445:6 447:14  
448:2,9,14 449:6  
461:7
- Chairman** 9:15 17:15  
19:7 50:8 55:2 70:13  
88:12 107:1 125:5  
145:10 173:15 191:20  
201:19 216:21 234:3  
249:14 279:22 283:3  
296:16 309:3 341:19  
356:4 382:16 397:2  
412:6 445:4
- Chairperson** 91:18
- chairs** 88:22 229:8  
230:22 235:17
- challenge** 11:3 56:9  
193:8 287:17 354:3  
386:18
- challenges** 10:19 87:9  
115:6 195:5,7 287:1,8  
417:6
- challenging** 305:15  
328:12
- Chamber** 3:16 5:11  
279:17,22 295:14
- champions** 18:10
- chance** 264:2 274:2  
330:9
- chances** 330:10
- change** 60:6 65:4 72:12  
100:3 217:16 221:16  
224:2 253:17 257:15  
260:16 264:18 307:9  
320:17 349:14 394:22  
433:18 445:8,13  
448:20,22 449:11
- changed** 97:17,20  
113:2 250:15 283:8
- changes** 236:10 317:19  
324:4
- changing** 33:17 223:10  
237:10
- channel** 431:2
- channels** 35:19 115:16  
274:14 352:2 423:7
- chapter** 12:20 17:17,18  
114:18 261:7,10
- Chapters** 261:8
- characteristics** 23:7  
222:10
- charge** 10:10 12:7  
276:1
- charitable** 272:15
- charities** 272:20
- charity** 92:7
- Chatsworth** 3:7 4:11  
83:2,16,17 102:8
- cheaper** 61:22 166:18  
267:4 278:14 459:15
- check** 134:14 154:13
- Chem** 2:11 6:3 367:5  
368:10 369:19
- chemical** 2:10,19,19  
3:10 4:4,9 6:4,16  
22:20 23:2,7,11,13  
25:21 27:15 37:3  
38:15 40:11 46:2 50:6  
50:10,11 52:10 57:8  
58:4,7,14,18 68:7,9,9  
68:21 69:3,18 318:1  
356:20 358:10 359:20  
363:10 372:13,14,18  
372:19,20 373:4  
387:19 397:21 400:2  
400:3 426:1,8,10,13  
426:18
- chemical's** 69:2
- chemically** 170:15
- chemicals** 23:19 38:7  
38:18 40:22 50:14  
51:20 52:7 53:2 54:18  
56:3 58:15,20 68:6  
314:2 356:12 366:19  
367:3,9,15 368:13  
372:22 373:15,18  
374:22 375:8 383:7  
389:7 401:15 404:9  
427:7,17 428:3,17,18  
429:14
- chemistries** 319:6
- chemistry** 26:5
- Chevy** 51:11
- Chicago** 107:5
- Chicago-area** 108:18  
111:15
- Chief** 36:16 211:22  
268:17 337:2
- child** 32:8,15,15 33:19  
36:1,3,3 59:14 90:12  
92:4 203:4 204:4  
205:19 206:9 230:4  
232:19 233:12 234:19  
304:3 340:19 434:18
- child's** 233:19 247:4
- childhood** 206:10
- children** 34:10,22 35:9  
88:16 90:13,14 92:8  
92:17 94:16 142:4  
202:18 203:2 205:21  
206:3,3 207:1 218:9  
230:6,9 231:5 232:1,5  
232:9,12,14 299:20  
339:19 340:1 341:1  
341:13
- children's** 3:10 5:5  
88:19 89:6,12 92:12  
140:15,15 202:8  
203:13 205:7,15  
228:21 229:4 233:11  
234:7 353:22
- Childress** 270:6
- China's** 7:8 10:21 52:22  
79:6 82:14 84:9,11  
86:20 117:14 120:21  
122:8 159:14 169:5  
171:21 175:13 177:8  
181:11 205:17 210:12  
217:16 221:16 255:15  
259:2 301:5 319:10  
400:4,18 413:17  
415:18 443:4
- China-produced** 399:7
- Chinese-made** 278:12  
338:19
- Chinese-origin** 316:5
- Chinese-parent-owned**  
99:1
- Chinese-sourced** 48:6
- chip** 348:11
- chloride** 405:8 451:11
- chocks** 189:7
- choice** 53:4 67:16 98:3  
101:1 117:10 155:12  
169:11 233:18 271:21  
316:16 338:11
- choices** 28:11 232:18  
263:18 268:2
- Choon** 3:9 5:20 336:19  
337:2
- choose** 232:2,5 341:6  
386:11
- chooses** 255:17
- chose** 431:4
- chosen** 8:6
- Christopher** 2:5,5 6:15  
6:15 422:13,14,15,16  
422:17,18 423:2  
425:21 446:18 447:7
- church** 272:13
- churches** 150:6
- Ciepiel** 2:6 5:2 207:5,7  
207:8,9 211:17 236:3  
236:9 240:5,8,17
- 247:3
- circumstance** 435:12
- circumvent** 311:15
- circumvented** 415:4
- circumvention** 313:15
- cited** 346:21 420:13
- cities** 298:10 378:4,6
- citizens** 74:19 137:16  
150:13 152:15,18  
155:2 303:6
- citizenship** 434:18
- City** 23:12 88:16 249:21  
309:9 392:17
- claiming** 431:8
- clarify** 61:10 400:11
- class** 68:19 89:18  
107:15 322:2,2  
324:15,15 333:13  
336:1 349:18,18,22  
349:22 385:3,6
- classes** 265:7
- classic** 353:11
- classifiable** 46:4 222:6
- classifications** 65:19  
148:2
- classified** 55:14 96:9  
120:6,16 170:21  
203:14,15,16 217:6  
238:16 337:15,17
- classroom** 212:22
- classrooms** 215:7
- clean** 377:9,16
- cleaned** 61:14
- cleaning** 42:18 367:9  
378:5 444:7
- clear** 33:4 75:3 175:12  
215:13 245:2 263:11  
336:2 389:17
- clearance** 227:18
- clearer** 247:20
- clearly** 112:9 432:20
- client's** 227:19
- clients** 437:12
- clinicians** 302:18
- clips** 223:17
- close** 71:13 73:11  
130:10 147:5 186:19  
244:3 251:16 268:3  
278:18 313:12 318:12  
346:20 394:9 395:19  
396:18 402:20 409:20
- closed** 164:11 250:21  
346:17 456:9
- closely** 407:9,13
- closer** 78:8 131:1 354:6
- closing** 41:6 118:3  
211:9 334:16 429:11  
435:13

- closings** 411:11  
**clothing** 92:8 270:17  
 290:15 292:19  
**Club** 207:19 438:6  
**clutch** 108:2,16 109:4,7  
 110:8 111:10 112:1  
**clutches** 107:14 108:4  
 108:7,8 109:1,13  
 110:1,3,5,7,16,18  
 112:21 134:22  
**co-** 93:19  
**Co-Chairs** 1:11  
**co-located** 453:16  
**Co-President** 91:15  
**co-sleeping** 93:15  
**CO2** 243:12  
**Coalition** 289:11  
**Coartem** 337:6  
**coast** 12:8 195:9,11,19  
 295:6 359:17  
**coating** 37:8  
**cod** 13:9  
**code** 55:22 56:3,6,21  
 57:4 203:14 308:13  
 322:10 388:13  
**codependent** 368:17  
**codes** 75:2 96:10  
 109:21 110:1 114:12  
 120:9 147:16 148:2  
 152:22 153:2 155:7  
 155:17 182:21 183:10  
 183:18,21 189:19  
 190:2 197:19 199:13  
 251:4 256:16,19  
 269:9 275:5 331:8  
 373:2 421:3 427:10  
 443:17 455:22  
**Cohen** 2:6 4:17 151:4,6  
 151:7,11 155:22  
 192:19 193:4  
**colander** 351:18  
**coli** 459:4  
**collar** 383:13 387:7  
 410:14  
**collateral** 150:7 215:16  
 258:11 368:19  
**colleague** 66:9 197:9  
 246:6 295:17  
**colleagues** 417:15  
 461:2  
**collected** 281:16  
**collecting** 392:20  
**collection** 414:13  
**collective** 433:19  
**collectively** 304:21  
 413:4  
**college** 250:3  
**Colombia** 48:19
- color** 338:11  
**Colorado** 42:22  
**colorants** 356:13  
 358:15 373:16,20  
**coloring** 337:12,14,16  
 338:3,9,16 339:17  
 340:8,10,13 341:8,15  
 355:6  
**colorings** 338:4 355:11  
**colors** 339:21 340:3  
**Columbia** 203:19  
 274:18  
**combat** 27:4  
**combating** 181:11  
**combination** 170:12  
 186:18 347:6 437:17  
**combined** 171:18,19  
**come** 19:17 57:10 62:1  
 63:18,21 64:15 70:7,8  
 70:11 76:22 103:2  
 126:20,21 144:22  
 145:1 154:1 171:8  
 186:19 197:15 201:14  
 201:15,18 248:1,2  
 267:17 270:4 277:6  
 280:19 281:20 282:2  
 283:20 333:5 343:1  
 349:20 356:1,2  
 397:21 409:4 412:4  
 430:8 445:18 451:8  
 451:15 452:6,8  
**comes** 56:16 57:14,14  
 61:16 63:11 154:2  
 197:20 275:17 294:8  
 403:7 453:8 457:6  
**comfort** 390:15  
**comfortable** 299:19  
**comforter** 277:3  
**comforters** 279:8  
**coming** 14:11 58:20  
 64:22 77:1 80:21  
 129:2 134:7 138:9  
 145:4 166:7 180:11  
 346:6 348:14 353:2  
 399:9 403:8 409:16  
 410:13 425:8 445:15  
 445:16,20 446:12  
**commenced** 379:19  
**commend** 11:5  
**comment** 8:10 120:9  
 294:4 301:22 398:6  
 422:21  
**comments** 9:1,4,7  
 20:18 28:2 31:10 36:5  
 117:20 127:20 155:19  
 155:20 161:22 185:20  
 222:14 233:15 248:6  
 253:11 256:18 273:9
- 280:8 357:21 376:15  
**commerce** 1:17,19 3:16  
 5:11 12:6 22:3 77:13  
 84:8 147:17 265:16  
 279:17,22 280:18  
 284:19 312:16  
**commercial** 11:22  
 43:14 44:4 47:21  
 114:1 123:11 174:17  
 178:8 181:6 188:4,16  
 188:20 374:4 375:21  
 390:14 412:12,13  
 413:2,11,15 414:5  
 415:6,10,16,19 416:2  
**commercially** 358:9,11  
**commercially-meani...**  
 442:12  
**commercially-signifi...**  
 339:13  
**Commission** 1:10,21  
 1:22 56:10 86:2 89:22  
 217:12 219:6 231:11  
 313:8 326:1 330:15  
 334:9 388:17  
**commissioned** 364:19  
**commissioner** 10:12  
**commissioners** 16:22  
**committed** 18:12 50:18  
 172:3 419:18  
**committee** 1:3,9 7:6 9:6  
 9:8,15 11:11 12:6  
 14:6 17:16 18:20 19:5  
 19:13 20:14,15,20  
 21:18 22:14 36:14  
 41:19 45:20 50:9  
 74:17 75:12 77:6,7  
 84:3,16 86:14 88:13  
 88:17 91:18 94:17  
 107:2 109:16 113:5,6  
 114:7 145:18 146:1  
 173:16 179:11 207:11  
 216:22 248:7,22  
 252:17 256:21 259:11  
 264:10 284:12 286:22  
 318:10 321:3 330:14  
 331:7 372:17 377:5  
 416:5 441:7  
**commodities** 38:21  
 69:16 396:3  
**commodity** 48:15 62:20  
 68:9,17,22 69:3  
 321:14 358:10 363:10  
 397:22 398:19 439:20  
**commodity-type**  
 409:19  
**common** 181:6  
**commonly** 27:21 46:12  
 107:15 183:5 403:6
- communities** 11:14  
 29:19 150:5,8 175:3  
 175:11 441:14  
**community** 90:5 150:6  
 299:14 416:15 419:8  
**commuter** 264:15  
**companies'** 177:16  
 263:2  
**companion** 416:15  
 421:14  
**company's** 29:8 157:2  
 158:13 235:19 240:11  
 299:5 320:22 393:3  
 436:18  
**comparable** 33:15  
 171:20 209:20 210:20  
 256:7 389:15  
**compare** 126:15  
**compared** 171:22 290:3  
 340:20 405:17  
**compares** 209:22  
**Comparing** 68:16  
**comparisons** 389:16  
**compel** 18:7  
**compelling** 404:11  
**compensation** 306:21  
**compete** 108:22 111:11  
 112:18 126:3 237:19  
 250:22 266:21 279:7  
 279:13 294:5,22  
 295:1 331:3 360:18  
 371:18 390:16 391:17  
**competent** 281:7  
**competes** 333:21  
**competition** 38:1 41:5  
 175:20 180:17 224:12  
 263:11 278:2,11  
 294:4,8 345:20  
**competitive** 53:18 74:8  
 97:18 109:3 110:22  
 125:12 148:12 179:1  
 182:19 185:2,3 223:6  
 227:16 266:15,22  
 267:8 276:20 277:9  
 277:13 278:1 284:7  
 291:14 328:15 333:3  
 345:19 360:9 375:4  
 391:16  
**competitively** 224:18  
 304:11 370:21  
**competitively-priced**  
 48:21  
**competitiveness** 29:8  
 76:9 79:4 127:4,8  
 173:6 177:16 184:11  
 281:18 288:13 291:16  
**competitor** 97:15  
 110:15 177:22

- competitors** 47:18  
66:22 74:9,12 125:11  
126:1,6 133:18 211:7  
241:7 294:10 316:12  
330:1 374:17,18  
442:8
- competitiveness** 357:14
- complaints** 295:22
- complete** 103:4 110:3,6  
110:10 254:19 298:22  
299:14 300:3 301:20  
313:6 330:5 346:2
- completed** 187:11  
270:20 342:6 390:3  
390:11
- completely** 16:21
- completion** 184:3  
219:20
- complex** 35:5 38:18  
40:14 182:7 262:6  
420:11 450:21
- compliance** 23:21 35:8  
182:15 263:12 324:22
- compliant** 190:1 324:14  
434:21
- complicate** 282:14  
442:19
- complicated** 257:14  
262:5 403:3
- comply** 206:13 421:21
- component** 33:9,21  
42:10 53:1 71:19 80:8  
158:9 163:2 169:2  
271:4 326:11 329:3  
354:18 374:1 389:7
- components** 35:3 52:5  
53:15 79:15 93:5  
107:17 108:3 109:7  
110:7 111:2,8 113:21  
114:22 115:16 116:14  
150:1,16 174:14  
177:18 178:13 183:1  
183:18 184:2 186:6,8  
186:12 187:12 190:4  
190:20,21 197:12,21  
201:5 269:4 273:6  
277:18 298:17 299:1  
310:17 312:8 329:20  
329:22 335:7 344:22  
345:9,11 354:21  
389:2 390:2,6,20  
391:11 418:21 419:15  
444:4,8,8
- composites** 315:15
- compostable** 433:13
- compound** 23:22
- compounded** 15:14
- compounding** 306:5
- compounds** 426:15,16  
427:17 428:4,8 429:3
- comprehensive** 72:2  
203:11 304:12
- comprehensively**  
304:22
- compressed** 103:18
- comprise** 29:12 159:2  
161:10 221:15
- comprised** 304:9
- comprising** 443:17
- compromising** 29:7  
35:7
- computer** 300:21
- Conceicao** 1:15 21:21  
21:22 55:4,13 56:13  
57:5 77:9,10 130:3  
136:13 140:12,18  
141:14,20 142:5  
193:18 194:10,13,17  
237:16 238:2,13,20  
239:8 284:15,16  
291:2,17 341:21  
343:5 408:7,16,20  
409:2,6 446:18  
447:13
- concentrated** 225:5
- concept** 175:20
- concern** 30:9 57:19  
59:22 81:9 138:2  
144:5 160:15 166:21  
200:8 211:2 255:16  
256:20 263:8 275:4  
276:19 279:4 290:4  
291:21 295:13 388:12  
443:21 453:21
- concerned** 29:5 79:11  
102:4 115:9 176:3  
182:20 196:12 200:3  
202:15 203:9 205:18  
229:14 230:2 231:19  
232:11 321:22 341:4  
391:19 404:10 442:15
- concerning** 310:16  
362:13
- concerns** 74:20 80:6  
175:13 184:7 186:4  
195:5 217:11 260:7  
261:21 299:11 333:18  
433:5 434:12 435:7
- concessions** 392:1
- concise** 21:2 430:13
- conclude** 21:5 25:2  
145:8 167:14 282:11  
308:13 325:10 382:5
- concluded** 84:6 135:5  
142:12
- concludes** 55:2 125:3,5  
191:20 207:2 228:16  
234:3 283:3 341:19  
397:2 445:4
- concluding** 19:22
- conclusion** 21:14 45:9  
82:6 105:22 167:17  
184:16 200:15 253:11  
331:4 386:21
- conclusions** 342:7
- concrete** 376:6
- condition** 98:13
- conditioners** 26:9  
388:8
- conditions** 94:2 385:9  
390:13
- Condoleeza** 10:6
- conduct** 151:8 327:6
- conducted** 28:15 245:6  
263:1
- confidence** 243:19  
407:15 440:10
- confirm** 172:9 218:13  
447:21
- confronting** 417:5
- confusing** 345:6
- conjunction** 7:5 368:12
- connected** 301:2
- connecting** 267:10
- connection** 7:7 79:12
- conscious** 84:5,20 88:1
- consequence** 273:2  
383:17
- consequences** 11:8  
72:17 75:9 82:9 181:8  
184:14 187:22 230:5  
233:12 254:1 338:2  
357:11
- Consequently** 47:19
- consider** 9:7 16:15  
17:17 28:3 41:7 65:14  
69:16 74:17 82:7  
132:6 184:19 228:11  
308:11 352:5 432:14
- considerable** 326:20
- considerably** 114:11
- consideration** 75:2  
102:18 113:3 115:12  
191:18 216:16 222:14  
233:15 255:13 376:21  
377:6 392:3 422:11  
442:21
- considered** 12:19 59:5  
65:16,17 68:22  
118:10 124:15 147:3  
220:3 241:21 275:6  
377:9 426:11
- considering** 8:20 81:1  
220:1 226:20 241:22  
271:6 279:11 282:7
- considers** 65:13 441:7
- consist** 203:22
- consistency** 442:4  
457:4,9 461:4
- consistent** 197:15  
215:17 233:20 438:3  
442:13
- consistently** 38:19 60:4  
230:11
- consolidated** 59:17
- consolidating** 265:1
- consolidation** 147:7
- constantly** 245:10
- constitute** 28:8
- constraint** 192:14
- constraints** 146:15  
357:20
- constructed** 25:15
- constructing** 365:20
- construction** 25:20  
50:16 91:7 146:19  
178:8 184:4 187:7,9  
187:15 188:4 224:22  
228:3 315:18 364:22  
375:15 379:20
- constructions** 103:12
- consultant** 83:18
- consultants** 393:11  
398:22 399:8
- Consulting** 3:7 4:12  
83:3
- consume** 275:19  
276:10
- consumed** 312:2 324:1
- consumer** 24:4 25:8  
26:13 27:12 28:11  
34:16 35:8 38:3 39:15  
44:9 45:11 50:14  
72:16 82:1 84:18,20  
85:2 87:19 89:22  
99:14 115:11 116:5  
116:21 117:13 118:6  
128:17 129:9 139:22  
144:6 169:9 178:5  
207:20 209:6 210:19  
211:1 212:12 217:11  
219:5 231:4,10  
236:16 237:9 254:7  
254:15 257:3,9,16  
260:2,18 263:16  
268:3,4 286:2 290:3  
298:16 313:13 333:7  
336:5 353:12 367:22  
369:8 381:3 428:6  
431:16 435:18 436:2  
441:10,11 442:18  
443:2,10,20 444:2,11

453:21 455:9  
**consumer-driven**  
 132:13 433:11 436:3  
**consumers** 13:5 14:3  
 18:13 24:10 27:18,21  
 28:5 29:1 31:9 46:21  
 49:11 60:11 80:2 82:4  
 84:5 85:9,15,19 94:11  
 105:9 115:17,21  
 116:4 120:1 121:3  
 123:15 129:22 137:15  
 139:6,7 144:8 173:8  
 176:13,15 177:18  
 205:3 206:1,20 208:5  
 209:9 210:9 214:17  
 215:3,19 224:16  
 229:11 230:11 231:14  
 231:15,17 233:17  
 254:18 255:7,11  
 256:10 257:1 258:16  
 259:5 261:12 263:17  
 269:3 290:6,7 306:2,6  
 308:12 311:13 316:18  
 321:17 323:7 325:14  
 333:13 340:4 353:16  
 361:7 362:2 420:8  
 425:7,11,14 432:3,9  
 434:13 440:16 441:21  
 443:15 444:13,19  
 461:5  
**consumers'** 318:13  
**consuming** 190:3 276:1  
**consumption** 13:6  
 15:16 25:13 160:22  
 164:20 275:22 282:9  
**contact** 295:21 435:7  
**contacted** 186:16  
**contain** 47:8 153:2  
 170:11 316:1 340:3  
**contained** 182:21  
**containers** 103:18  
 246:22 456:17  
**containing** 340:20  
 428:16  
**contains** 183:17 184:1  
 260:1 414:21  
**contaminants** 414:22  
**contaminated** 340:12  
**contamination** 188:21  
 189:4  
**contend** 380:9  
**content** 147:6 313:7  
**context** 170:7  
**continual** 10:21  
**continually** 423:19  
**continue** 51:17 53:8  
 80:16 81:7 82:15  
 98:16 111:7 112:17

115:7 124:10 129:16  
 166:2 169:12 173:2  
 181:22 185:1,4,7  
 187:11 228:8 229:20  
 250:22 256:15 260:12  
 260:19 268:8 270:10  
 271:21 316:4 388:4  
 393:3 413:21 417:9  
 425:1 428:1  
**continued** 44:15 117:17  
 118:9 270:4 318:2  
 360:4,18 380:6 387:6  
 414:4 424:21  
**continues** 15:22 29:1  
 50:17 154:4 415:1,15  
**continuing** 259:1  
 306:10  
**contract** 108:1 121:14  
 143:13 153:3,11  
 154:13 193:14 374:4  
**contracted** 380:20  
**contractors** 208:4,7  
**contracts** 35:7 117:2  
 130:8 239:5 380:14  
 380:16 419:18 420:2  
**contractual** 214:7  
**contribute** 268:9  
**contributed** 242:10  
**contributes** 23:15  
 50:22 150:4  
**contributing** 11:17  
 253:7  
**contribution** 29:7  
**control** 125:15 144:11  
 154:8,18 170:8 183:8  
 184:2 186:6 188:9,11  
 227:8,13 320:22  
 361:12 437:13  
**controlled** 69:9 159:19  
 160:1 413:18  
**controls** 225:11 324:19  
 324:20  
**convenience** 422:10  
**convenient** 116:6  
 195:13 441:18  
**conversation** 18:4,5  
**Conversely** 160:5  
**conversion** 436:3  
 451:11  
**convert** 210:7 211:4  
**converted** 24:1 360:10  
**converts** 383:22  
**conveying** 157:11  
**convince** 234:22  
**cook** 363:15  
**cooling** 23:19 170:3  
 390:15  
**cooperation** 281:13

**cooperative** 421:21  
**copies** 145:20  
**copper** 189:8  
**copy** 430:10  
**cords** 152:9,10  
**core** 369:19 372:5  
 433:22  
**corner** 79:21  
**corporate** 110:13 423:8  
 434:18  
**corporation** 2:4 3:3,3  
 3:18 5:4,13,19 6:8  
 50:12 88:10 110:13  
 112:18 143:2 296:18  
 331:17,20 392:9,12  
 392:16 418:18 431:15  
**Corps** 123:4  
**correct** 55:12 62:12  
 72:3 239:16 347:1  
 399:15 400:12 409:5  
 435:5,6 448:7,8  
**correcting** 308:6  
**correction** 308:9  
**correctly** 349:10 403:12  
**correspond** 421:4  
**corresponding** 270:2  
 320:10 353:17  
**cosmetic** 27:10 28:8,13  
 31:7 373:16  
**cosmetics** 26:7,8 59:4  
**cost** 15:19 30:2 34:18  
 35:15 38:2 44:20 48:8  
 48:9,10,13 53:5 67:1  
 72:15 79:18 82:5 85:3  
 87:13,22 105:12  
 116:22 124:5 125:11  
 133:11 135:6 139:21  
 144:6 148:22 152:19  
 154:21 158:10 166:12  
 169:13 172:11 182:1  
 187:8 190:16 192:14  
 206:19 214:14,16  
 225:12 226:20 227:11  
 228:1,8 230:13  
 241:12 251:4,6  
 255:11 257:22 260:7  
 262:16 265:22 267:21  
 268:1,2,4 277:2,4,6  
 278:2,5,9,16 281:11  
 281:20 282:5 284:6  
 303:9,10 306:13  
 308:1 323:10 324:6  
 342:14 344:15 365:10  
 365:12 371:15 374:13  
 380:15 381:4 385:21  
 386:5,6,22 391:7  
 414:17 417:20 418:2  
 423:21 428:5,13,19  
 432:1,4 433:7 444:10  
 448:6  
**cost-** 109:3 375:3 394:3  
**cost-competitive** 13:22  
 67:11 256:6 360:16  
**cost-effective** 281:4  
 283:22  
**Costco** 89:16  
**costing** 111:19  
**costly** 237:7 328:22  
 410:2  
**costs** 34:16 44:14  
 48:12 80:3 90:13  
 106:4 116:18 117:5  
 117:13 122:12,14  
 149:5,17 165:15  
 176:10,17 177:13,19  
 191:1 193:5 209:3  
 250:17 253:19 258:2  
 266:3 267:6 269:18  
 270:9 271:22 277:20  
 298:15 299:9 303:16  
 306:2,9,20 310:3  
 316:17 322:16 323:6  
 323:18,22 347:4  
 351:19 361:7 367:21  
 371:8,8,17 375:1  
 386:2 391:15 415:7,8  
 417:17 419:2,3  
 420:20 442:5 444:14  
 444:19  
**cotton** 217:8 272:17  
**Council** 2:3,16 4:5 6:14  
 10:5 26:18,22 267:11  
 267:13,14 416:8,13  
 437:1  
**counter** 217:10  
**counteract** 324:3  
**counterfeit** 327:20  
**counterfeiting** 295:12  
 295:19 296:4  
**counterpart** 10:11  
 64:14  
**countervailing** 85:20  
 99:9 128:22 372:2  
**countless** 50:16 187:18  
 373:14  
**countries** 18:1 35:6  
 39:10 41:3 43:4 48:17  
 58:11 59:10 64:3  
 66:21 111:8 124:21  
 127:13 129:7,15,16  
 129:18 131:9,19  
 141:3,12 143:19  
 160:19 165:11,21  
 171:12,14 172:15  
 179:2 181:4 186:21  
 192:6 213:15 214:11



221:5 226:4 236:7  
 243:2 244:9,13,16,18  
 244:22 245:4,7  
 251:22 262:7 271:20  
 276:16 283:12 286:10  
 286:15 287:15 305:10  
 309:14 310:21 311:16  
 311:18 330:2 343:11  
 344:21 345:8 346:9  
 351:21 352:3 360:8  
 364:18 365:17 366:5  
 391:12 394:6 398:15  
 401:14 402:8 405:5  
 407:6 408:13 410:4  
 410:12,20 414:9,15  
 429:2 431:1 434:15  
 435:10 442:9 447:17  
 449:17 451:19 457:14  
 459:1,19,21 460:19  
**country** 12:2 19:3 53:9  
 87:14 90:22 91:20  
 102:7 131:7,7 137:11  
 138:21 139:4 154:1,2  
 167:17 172:20 187:5  
 195:1,4 205:2 209:15  
 220:20 221:5 226:2,5  
 226:14 238:5,22  
 242:20 243:16 248:15  
 266:12 283:19 291:7  
 303:2,10 324:10  
 332:11 335:2 347:17  
 348:7 362:21 365:21  
 391:5 397:8 399:5  
 400:7 401:21 411:2,2  
 413:7 415:19 421:2  
 423:9 431:20 432:13  
 433:8,11 441:15  
 450:9 451:13 453:3  
 458:18 460:11  
**country's** 390:21  
 415:17  
**County** 146:9,11,13  
 326:6  
**couple** 12:16 18:6  
 86:13 99:19 137:5  
 244:4 287:10 296:2  
 409:9 450:10  
**coupled** 305:19 325:12  
**coupling** 160:18  
**couplings** 156:14 157:6  
 157:22 158:11,17,19  
 159:2,10,14,17  
 160:12 161:2,8,10  
 193:20 194:2,6,11  
**course** 49:2 73:15  
 89:17 126:6 206:10  
 234:21 242:4 262:18  
 265:19 266:10 285:21

307:9 450:7 455:3  
**Court** 305:17  
**covenant** 149:17  
**covenants** 149:14  
**cover** 37:2 66:18 67:1  
 109:21 110:1 154:22  
 208:9 269:10 438:8  
**coverage** 133:1  
**covered** 104:16 176:5  
 238:9  
**covering** 8:14 42:3  
 280:4 356:14,20  
 360:22  
**covers** 26:2 55:16  
 96:12,13,14 250:2  
 270:7 280:13,20  
 392:19  
**CPR** 302:19  
**CPSC** 59:11 89:22 91:4  
 91:11 93:11  
**cracks** 81:17  
**craft** 254:13 269:1  
 273:6,8 313:14  
**crafters** 212:22 213:9  
 215:10 216:3 294:1  
**crafting** 269:5 270:20  
**Craigslist** 91:13 92:21  
**crashes** 34:10  
**crazy** 138:7  
**create** 53:21 90:2  
 121:10 149:7 153:8  
 177:17 192:20 213:9  
 264:22 270:17 277:9  
 313:3,6 350:15 357:7  
 364:22 375:3  
**created** 51:13 131:20  
 251:8 292:6 293:21  
 293:22 330:20,21  
 390:5 456:8  
**creates** 335:2  
**creating** 29:17 174:20  
 270:10 289:2 367:21  
 416:19  
**creation** 178:7,19 180:2  
 252:8 290:12  
**credit** 328:13  
**crib** 91:6,8 92:16,21  
 217:5,9,16,18,19,20  
 217:21 218:4,9,15,16  
 218:17,18,21 219:8  
 219:11,15,16,17,20  
 220:1,2,7,9,11,13,18  
 220:19 221:13 222:4  
 241:22 242:8,13  
 243:7  
**crib-related** 218:3,14  
**cribs** 33:17 34:17 88:21  
 90:19 91:5,6,12 95:4

141:4 142:2 242:13  
**criminal** 414:3  
**crippled** 104:20  
**crippling** 99:12  
**criteria** 100:18 255:12  
**critical** 38:7 43:12  
 45:22 52:3 53:15 79:9  
 80:4,8 104:22 109:9  
 112:7 114:20 123:16  
 157:9 163:2 165:13  
 170:22 178:16 189:21  
 230:3 303:19 315:10  
 317:22 357:4,13  
 358:5,13 361:4,12  
 365:3 378:5 384:19  
 408:5 425:5  
**Critically** 218:17  
**crops** 413:8,9  
**cross** 188:21 293:12  
**crossover** 132:3  
**crossovers** 132:12,15  
 132:16  
**crucial** 42:10 387:5  
**crude** 165:14,17,19  
 166:4 383:21 384:10  
**crudes** 384:3 408:2  
**cubes** 438:10  
**cubic** 219:2  
**cuff** 401:9  
**cultivated** 245:20  
**culture** 73:4 336:12  
**cumbersome** 264:20  
**cumulative** 25:17,17  
**cunninghamia** 209:18  
**Cupressaceae-** 209:17  
**curb** 181:1  
**currency** 72:5  
**current** 15:15 18:15  
 26:1 30:9 40:12 51:15  
 79:15 93:4 97:7  
 104:12 163:5 186:22  
 211:7 277:22 312:12  
 319:2 320:19 391:7  
 394:10 417:7,20  
 418:4 430:21 434:15  
 460:5  
**currently** 24:13 27:6  
 28:6 39:17 46:5 51:22  
 80:13 99:10 103:4  
 105:3 108:6 130:7  
 181:14 221:6 226:8  
 257:20 275:10 298:9  
 312:13 336:12 361:3  
 366:4 382:3 407:17  
 418:7 450:2  
**curtail** 363:6  
**curtailment** 178:1  
**curtain** 28:11

**custom** 213:10 297:13  
 393:4  
**custom-made** 342:21  
**customer** 39:2 69:21  
 214:22 225:15,19  
 251:12 315:18 367:10  
 371:15  
**customers** 14:3 37:6  
 38:3 39:7,12,14,21  
 44:12 45:10 52:14  
 60:11 108:10 112:1  
 116:17 119:13 120:15  
 122:15,17,21 123:1  
 144:13 147:3,11  
 149:6 154:6,20,20  
 155:3,13,14 157:15  
 174:18 215:1 223:4  
 224:10 226:7,13  
 228:2,7 251:7 263:16  
 269:13,14,19 270:11  
 272:9,13 274:16  
 281:21 282:16 299:10  
 299:19 300:10 303:7  
 305:7 321:15 323:4  
 332:14 337:20 338:10  
 360:7,12,20 367:20  
 374:6,19,21 384:4  
 385:21 393:1,17,22  
 395:13 408:4 432:2  
 432:21 437:22 438:4  
 438:15 458:11 459:7  
 459:11 460:2  
**customers'** 223:9  
**customized** 344:8  
**customs** 21:22 37:11  
 65:19 77:10 148:3  
 227:18 252:19 284:16  
 415:2 424:18 445:22  
 447:11  
**cut** 212:10 213:1 221:8  
 247:1 277:12  
**cutting** 212:4,21 213:1  
 213:4,15 214:2,5,12  
 215:14,21 224:7  
 237:18 238:4,7,8  
 246:9 290:8,9 300:9  
 396:4  
**cuttings** 183:8  
**cycle** 39:3  
**cycled** 107:21  
**cycling** 326:9 327:11  
**cylinders** 103:21  
**cypress** 209:17 210:6  
 240:5,7,18 246:18,20  
 247:14

---

**D**


---

D 158:9

**D.C** 1:10 87:9 138:6  
218:1  
**D737** 219:4  
**Dad** 366:22  
**dads** 33:2 87:20  
**DAI** 390:1  
**Daikin** 3:8 6:7 387:15  
387:19,20 388:19  
390:17 391:3 408:19  
**daily** 25:1 27:17 68:19  
253:9 363:11 373:13  
**Dakota** 43:2  
**Dalian** 194:8,14  
**Daliang** 156:15 158:1,8  
**damage** 150:8 208:16  
215:17 220:19 221:14  
252:2 258:11 338:8  
368:20 424:1  
**damages** 208:19  
**damaging** 190:12  
311:12  
**dampened** 86:4 129:13  
**dangerous** 87:20  
415:13  
**dangers** 93:19  
**Darden** 438:5  
**darn** 460:4  
**data** 55:21 57:3 86:5  
128:2  
**date** 381:7  
**dated** 281:11  
**daunting** 265:6  
**David** 2:12 4:19 168:8  
168:12  
**day** 20:1 92:15 98:17  
107:17 120:1 122:21  
145:5 230:18 231:5  
232:17 248:16,16  
260:3 265:1 441:19  
**daylight** 46:22  
**days** 18:6 19:21 262:11  
456:7 457:17  
**Dayton** 332:5  
**de** 313:12  
**de-list** 375:9  
**de-listing** 376:18  
**Deadliest** 15:7  
**deadline** 420:17  
**deal** 243:14  
**dealers** 5:5 105:8  
108:10 119:16 336:9  
**dealership** 335:22  
**dealing** 65:18 144:2  
**dealings** 160:7  
**death** 34:15 92:2,3 93:2  
340:21  
**deaths** 34:13 89:6  
90:21 93:17 242:10

**debated** 138:20  
**deboned** 13:21 17:7  
**Deborah** 2:11 6:3  
366:18  
**debt** 73:16 149:11,14  
**decade** 293:17 303:8  
364:15  
**decades** 33:15 39:3  
71:5 94:3 97:10  
140:22 413:14 425:12  
442:2  
**decades'** 100:17 395:19  
**Decatur** 387:21  
**decent** 401:7  
**decide** 137:16 421:9  
**decided** 137:11 138:20  
243:20 402:19  
**decides** 257:11  
**decimate** 328:1  
**decision** 56:11 143:11  
147:17 229:18 233:21  
235:19 240:11 449:18  
452:9 454:14  
**decisions** 139:17 140:1  
144:7 155:15 257:18  
365:16 461:1  
**decking** 46:14  
**decline** 270:1 320:10  
425:15  
**decomposition** 46:18  
**decor** 213:11 294:20  
**decrease** 39:20 129:5  
184:11 251:16 270:1  
290:17,21  
**decreased** 39:19  
128:21 177:20 196:6  
209:6  
**decreases** 290:22  
**dedicated** 32:1 92:1  
112:13 375:14  
**deem** 153:9  
**deemed** 134:13 198:10  
315:9  
**deeply** 29:5 54:10  
176:2 340:22 363:16  
**defense** 157:17  
**deferring** 123:16  
**deficient** 144:15  
**deficit** 282:14  
**deficits** 18:1  
**defined** 445:15  
**definitely** 100:16  
138:17 282:9  
**defrauded** 424:13  
**degree** 127:9 242:8  
243:8 304:6  
**degrees** 303:11  
**DeKalb** 146:10

**delay** 80:4 82:4 117:6,7  
252:5 287:18 380:21  
404:3 449:5  
**delaying** 72:21  
**delays** 15:13 182:14  
187:13 188:4  
**delectable** 338:5  
**deli** 454:2,2,5  
**delis** 454:20  
**delisted** 373:1  
**deliver** 152:20 302:21  
304:3  
**delivered** 195:17  
**delivery** 123:10 141:10  
227:19 250:17 281:5  
282:6  
**Delta** 3:3 5:4 88:9,15,16  
89:9,19 90:11 91:15  
92:10 93:21 142:1,4  
**demand** 25:10 39:12,17  
39:21 40:1,12 51:18  
58:1 60:21 66:10,15  
66:17 80:16 81:3  
104:3,12 161:3,3  
171:12 177:20 180:9  
209:7 210:4 215:11  
225:2 226:5 234:11  
269:22 299:22 300:4  
315:20,21 317:1,19  
319:2 336:6 347:13  
347:16,22 348:13  
351:4 397:9 398:19  
420:16 425:14  
**demands** 48:3 197:7  
211:6 306:12  
**demonstrate** 163:8  
428:15  
**denied** 334:11  
**Dennis** 3:10 4:9,11 50:6  
50:9 83:7,9  
**density** 370:14,18  
**deodorant** 27:13  
**department** 1:15,15,17  
1:17,18,19,19,20  
10:11 22:3,7,9,10  
63:1 77:13,17,18,21  
147:17 170:21 265:15  
280:18 284:19 285:3  
285:5 312:16 346:21  
393:9  
**depend** 76:8 79:2  
122:21 272:20 289:17  
359:14 381:22  
**depended** 269:3  
**dependence** 317:21  
**dependent** 60:17  
289:14 317:15 345:21  
360:5 389:21 434:7

446:12  
**depending** 233:2  
234:15 278:7  
**depends** 297:16 298:19  
336:10  
**depleted** 196:5  
**deployment** 324:18  
**Depot** 207:19  
**deprive** 382:2  
**derailing** 262:19  
**derailleurs** 355:1  
**derived** 338:12  
**derives** 123:7  
**Des** 107:4  
**descending** 314:17  
**describe** 239:17  
**described** 9:2 14:17  
16:5 143:2 222:9,11  
283:7 341:22 398:13  
**Desert** 108:2  
**design** 121:10 152:12  
153:8,13,14 154:17  
202:13 214:21 217:3  
218:12 219:12 230:10  
250:10 265:4 289:15  
324:19 393:11  
**designed** 33:12 102:13  
103:12 160:18 212:18  
213:1 395:7 399:18  
406:22  
**designing** 154:8 297:3  
**designs** 152:14 192:20  
192:21 193:2  
**desirable** 46:20 49:6  
**desire** 40:12 215:18  
354:4 403:17  
**despite** 180:17 305:14  
419:4  
**destination** 204:3  
**destined** 14:20 85:2  
**destroy** 253:19 413:15  
415:16  
**destructive** 75:9 440:11  
**detail** 38:12 208:11  
283:10 389:4  
**detailed** 41:8 150:14  
196:21 273:8 376:19  
**detailing** 16:12  
**details** 231:1 422:9  
447:21  
**detect** 414:20 415:3  
**detected** 445:22  
**detergent** 367:9 369:22  
**detergents** 369:10  
371:17  
**deteriorated** 93:5  
**determination** 372:1  
388:22 389:4

**determinations** 371:22  
**determinative** 289:1  
**determine** 391:7  
**determined** 7:14 87:5  
**determining** 100:19  
 216:9  
**deterrent** 445:21  
**detriment** 48:22 361:13  
 369:7 436:1  
**detrimental** 45:10  
 263:15  
**devalues** 72:4  
**devastate** 99:14,14  
 105:6 336:7  
**devastating** 48:7  
 221:20 267:20 336:5  
**develop** 53:18 81:14  
 90:2 91:19 121:7  
 143:9 235:3 288:4  
 300:9  
**developed** 121:13  
 157:6 158:12 159:18  
 192:16 204:12 212:18  
 426:19  
**developing** 52:19 91:17  
 205:19 324:14 334:13  
 442:3  
**development** 28:22  
 105:1 161:5 178:8  
 202:13 204:10 205:21  
 257:7 265:9 289:15  
 324:17,18 329:6  
 394:5  
**device** 349:18  
**devices** 188:19 322:2  
**diagnosed** 340:1  
**dialog** 82:16  
**Diane** 270:5  
**dictate** 60:22  
**die-cutting** 212:12  
**difference** 69:11,18,19  
 128:19 316:19  
**differences** 61:7  
**different** 23:6,7 26:5  
 35:6 58:18 59:15,19  
 63:4 68:15,18 81:2  
 95:3 102:16 103:9,10  
 119:8 137:7 144:18  
 164:10 190:4 197:5  
 201:4 225:20 247:7  
 262:2 292:8 293:9,10  
 299:2 321:13 352:17  
 354:21 368:1 377:20  
 449:7,12 450:22  
 458:13,14  
**differentiate** 147:22  
**differentiating** 48:16  
**difficult** 73:9 93:22

140:1 190:2 231:21  
 233:18 234:13 235:4  
 245:13 256:4 287:12  
 310:3 323:11 328:22  
 352:1 406:8 440:2  
 444:16 458:16  
**difficulty** 240:8  
**digital** 320:9  
**dimethylaminoethyl**  
 378:15  
**diminished** 300:4  
**diminishing** 411:21  
**direct** 20:16 30:9 38:11  
 55:2 63:19 125:5  
 126:1 191:20 207:20  
 234:3 277:15 283:3  
 338:1 341:19 360:20  
 361:6 365:19 380:10  
 391:3 397:2 418:13  
 435:7 445:4  
**directed** 41:3  
**direction** 418:12  
**directly** 19:13 24:9 37:4  
 63:22 114:3,12  
 115:17 123:5 126:3  
 185:6 236:15 260:8  
 283:21 292:3 306:1  
 306:16 335:10 360:13  
 385:21 393:8 398:17  
 441:13 443:18 444:9  
**Director** 32:2 101:8  
 173:22 302:9 436:14  
 441:4  
**Directors** 91:22  
**disadvantage** 111:19  
 161:8 316:13 318:9  
 318:17 421:20  
**disadvantages** 18:16  
**disadvantaging** 253:14  
**disagree** 72:10 130:16  
**disastrous** 52:13 71:9  
**disciplines** 304:14  
**discontinued** 220:9  
**discontinuing** 421:10  
**discounters** 393:10  
**discourage** 322:18  
**discouraging** 191:7  
**Discovery** 2:6 5:2 207:6  
 207:10,12  
**discretionary** 25:13  
 26:13 56:7 59:5 215:9  
 290:16  
**discriminatory** 177:8  
**discuss** 45:21 87:4  
 337:18 422:9  
**discussed** 54:3 140:14  
 389:3  
**discussion** 259:1

389:13 453:20  
**discussions** 24:22  
 254:1 365:22  
**dish** 369:22  
**dishonest** 424:13  
**disincentives** 391:21  
**disinfectant** 23:13  
**dislocations** 218:6  
**dismiss** 68:3  
**dispense** 232:8  
**displaced** 86:16  
**displacement** 129:18  
**display** 2:6 4:17 151:4  
 151:12 154:7 392:13  
 393:18 394:14,19  
 395:6,17,21 396:8,10  
**displayed** 231:7  
**displays** 152:13 154:7  
 393:2  
**disposable** 281:22  
 430:15 431:2 432:2  
 432:11 434:14 441:20  
 449:16  
**disposables** 430:20  
 433:1,4 435:14  
**disposal** 73:8 450:17  
**disposals** 450:7  
**disproportionate** 28:4  
 32:20 49:9 108:20  
 120:22 161:15 169:7  
 177:11 202:22 205:22  
 215:18 396:16 432:7  
**disproportionately**  
 214:2 239:12 322:14  
 336:8  
**dispute** 112:10  
**disputes** 94:14  
**disrupt** 320:1 389:19  
 433:19 442:19  
**disrupted** 434:4  
**disruption** 122:20  
 252:1 261:3 407:10  
**disruptions** 73:10  
 176:9 182:13 184:8  
 339:9 357:7,12  
 359:16  
**disruptive** 233:5  
**dissipate** 170:17  
**dissuaded** 286:17  
**distance** 41:4  
**distant** 318:17 354:12  
**distinct** 74:12 316:13  
**distinguish** 460:7,13  
**distinguishable** 222:5  
**Distinguished** 41:18  
 179:10 356:8  
**distort** 425:18  
**distorted** 423:22

**distortions** 391:20  
**Distressed** 92:7  
**distressingly** 307:20  
**distribute** 23:3 76:1  
 78:16 224:21  
**distributed** 24:10 35:19  
 174:10 430:10  
**distributors** 416:17  
**distributes** 25:8 70:19  
**distributing** 251:15  
**distribution** 96:21 97:1  
 119:1 208:1 227:22  
 274:14 367:8,15  
 423:6 442:3 452:18  
**distributor** 2:9 4:10  
 70:15 107:11 175:10  
 222:22 419:12  
**distributors** 25:18 32:7  
 70:18 74:10 83:11,12  
 108:11 115:13 119:16  
 122:17 123:6 146:5  
 157:14 224:14 227:16  
 227:18 278:21 281:17  
 393:12 420:10 438:1  
 438:2 453:15  
**District** 203:19  
**diverse** 46:16 101:16  
**diversified** 307:16  
**diversify** 285:20  
**diversity** 267:13 286:20  
**divided** 85:5  
**division** 162:12  
**Divisional** 321:20  
**Dix** 90:18  
**DIY** 213:9 224:22  
**DMC** 3:7 4:11 83:3  
**DMDMH** 26:7  
**docket** 21:13 109:16  
 256:18  
**doctors** 303:3  
**document** 160:14  
**documentation** 458:5  
**dog** 418:14  
**doing** 87:16 142:22  
 143:10 247:17 259:16  
 305:12 333:17 349:6  
 455:7 459:12  
**Dolan** 2:7 6:2 362:5,7,8  
 362:9 366:17 398:12  
 398:18 399:15  
**dollar** 195:8 372:7  
**dollars** 17:11 50:22  
 90:19 91:19 105:11  
 133:11 166:10 167:21  
 176:22 227:12 244:3  
 280:16 351:17 365:18  
 369:14 377:18 400:4  
 414:1

**domestic** 13:13 24:7,8  
24:11,16,17 25:2,4,6  
25:6,10 28:20 34:2  
37:22 47:17,21 48:5,7  
55:9 74:3 80:15 97:19  
97:22 103:1 104:2,10  
105:2 126:5 133:15  
161:2 167:7 169:14  
171:6 178:20 186:14  
186:19 188:6 191:3  
198:13,22 199:1  
234:10 271:10 274:7  
274:8 275:21 276:13  
277:12,20 278:3  
279:5 282:10 292:4  
298:1 305:2 307:7  
308:3 314:10 317:6  
318:17 333:4 334:17  
335:5 337:21 356:16  
364:12 368:21 371:9  
375:13 388:18 389:12  
389:15 415:7,21  
417:19 420:5 423:17  
425:3,10 430:21  
431:7 435:21 449:19  
**domestically** 52:5  
53:21 103:3 104:7  
182:10,11 183:15  
186:15 225:16 274:20  
276:12 294:9 297:13  
304:19 342:3 371:7  
374:21 388:8 431:3  
**domestically-** 277:4  
**domestically-produc...**  
430:18  
**dominance** 181:15  
252:10 308:4  
**dominant** 317:12  
**dominate** 415:17  
**dominated** 180:16  
305:5  
**dominates** 285:15  
291:22  
**domino** 208:22 277:16  
368:22  
**dominoing** 371:8  
**donated** 90:9 272:12,19  
292:21  
**donations** 150:5 272:21  
**doomed** 268:4  
**door** 76:17  
**double** 51:15  
**doubled** 305:12 415:8  
**doubt** 71:22 305:21  
354:4  
**downhill** 166:4  
**Downlite** 3:11 5:10  
273:19 274:4 278:4

**downstream** 40:14  
53:11 67:8 79:17  
116:4,13 176:14  
187:18 224:15 300:5  
320:6  
**downturn** 166:8  
**dozen** 212:17 453:22  
**dozens** 114:16 421:3  
435:9  
**Dr** 4:8 45:14,16,17 50:4  
66:1,8  
**drafted** 28:6  
**Dragon** 3:6 5:4 222:17  
222:21 223:3,11  
**drain** 186:11,11 187:6  
**drainage** 186:12 201:3  
**drains** 186:5,8 187:9  
189:10  
**dramatic** 237:12  
**dramatically** 86:16  
154:21 250:16 324:2  
**drapes** 322:6 350:11  
**drastic** 41:10 105:13  
211:12 365:8  
**drastically** 151:1  
**draw** 30:1 342:8  
**drawings** 153:12,15  
**dream** 89:14 266:18  
309:21 367:4  
**drill** 163:3 170:3 183:7  
**drilling** 2:8,12 4:18,19  
162:4,12,14,15 163:2  
163:16 164:4 166:14  
166:19 168:9,16  
169:17,21,22 170:7,9  
170:11,18 171:2,6  
173:1 182:22 183:6,9  
184:10 195:12,15  
**drinking** 23:14 174:12  
188:14,21 189:20  
381:4  
**drive** 66:19 120:3 125:9  
220:20 227:22 275:2  
299:15,17,22 347:15  
391:15 415:16  
**driven** 43:20 363:7  
430:21  
**driver** 11:15  
**drives** 72:15 138:7  
174:20 230:14 439:20  
**driving** 28:18 38:2  
300:8 347:13 354:16  
**drop** 353:18  
**drop-** 91:5  
**dropped** 354:1 401:5  
414:7  
**drove** 235:18  
**dry** 96:2

**Dublin** 110:14  
**duck** 275:17,19,22  
276:10  
**due** 20:20 44:14 48:11  
72:21 80:17 94:1  
128:22 148:7 167:17  
169:13 182:7 190:22  
191:1 199:2 209:14  
258:5 305:2 316:7  
320:8 325:10 340:17  
341:1 357:20 359:16  
365:12 380:13 389:11  
394:4,9 407:11 409:3  
415:9 417:18 429:3  
433:5  
**Duff** 2:7 4:17 156:1,3,4  
156:7,10 162:3  
193:19 194:4,12,16  
**dug** 56:1  
**dumped** 413:22 414:12  
424:2,10  
**dumping** 99:9 102:20  
128:22 346:5 413:16  
414:13 424:17,22  
**dumping/countervail...**  
103:20  
**Duncan** 2:8,8 5:7,7  
249:15,17,18,19  
249:20 250:11 283:7  
283:13  
**Duncans** 283:6  
**duopoly** 338:18 339:1  
**durable** 202:8 205:6  
**duration** 380:17  
**dust** 392:19  
**duties** 14:8 37:11 49:8  
62:16 66:21 67:1,19  
71:7 85:21 86:3,8,16  
99:9 101:2 120:19  
122:7,15 123:18,22  
129:1 131:14 150:11  
151:16 154:18 169:6  
205:5 206:19 208:20  
209:13 213:20 214:1  
214:14,22 216:1,10  
224:13 228:13 324:7  
346:5 363:21 372:3  
393:14 396:15 413:19  
414:1,13 419:20  
422:5 424:6,11,15,17  
424:19,22 438:9  
443:1 446:20  
**duty** 7:17,21 8:13,16,20  
24:13 37:13,14,15  
46:6 48:6,11 49:4,13  
49:18 50:1 63:12  
64:20 103:20 120:14  
153:1 154:22 155:10

156:21 181:19 202:16  
203:6 208:18,20  
217:10 281:16 324:1  
335:16 341:16 376:15  
446:22 447:4,5  
**duty-** 413:20  
**duty-evasion** 414:3  
424:9  
**duty-free** 291:9  
**dye** 383:22 384:3,7,10  
384:21 385:1 407:5  
408:1  
**dyes** 358:14 376:5  
383:16,21 384:17,19  
385:2,3,6,7,12,12,18  
385:20 386:15,20  
387:4,10 407:16  
**dynamic** 28:17  
**dynamics** 66:19 67:2  
256:12

---

**E**


---

**E** 1:10 459:4  
**e-commerce** 236:12  
290:13  
**E.U** 29:9 61:8 62:8,9,11  
**earlier** 103:22 131:14  
177:14 260:22 263:1  
335:8  
**early** 163:11,17 164:2  
164:10 380:3  
**easier** 246:21  
**easily** 38:21,22 94:7  
147:22 204:1 216:3,8  
222:4 376:11  
**Easing** 418:9  
**East** 172:4 250:13  
**Eastern** 394:6 410:20  
433:9  
**easy** 257:15 267:9  
460:3  
**eat** 341:1 459:6  
**Eaton** 110:13,18 111:1  
111:6 112:18 143:2  
146:8  
**EB** 10:10  
**eBay** 91:13 92:21  
**ecofriendly** 426:17  
433:12,22 434:2,3,7  
436:4  
**Econoco** 3:18 6:8 392:9  
392:12,15,16,22  
393:7,13,16 394:7,15  
395:11,15,17 396:9  
**Econoco's** 394:18  
**Econometrica** 218:2  
**economic** 10:7 11:15  
21:16 28:4 30:5 45:7

- 49:9 79:19 102:2  
108:20 111:18 121:1  
149:7 169:7 177:11  
180:3 203:1 214:3  
228:11 239:13 326:20  
334:13 357:8 361:21  
367:19 380:10 396:17  
423:10 432:7 434:3  
444:19  
**economical** 266:9  
362:22  
**economically** 86:21  
112:5 237:3  
**economics** 60:21 136:6  
220:22  
**economies** 434:9  
**economists** 72:10  
**economy** 8:8 28:15,18  
29:7,17 42:14 46:16  
51:1 74:4 76:5 78:21  
82:11 102:6 118:8  
132:4 174:20 175:6  
178:20 180:13 185:7  
205:13 253:9 258:12  
258:18 262:19 268:9  
269:13 292:10 327:2  
345:16 373:12 375:6  
413:18 432:16 441:22  
**economy-line** 125:16  
125:22 126:1  
**edge** 224:7 277:9 300:9  
396:4  
**Edgerton** 146:12  
**edit** 331:21  
**educate** 90:6 458:5  
**educated** 141:22 198:4  
**education** 302:13  
303:10,22 304:1,5  
307:21  
**educational** 2:9 5:2  
211:19 212:1,6,19  
214:4,15 215:4,20  
239:13 306:3,15  
**Educational's** 214:5  
**educator** 212:8  
**educators** 212:21 213:6  
215:5 216:2  
**effect** 35:11 54:17  
66:21 74:15 156:19  
173:5,9 188:2 209:1  
209:11,11 251:13  
258:19 275:9 277:16  
299:11 301:8 312:21  
322:14 331:10 353:17  
364:6 368:22 376:8  
388:9 390:9 411:13  
418:17 447:5 454:8  
**effective** 7:19 8:2 23:18  
72:12 109:4 120:20  
122:8 130:15 131:8  
152:19 169:4 171:9  
224:2 228:5,13  
327:17 338:18 393:6  
426:16 438:11  
**effectively** 28:7 105:7  
130:18 178:7 202:19  
317:5 431:12  
**effectiveness** 324:22  
**effects** 71:9 106:6  
187:16 340:13 419:4  
**effectuate** 216:9  
**efficacy** 151:15  
**efficiencies** 236:21  
**efficiency** 246:1 442:4  
454:16  
**efficient** 130:15 174:9  
228:9 237:3,8 328:15  
329:21 330:17,19  
**efficiently** 105:7 179:19  
**effort** 25:22 242:22  
255:18 265:17  
**efforts** 27:4,20 30:21  
53:17 79:6 91:16  
101:21 142:12 181:1  
198:13 200:16 205:18  
218:11 254:14 273:5  
275:1 412:17 419:4  
**EHMA** 46:3,4,6 47:7,9  
47:11,16,20 48:2,2,5  
48:6,8,10,22 49:8,18  
49:22 66:4,11  
**eight** 20:5 110:20  
143:10 164:10 175:9  
186:1 328:7 332:1  
377:19 389:16 401:14  
407:16,20  
**Eisenman** 2:8 4:18  
162:4,6,7,10 167:16  
168:4,7 194:19,20  
195:6  
**either** 115:17 117:10  
120:2 140:2 141:11  
165:3,8 171:20 176:3  
189:8 234:21 236:13  
278:15 292:3 301:18  
311:15 318:12 358:7  
422:2  
**elaborate** 126:13  
127:19 129:6 195:2  
198:12 242:2 355:6  
410:5  
**elasticities** 215:12  
**eldercare** 303:19  
**electric** 51:10 53:12  
67:10 316:1 346:5  
**electrical** 152:9  
**electrodes** 315:12  
**electrolyte** 51:8,19,22  
**electronic** 381:2 437:17  
**elements** 107:19  
**eligible** 291:8  
**eliminate** 38:6 62:5  
82:14 101:1 106:9  
120:21 122:8 202:20  
392:4 421:8  
**eliminated** 368:19  
369:10  
**eliminates** 99:4  
**eliminating** 177:8  
327:19 370:21 440:4  
443:4  
**elimination** 169:4  
438:12  
**Elizabeth** 2:13 5:13  
302:4  
**Ellison** 2:9 5:2 211:19  
212:1,6,13,19 214:3,5  
214:15 215:20 239:13  
**Elm** 79:21  
**embargo** 15:22 163:16  
**Embargoed** 16:2  
**emerged** 292:7  
**emergency** 76:18  
174:13 304:2  
**emerging** 54:10 67:21  
272:5 363:13  
**eminently** 49:14  
**emissions** 336:13  
**employ** 42:21 50:20  
96:17 97:3 147:11  
151:20 152:1,14  
204:16 321:18 332:6  
377:20 393:2  
**employed** 53:14 185:6  
331:22 333:8 335:10  
335:11 447:6  
**employee** 124:8 305:13  
306:21  
**employees** 29:12 54:9  
71:3 72:20 75:10  
95:18 99:17 119:19  
123:21 124:3 146:7,8  
146:10,12 149:9,20  
152:3 153:8 157:19  
186:1 192:20 202:12  
208:1 214:19 217:2  
230:15 246:13 269:2  
269:13 270:2 274:11  
284:9 299:13 306:7  
306:11 307:4,17  
310:14,15 334:18  
368:9 382:21 386:1,3  
390:12 416:3 458:8,8  
**employees'** 306:16  
**employer** 112:14 253:6  
323:18 437:8 441:12  
458:9,14  
**employers** 11:16  
**employing** 71:14 76:5  
78:21 98:10 108:17  
114:4 152:17 268:9  
274:11 396:1 423:4  
432:16 441:13  
**employment** 29:15  
112:6 118:7 180:11  
188:1 392:2 439:2,7  
441:16  
**employs** 29:3 297:7  
356:14 373:9  
**EMTs** 303:4  
**enable** 425:10 441:19  
**enabled** 413:17  
**enact** 72:12 334:6  
**enacted** 203:6 405:14  
**Enacting** 161:7  
**enactment** 307:22  
**encompasses** 114:11  
114:20  
**encountered** 222:2  
**encountering** 54:5  
**encourage** 30:21  
255:18 442:21  
**encouraged** 417:4  
420:4  
**encourages** 117:17  
178:14  
**encumbered** 316:14  
**end-to-end** 437:16  
**endeavor** 243:15  
**endorses** 175:19  
**ends** 69:19 125:15  
260:4 398:8  
**enemy** 385:14  
**energy** 13:12 14:19  
16:10 19:1 163:7  
167:9 169:11 170:19  
172:5,17 173:6,7  
180:15 181:13 183:1  
184:12,20,22 185:3  
199:2,14 330:17,19  
330:20 363:14  
**energy-efficient** 53:19  
**enforce** 175:16 447:12  
**enforced** 92:14  
**engage** 38:17 73:21  
96:19  
**engaged** 160:6 323:20  
436:22  
**engagement** 421:18  
**engages** 71:22 90:5  
**engaging** 82:15  
**engendered** 15:12

- engine** 374:2 375:19  
**engineer** 236:20 372:18  
**engineered** 3:15 4:15  
 118:15,19 186:2  
 237:8  
**engineering** 124:9  
 210:17 214:21 230:10  
 297:3 379:19 380:1  
**engineers** 121:9  
**enhance** 87:17 395:8  
**enhanced** 34:15 46:21  
**enhancing** 436:1  
**enjoyed** 431:8  
**enjoys** 181:14  
**enormous** 15:6  
**ensure** 80:10 92:11  
 101:21 121:20 122:1  
 182:15 218:11 230:7  
 324:21 379:7 431:9  
 435:4  
**ensures** 437:22  
**ensuring** 231:22 413:9  
**enter** 250:14 415:1  
 434:22  
**entered** 186:9  
**entering** 413:21 439:14  
**Enterprise** 3:3 5:4  
 88:10,15 267:12  
**enterprises** 280:4,7  
 281:15  
**enters** 189:5 278:21  
**enthusiastically** 175:19  
**entire** 56:20 91:20  
 97:16 99:18 111:15  
 133:1 159:3 209:1,2  
 252:2 280:4 287:13  
 354:18 355:3 359:11  
 364:16,16 369:4  
 393:8 438:16  
**entirely** 16:21 369:10  
 433:15 451:7,21  
**entirety** 446:5  
**entities** 30:17 160:1  
 333:10 431:20 432:10  
**entity** 23:6 381:7  
**entrapment** 218:3  
 242:13  
**entrepreneurial** 33:1  
**entries** 148:3 159:3  
 431:13  
**entry** 338:19 433:7  
**enunciate** 139:2  
**environment** 93:13  
 107:21 110:22 226:16  
 232:15 336:14 460:5  
**environmental** 164:13  
 316:8 324:19 407:11  
 415:11 433:5,20  
 437:21 439:19 451:10  
**environmentally** 319:6  
 438:3  
**environments** 90:8  
 393:7  
**envision** 277:22  
**EPA** 23:20 451:12  
**epitome** 352:6  
**equal** 39:20,20 447:10  
**equaling** 439:4  
**equalize** 181:2  
**equates** 336:1  
**equation** 60:16  
**equipment** 2:9 3:8,13  
 4:14,20 5:2 76:2  
 78:18 108:8 113:12  
 113:18,22 116:14  
 119:11 146:21 149:12  
 157:16 179:8,14,18  
 179:22 180:19 183:2  
 183:20 184:3 199:15  
 206:13 211:19 212:2  
 227:12 241:8 254:9  
 293:6 298:18 318:1  
 324:20 351:18 415:2  
 431:11 433:17 444:7  
**equipped** 303:5  
**equivalent** 69:7 369:11  
 384:7 440:11  
**equivalents** 368:7  
**erode** 444:20  
**eroded** 97:18  
**erosion** 149:1  
**erosions** 149:15  
**escalates** 254:5 258:20  
**escalating** 371:8  
**especially** 29:8 32:18  
 148:8 182:20 255:2  
 258:2 261:22 339:19  
 340:1,22  
**espionage** 181:6  
**essence** 61:19 64:12  
 67:17  
**essential** 27:17 46:8,13  
 100:1 159:18 174:16  
 188:15 189:1 202:17  
 282:18 415:20 427:8  
 427:18  
**essentially** 10:10  
 202:17 271:19 324:1  
 399:9  
**establish** 35:5 192:11  
**established** 39:2  
 135:21 157:18 218:2  
 281:1 342:17 352:14  
 437:2  
**establishments** 282:8  
**estate** 44:14  
**esters** 51:22  
**estimate** 25:4 35:10  
 57:1 60:4 104:10  
 187:3 244:2 329:9  
 351:4 394:13 403:19  
 414:14 417:15 445:7  
 445:13  
**estimated** 43:4 208:17  
 218:8 312:1  
**estimates** 190:7  
**estimation** 159:1  
**et** 315:15 344:18 456:17  
**Etsy** 270:8  
**EU** 340:2  
**Europe** 58:22 61:6  
 62:14,15,17 63:10,19  
 63:22 64:9 65:1,1,4,5  
 250:13 274:21 297:10  
 309:13 335:3 346:4,7  
 355:11 369:4 370:14  
 371:11 379:15 394:6  
 400:18 402:12 403:2  
 403:4 404:19,19  
 405:5,22 406:4,6,11  
 406:18 410:20 433:9  
**European** 44:18,20  
 58:21 63:5,21 64:3,4  
 64:9,14 65:15,16  
 250:21 305:4 308:4  
 338:17 339:1,5  
 343:15 355:19 369:6  
 379:15  
**Europeans** 61:19  
**EVACUATE** 76:11  
**evading** 414:12  
**evaluating** 255:13  
**evaluations** 39:5  
**Evan** 1:15 21:22 77:10  
 284:16  
**evasion** 413:21  
**Evenflo** 2:5 5:1 201:20  
 202:3,6,9,15 203:3,9  
 204:12,15,18  
**evening** 416:11 441:3  
**event** 170:9 255:16  
 299:21 402:18  
**events** 150:7 152:6  
 328:3  
**eventual** 38:3 415:18  
**eventually** 38:1 73:4  
 252:9 281:19 403:13  
 417:19  
**ever-** 223:9  
**ever-increasing** 230:12  
**everybody** 76:16 78:10  
 164:4 378:16  
**everyday** 157:9 254:22  
**everything's** 454:19  
**evidence** 45:4 66:2  
 72:14  
**evidenced** 50:19  
**evident** 49:7  
**evolution** 430:20 434:6  
**evolve** 236:11  
**evolved** 91:3 97:9  
**evolving** 294:9  
**exacerbate** 316:11  
**exact** 60:17 92:13  
 401:11  
**exactly** 13:7 28:7 29:19  
 58:6 67:19 290:18  
 346:19 359:17 409:18  
 432:9  
**exam** 322:5,5,7 323:12  
 350:10  
**example** 16:20 26:6  
 58:22 80:7 164:19  
 183:4 188:17 192:6  
 225:14 232:1 234:17  
 270:5 271:12 282:1  
 292:11 299:4 344:9  
 352:4 353:19 359:2  
 359:18 367:3 419:11  
 431:18 450:16 452:5  
 452:8,12 453:6,22  
 461:1  
**examples** 186:10  
 270:13 339:20 358:12  
 451:4 454:13  
**Excalibar** 168:14  
**Excalibar's** 168:16  
**exceed** 153:19 243:8  
**exceeding** 437:14  
**excellent** 128:5 249:4  
**excels** 349:7  
**exception** 47:15 402:18  
**exceptional** 222:8  
**excess** 401:18 432:16  
**exchangers** 318:5,6  
**exciting** 344:5  
**exclude** 31:6 41:11  
 211:13 255:18,21  
 256:8 337:9,11 387:9  
 396:10  
**excluded** 40:22 102:17  
 147:21 219:17 242:16  
 243:21 430:16  
**excluding** 242:1 427:13  
**exclusion** 35:12 75:2  
 157:1 159:9 215:21  
 216:14 337:5 384:18  
 422:4 432:6  
**exclusions** 443:13  
**exclusive** 158:6  
**exclusively** 33:12 85:7  
 97:12 161:1 299:6

307:16 342:1 343:13  
 343:16 446:12  
**excuse** 39:1 164:8  
 404:19  
**Executive** 32:2 95:14  
 167:11 173:21 268:17  
 382:15 422:17  
**executives** 262:8  
**exempt** 23:9 25:11  
 32:15 229:18 336:15  
**exempted** 341:16  
**exemption** 219:19  
**exemptions** 376:10  
**exercise** 204:11  
**ExerSaucers** 203:16  
 204:8,13 205:8 234:8  
 235:13  
**exert** 73:13  
**exhaustive** 74:5  
**exist** 33:15 105:3  
 255:21 277:10 329:3  
 394:16 411:6 420:5  
 420:12,14  
**existence** 453:14  
**existing** 44:5 52:20  
 105:6 190:8 214:7  
 220:11 380:13 417:12  
 418:8 420:2 434:8  
 442:19 447:12  
**exists** 358:8 366:4  
 452:22  
**exit** 76:17 338:22 339:1  
**exodus** 328:9  
**expand** 187:2 244:10  
 346:2 366:9  
**expanded** 212:16 257:2  
 297:11 309:11 310:14  
 401:3  
**expanding** 310:15  
**expansion** 117:8  
 261:22 310:18 379:5  
 381:16 382:4 442:16  
**expect** 192:7 278:5  
 290:21 300:4 353:18  
 390:17 433:2 450:6  
**expectation** 435:19  
**expectations** 257:17  
 360:7  
**expected** 315:21 380:2  
**expects** 282:16  
**expend** 198:22  
**expense** 184:9 243:14  
 281:20 288:1 431:15  
 432:11  
**expenses** 394:4 410:4  
**expensive** 63:6 64:14  
 120:6 161:1,4 166:18  
 225:22 232:7 266:2

276:22 278:13 287:12  
 291:12 319:13 324:10  
 342:22 369:9 374:17  
**experience** 80:3 83:10  
 92:19 94:20 224:9  
 300:20 327:6,16  
 395:8 440:8  
**experienced** 30:10  
 81:12 177:12 242:7  
 266:20 300:12 339:7  
**experiences** 193:1  
**experiencing** 146:15  
 193:7  
**expert** 151:14 408:21  
**expertise** 59:20 179:19  
 235:3 250:9 367:2  
**experts** 21:16 217:12  
**expire** 380:16  
**expired** 20:12 168:6  
 232:2,4 372:9  
**explain** 42:1 162:8  
 212:3 229:14 289:6  
 333:16 430:13 431:17  
 447:17 450:12  
**exploration** 169:3  
 170:2 348:2 349:6  
**explore** 179:20  
**explored** 130:5 133:21  
 134:12 135:3,8  
**exploring** 148:14  
 343:20  
**explosions** 339:7  
**export** 2:15 3:17 5:11  
 6:18 16:1 70:21 71:17  
 111:10 252:10 279:18  
 280:1 313:10 337:22  
 399:18 401:22 418:10  
 436:11,15 444:15  
**exported** 12:3 250:12  
 363:4 401:4 438:20  
**exporter** 12:2 365:5  
**exporters** 281:2 424:13  
**exporting** 43:4 199:7  
 283:15 362:21 400:14  
**exports** 12:14,18 13:2  
 43:21,22 44:17 72:6  
 86:17 221:22 235:8  
 317:17 366:9 370:3  
 401:1 418:7,14  
 439:11  
**exposed** 57:13 99:19  
**exposure** 131:3 453:20  
**expressed** 200:9  
 217:11 347:19  
**expressly** 167:11  
 219:17 220:2 242:16  
**extend** 215:9  
**extending** 357:9

**extension** 152:9 417:11  
**extensive** 21:7 24:21  
 34:6 164:3 226:15  
**extensively** 92:10  
**extent** 49:16 134:11  
 190:15 234:10 243:15  
**Exton** 230:16  
**extra** 282:9 311:11,15  
**extraordinary** 236:16  
**extreme** 172:7  
**extremely** 165:13  
 190:11 244:1 256:4  
 281:6 287:12,12  
 328:15,22 373:11  
 405:9  
**eye** 174:13  
**eyebolts** 225:15,17,19  
**eyes** 338:8

---

**F**

---

**fabric** 213:3 250:1,11  
 254:13 268:22 270:7  
 271:3,8,9,13 272:1,18  
 273:6,8 292:12,12,17  
 293:7,8  
**fabrication** 417:14  
**fabrics** 105:18 280:5  
 293:9 360:3,10 385:1  
**face** 44:20 49:3 218:20  
 274:19 281:17 330:4  
**faced** 44:11 74:18  
 176:17 181:7 230:20  
 262:14 327:22 389:20  
**faces** 305:15  
**facilitate** 183:7 449:19  
**facilitates** 360:17  
**facilities** 35:7 96:22  
 97:1 98:19 115:18  
 116:5 146:17 157:19  
 169:19 172:13 193:22  
 194:1 195:11 236:15  
 238:1 321:16 323:7  
 323:11,16 325:4  
 339:6,7 350:3,4,7,13  
 365:21 377:19 379:12  
 383:1 387:21 403:1  
 406:9 410:19 457:1  
 458:22  
**facility** 25:3 47:1 51:4,7  
 117:8 158:8 178:3  
 189:3 204:16 239:5  
 239:20 245:22 324:16  
 324:19 350:19,21  
 373:10 379:21 382:4  
 384:12 402:20 403:9  
 403:16 426:7 427:9  
 454:11,12 457:16,19  
 458:4,7,15,17,18

**facility-specific** 325:5  
**facing** 47:21 116:18  
 215:22 365:11 427:21  
**fact** 28:1 29:14 35:22  
 40:3 56:18 86:22  
 87:10 143:3 153:7  
 171:18 199:6 203:19  
 225:8 241:11 262:5  
 269:6,18 292:1 305:6  
 325:10 328:14 341:1  
 354:10 383:6 384:8  
 384:21 385:17 389:14  
 391:5 460:4  
**factor** 48:16 74:2  
 104:22  
**factories** 40:3 124:20  
 132:20 133:13 135:15  
 143:19,22 193:9  
 227:3 265:22 274:10  
 292:16 311:20 351:22  
 386:4  
**factors** 357:4 415:12  
**factory** 16:10 51:12  
 52:9,10,11 143:5,6  
 266:13 297:14 310:2  
 310:10 312:4 330:9  
 386:9,14 387:1  
 410:14 455:3  
**facts** 17:16 54:11  
**fade** 427:2  
**fading** 385:5  
**fail** 268:5  
**fails** 144:17  
**failure** 81:15 334:15  
 429:3  
**failures** 81:17  
**fair** 27:3 82:17 101:21  
 175:20 179:1 275:2  
 275:12 409:6 430:7  
 434:18  
**fairly** 129:3 279:12  
 346:22 350:22  
**fall** 40:20 42:2 85:15  
 114:17 155:6 256:14  
 310:13 396:11  
**fallacy** 334:5  
**fallen** 86:6  
**falsely** 414:8  
**familiar** 326:21  
**families** 11:3 15:5  
 28:10 74:16 90:10,20  
 90:21 94:11 152:2  
 175:5 206:4,6,11  
 229:20 231:14,20  
 232:17 233:20 253:19  
 255:3 257:13 259:21  
 259:21 260:3,4  
 272:10

- family** 34:20 42:21 71:1  
87:21 89:12 94:11  
96:16 107:6 140:7  
175:1 206:8 209:2  
274:4 307:19 309:10  
382:20 392:16 446:10  
446:17
- family-owned** 79:22  
108:14 367:6,11  
373:4
- fan** 136:8
- far** 69:18 161:12 171:17  
196:15 200:21 250:16  
258:14 267:17 276:17  
283:17 286:22 287:1  
338:13 347:20 353:14  
369:15 415:6 431:17  
438:13
- farmers** 253:20 442:14  
443:15 444:17
- farms** 131:1 412:13
- fashion** 2:13 5:8 197:15  
259:8,14,18 262:3  
263:20 265:4,12
- fast** 282:8
- fast-** 360:21
- faster** 454:16
- father** 70:21 309:11
- father's** 309:21
- faucet** 197:21
- faucets** 174:11 176:18
- faux** 261:9
- favor** 111:20 216:14  
421:18
- favorable** 365:17
- favored** 45:7
- FDA** 324:11 325:4  
434:20 451:14
- FDA-** 322:1
- FDA-approved** 325:3  
350:2,7
- FDA-regulated** 324:15
- feasible** 216:1 226:1  
435:11
- feather** 275:8,15 276:5  
294:17
- feathers** 261:2
- features** 91:8 230:12  
232:4
- federal** 7:16,20 8:10,18  
20:22 21:13 32:13  
119:14 123:3 189:20  
190:1 219:21 259:22  
302:15 313:8 441:4
- Federated** 437:4
- Federation** 2:10 5:7  
252:14,20
- feeding** 33:18
- feedstock** 317:4 318:7  
364:13
- feel** 103:14 152:1  
224:19 381:9 383:10  
385:18
- fees** 266:2
- feet** 219:2 332:8
- Feig** 2:9 4:10 70:14,16  
70:17,22 75:13 78:3  
125:7,13 134:17
- Feist** 2:9 5:2 211:18,20  
211:21,22 216:17  
237:16,20 238:6,17  
239:3,16,19
- felt** 28:9 56:4 72:19  
213:2 383:8 418:17  
444:12
- fencing** 46:14
- fewer** 29:12 171:17  
178:3 251:14 301:10
- fiber** 315:15 456:1
- fiber-free** 426:20
- fiber-type** 456:16
- fiberboard** 105:18
- fibers** 280:5
- field** 54:14 101:22  
151:14 179:1 183:20  
303:15 304:17 344:7  
383:5
- fifth-wheel** 101:19
- Fifty** 57:12 231:14
- fighting** 387:5
- figure** 71:17 287:9
- filament** 359:3
- filed** 145:20 260:22
- filing** 191:22
- fill** 22:17 40:11 165:22  
182:5 274:9 277:1  
370:20 401:6,9 402:1  
435:15
- filled** 277:3
- filleted** 13:21 17:7
- filling** 276:5
- final** 16:13 24:6 26:2  
41:12 50:5 117:22  
118:14 182:2,18  
183:2 185:12 211:14  
228:20 255:4 256:17  
279:16 295:7 325:16  
336:19 388:22 392:8  
404:15 429:16 440:21
- finalize** 153:14 443:12
- finalized** 299:8
- finalizing** 150:9
- finally** 40:17 87:18  
100:5 117:22 191:5  
209:7 222:4 227:7
- finance** 97:5 145:15  
149:12
- financial** 38:5 74:16  
117:10 205:4 212:1  
224:13 370:16 419:21  
424:1
- financially** 268:1
- financing** 149:17
- find** 39:7 41:1 91:13  
133:15 136:15 139:22  
143:4 152:18 166:18  
210:11 243:17 246:2  
252:6 257:5 260:12  
265:16 281:6,12  
291:5 339:16 434:14
- finding** 201:5 287:11  
324:5 349:6 364:20
- findings** 327:13 388:16  
389:17
- fine** 19:9 454:17
- finest** 250:19
- finish** 248:18 249:2  
296:11 381:15
- finished** 24:5 40:14  
110:11 114:13,15,17  
114:22 115:12,16  
117:4 211:5 271:1  
277:6,21 278:6,12  
280:6 294:5,14 295:5  
360:1,13,14 361:2,14
- finishing** 43:13 61:12
- fire** 87:11 99:17 188:11  
189:13 251:3 284:3  
315:17
- firm** 69:18 382:19
- firms** 329:1 365:19  
439:4
- first** 9:13 18:8,9 19:15  
22:15,18 31:19 43:12  
68:11 70:13 84:6  
91:22 92:4,5 106:7  
127:16 145:10 162:20  
163:15 200:22 201:19  
205:10 208:17 212:11  
226:3 248:7 249:14  
263:5 283:5 293:12  
296:16 303:7 304:3  
322:17 327:21 328:2  
333:19 337:6 339:21  
345:5 356:4 366:22  
368:4,5 409:9 412:6  
424:3 437:2,17 451:5  
451:9,13 456:22
- first-** 204:6
- Firstly** 159:12
- fiscal** 37:10
- fish** 12:2,4 13:2,9 14:2  
17:3 42:4 419:13,16  
419:19,22 446:3
- 457:5
- fisheries** 2:15 6:18 12:7  
436:11,15,22
- fishermen** 13:11,14  
14:19 15:2 17:4 18:9  
18:10,16,17 42:9  
438:21
- fishery** 11:22 437:3  
439:19
- fishing** 436:19 439:3  
440:1,15
- fit** 241:13 247:11  
331:21
- fitting** 46:14
- fittings** 146:4,18 147:9  
147:18 148:5,9,11  
150:18,21 174:2,19  
175:7 176:7,19
- five** 20:9 22:21 26:19  
31:17 36:12 38:10  
41:17 45:16 50:7  
70:16 75:16 83:4  
88:11 95:11 101:6  
104:4 106:22 113:13  
118:16 126:21 145:6  
145:13 151:6 156:3  
162:6 165:1 168:10  
173:14 179:9 185:14  
193:6 201:22 207:7  
211:20 216:20 221:18  
222:18 229:1 249:17  
252:15 259:9 262:9  
263:7 264:8 268:15  
269:7 273:20 274:10  
279:19 296:19 302:6  
304:21 308:22 313:20  
321:8 325:21 329:10  
331:4,18 336:21  
349:3 356:7 358:1  
360:19 362:7 366:20  
372:15 377:3 382:10  
387:16 392:10 412:9  
416:9 422:15 426:2  
430:4,6,11 436:5,12  
441:2
- fix-priced** 380:16
- fixed-** 380:13
- fixture** 393:12
- fixtures** 174:2,19 175:7  
176:18 393:1 395:6
- flake** 348:7
- flame** 386:12
- flashcards** 213:7
- flat** 13:9
- fledgling** 53:21
- fleece** 271:13 272:1,11  
292:11,12 293:9
- fleet** 123:9



- Fleming** 1:15 22:6,6  
66:1 67:3 77:16,16  
196:10 197:1,4 198:1  
198:6 245:5 246:3  
285:2,2 291:19 293:1  
293:18 296:1 355:5  
401:13 446:2,7
- flew** 248:14
- flight** 330:21,21
- flooded** 424:3
- floor** 289:16 356:14,20  
360:22
- Florida** 70:19 119:3
- flours** 443:22
- flow** 166:4 188:10,18  
189:1 403:22 404:1
- flowing** 364:2
- flows** 382:1
- fluid** 170:7
- fluids** 2:8,12 4:18,19  
157:12 162:5,12,14  
163:2 168:9,16  
169:17,22 170:11  
171:6 173:1 183:6  
375:20
- fluorescent** 372:4
- fluorochemical** 388:3  
408:8
- flying** 374:3
- flywheels** 109:20
- focus** 10:18 12:12  
120:11 203:13 247:2  
375:9 393:3
- focused** 16:7 84:9  
148:17 161:1 202:12  
205:12 225:7 390:15  
437:11
- focuses** 259:3
- foil** 213:2
- folding** 101:20
- folks** 87:14 139:9 140:5  
144:18 286:9,17  
287:8 288:2 451:5  
453:12
- follow** 48:12 76:18 98:4  
129:10 134:2 197:4  
198:1
- follow-** 55:13 399:11
- follow-up** 131:12 200:4  
235:5 239:10 289:4  
293:20 343:18 404:7  
405:22 410:1
- following** 63:10 64:18  
83:7 86:1 103:9 146:7  
185:20 432:14 444:6
- follows** 230:1 280:8
- food** 92:8 254:7 337:12  
338:3,3,4,5,9,11,16  
339:17,19,21 340:3,8  
340:10,12 341:8,15  
355:6,11 373:16  
376:5 413:10 416:16  
417:15,16 418:7,11  
418:14 423:14,16  
430:15,19 431:2  
432:22 435:7,14  
437:13 441:9,11,20  
442:17 443:10 444:1  
449:16 450:6,17,22  
451:2 452:17 453:15  
457:5,8 458:1,13
- foods** 340:2 443:1,20  
444:10
- foodservice** 423:7
- footing** 447:10
- footprint** 53:8 379:14  
381:19
- Footprints** 381:18
- force** 53:6 67:20 90:17  
231:20 306:20 435:16
- forced** 30:12 49:20 54:7  
72:7 74:6 79:7 106:11  
117:6,6 122:14  
123:12 148:10 166:1  
166:3 173:2 181:5,22  
190:15 251:12 298:15  
300:18 310:3,18  
340:11 435:8
- forces** 33:8 250:4  
373:22 385:15
- forcing** 144:8 233:17  
277:20 411:3 421:9
- Ford** 2:19 6:4 372:13,13  
372:19 427:6 449:3
- foregoing** 35:10
- foreign** 2:9 4:10 30:17  
48:17 57:22 59:8  
70:14,17 88:3 167:6  
169:15 182:18 197:6  
205:18 266:12 320:21  
330:1,13 332:22  
365:19 400:4
- foreign-** 33:21
- foreign-made** 270:12
- foreign-owned** 370:12
- foreign-sourced** 15:17
- foremost** 31:19 205:10  
303:7 368:5
- foreseeable** 189:12  
205:1 232:22
- Forest** 212:15 214:20
- foresting** 439:2
- forestry** 146:20 157:17
- forged** 147:18 148:9
- forget** 140:13
- forging** 148:8 223:17
- forgive** 55:5
- form** 24:1 210:6 224:11  
282:12 303:16 315:16  
365:14,19
- formal** 145:19
- formalize** 313:9
- format** 162:18 253:3
- formed** 69:19 98:6
- former** 83:13 252:9  
310:8 437:5 439:11  
440:14
- forms** 168:21
- formula** 449:7
- formulate** 384:6
- formulated** 38:18 51:8
- formulation** 47:10  
448:18
- formulations** 368:18
- Fort** 90:17,18 249:22  
372:20 373:7
- forth** 56:8 135:15  
418:13
- forthcoming** 38:11
- forward** 19:17 31:3  
45:12 57:18 70:7,8  
106:7 118:12 144:22  
166:3 178:11,21  
185:8 201:14,16  
248:1,2 259:1 260:16  
307:3 308:16 343:22  
356:1 378:17 394:14  
396:21 412:4 445:2  
447:11
- forwarded** 354:2
- found** 8:5 26:8 28:16  
130:10 193:5 213:14  
219:13 255:4 262:22  
323:17 332:10 389:2  
389:6,8,13 439:1
- founded** 31:20 89:7  
107:9,10 118:21  
212:7 223:3 302:11  
436:16
- founder** 83:11,13  
118:18 264:12
- founding** 332:6
- foundries** 186:16  
189:22
- fountains** 174:12
- four** 24:16,18 25:16  
55:9 81:22 85:6 90:18  
96:17,21 139:11  
165:5 169:16,20  
253:6 327:6 332:13  
359:22 407:18 432:18  
434:11 440:6
- four-year** 313:7
- fourth** 19:22 85:7,10,13  
108:14 128:11 309:19
- fourths** 424:4
- FPD** 70:19 71:3,6 74:3  
74:18 134:8
- FPD's** 74:9
- fractures** 218:5
- fragrance** 27:14
- frame** 354:20
- framework** 97:7
- France** 47:15 379:12  
403:3 406:9,20,20
- franchise** 83:15
- Francine** 2:15 4:5 26:17
- franciful** 73:19 243:7
- fraudulent** 413:20  
424:8 445:11,21
- fraudulently** 445:17
- free** 82:17 175:20  
286:10 291:10 425:17
- freight** 130:22 211:1
- French** 48:11 66:3
- frequently** 12:5,8
- fresh** 422:20 423:12
- friction** 138:8,10,13,15  
426:22
- friendly** 391:6
- front** 31:2 128:2 198:4
- fronts** 72:3
- frozen** 13:19 17:6
- fruit** 460:22
- fruits** 443:22
- frustration** 264:15
- FTAs** 313:9
- fuel** 248:9 315:15
- fueling** 175:5 363:14
- fulfilled** 104:8
- fulfillment** 104:9
- full** 21:7 31:9 74:4  
183:21 213:15 226:6  
317:5 319:2 348:5  
380:15 419:6 430:10
- full-** 119:18
- full-time** 51:13 71:3  
208:1 227:7
- fulltime** 423:4
- fully** 18:3,12 246:16  
275:1 297:13 434:19
- fun** 336:15 338:6
- function** 227:10
- functional** 368:7 393:7
- functionality** 56:12
- functions** 170:1
- fundamental** 73:3
- funded** 306:15
- funding** 306:4
- funds** 215:9 382:2
- furniture** 5:5 89:7,12  
92:13,22 93:3,9 94:5

140:15 141:5 208:14  
217:7 254:9 255:5  
261:3 286:1  
**further** 8:7 30:15 37:20  
39:13 41:4 57:7 65:5  
76:14 111:6 121:19  
210:22 254:4 255:14  
262:5 270:3 308:3  
371:5 414:18 421:17  
422:10 435:2,19  
440:2 447:11  
**Furthermore** 86:18  
103:8 109:15 114:19  
143:16 210:10 327:14  
365:17 396:7  
**future** 72:22 189:12  
205:1 232:22 301:5  
303:3 304:7,16  
305:14,21 307:3  
315:20,20 347:8  
354:12 418:5

## G

**G.M** 427:6 449:3  
**gadget** 381:2  
**Gaffney** 384:1  
**gain** 111:6 312:17  
435:21  
**gained** 411:3  
**gaining** 361:12  
**gains** 411:3 444:21  
**Galata** 47:15  
**gallons** 364:11  
**galvanized** 223:1,13  
**games** 213:7  
**gap** 181:3 370:20  
371:12 401:6,10  
**garden** 119:9  
**garlic** 422:20 423:1,3  
423:12,18,20 424:1,3  
424:4,10,16,20,22  
425:3,8,10 446:21  
447:4  
**garments** 392:20  
**gas** 17:5 103:18 146:20  
157:17 162:15 163:3  
163:6,9 166:2 169:3,8  
169:21 170:2 171:13  
179:20 180:4,9 199:4  
199:7 363:8 364:14  
**gases** 388:5  
**gazebos** 207:17  
**GDP** 28:19 253:8  
432:18  
**gear** 60:1  
**Gee** 288:14  
**geese** 275:17  
**geez** 10:3

**gels** 26:9  
**general** 45:19 68:4,13  
68:20 107:11 154:7  
155:7 162:10 185:17  
190:13 196:13 208:12  
323:19  
**generally** 20:16 33:9,21  
34:2 69:4 94:6 137:1  
143:6 191:9 225:4  
391:6 397:14  
**generate** 395:9  
**generates** 326:20  
**generation** 108:14  
303:1 309:19 366:22  
412:11 422:18  
**generations** 394:16  
**genetically** 460:10,12  
**gentlemen** 168:12  
330:16  
**geographically** 165:8  
**geological** 164:3  
314:13 346:22  
**Georgetown** 10:4  
**Georgia** 23:2 96:18  
230:15 332:9 377:13  
378:22 379:21 381:1  
382:4 426:6 427:9  
429:13  
**German** 48:12 66:3  
319:17  
**Germans** 319:20  
**Germany** 47:14 48:18  
126:22 319:16,19  
343:13,16 355:13  
**getting** 132:20 166:9  
458:17  
**Gilroy** 423:11  
**give** 10:2 121:7 225:14  
244:15 303:5 331:2  
339:20 348:20  
**given** 21:1 44:18 84:4  
125:19,20 161:2  
215:11 236:17 272:9  
362:20 440:8  
**gives** 286:9  
**giving** 16:21 45:20  
90:18 161:18 162:8  
382:12 426:7  
**glad** 19:8 77:2 134:19  
**global** 2:2 4:16 10:20  
24:15 35:3 41:5 50:13  
55:10 58:14 76:7 79:1  
94:20 98:14 105:1  
109:5 111:2 112:19  
144:1 145:12,16  
146:22 171:22 204:21  
234:6 259:19 260:21  
278:2,10 279:13

282:3 289:11 292:10  
294:22 295:7,8  
297:16 298:21 314:14  
314:19 316:12 318:17  
318:18 328:12,16  
329:20 342:10 357:5  
357:14 359:21 360:2  
362:12 375:4 384:2  
398:18,19 399:1  
405:15 407:18,19  
**globalization** 326:14  
**globalized** 13:22 58:9  
326:8  
**globalizing** 58:16  
**globally** 36:2 44:22  
69:1,15 204:19 229:6  
250:12 259:17 275:15  
328:15 331:3 352:20  
358:18 408:2 436:20  
442:1  
**globally-accepted** 69:4  
**globe** 175:18 179:2  
408:22  
**glove** 451:17,20  
**gloves** 282:1,3,7 322:5  
322:5,7 323:13  
350:10 451:7,21  
**GMA** 441:5,5,9 442:2  
**GMP** 434:16  
**goal** 11:2 33:7 90:11  
95:20 129:16 181:11  
191:6,6 223:4,20  
254:17 325:12 361:10  
363:21 383:4 443:3  
**goals** 27:9 54:12  
106:15 163:4 185:9  
322:13 386:16 387:2  
439:19  
**God** 430:5  
**Gold** 2:10 5:7 252:13,15  
252:16,17 259:6  
285:13,14 286:3  
291:9  
**goldfish** 446:10,17  
**Goodman** 388:7 390:10  
390:10,20,21  
**goodness** 262:16  
**goods** 24:5 27:20 37:8  
40:14 72:16 94:6,10  
96:8 114:9 115:19  
116:15 231:4 233:12  
254:7,10 255:8,10  
257:3 260:2 267:11  
271:1,3 277:6,22  
278:12 281:4 286:1,7  
291:20 294:6,14  
295:5 298:20 299:15  
300:5 301:10,17,19

305:3 308:1 309:6  
330:2 332:12 357:18  
360:1 378:13 396:13  
400:12 418:2 426:11  
432:1 439:14 441:12  
443:8,21 444:11,17  
**goose** 275:19,22  
**Gordon** 2:7 4:17 156:1  
156:10  
**governed** 121:16  
**government** 9:19 21:17  
30:20 53:20 54:2  
55:22 72:5 73:16  
101:8 106:10 113:17  
115:4 119:14 121:2  
123:3 156:22 160:2,5  
160:15,16 161:5  
174:18 179:13 197:19  
260:21 300:16 303:21  
306:4 323:8 328:19  
337:8 342:17 353:20  
391:9,20 392:1  
394:20,22 395:16  
396:1 413:18 424:12  
424:14 425:19  
**government's** 71:19  
91:16 272:7 383:4  
395:4  
**governmental** 119:15  
**Governor** 310:8,11  
**gowns** 322:4  
**GP** 151:12  
**grab** 100:10,10 431:15  
**gracious** 248:21  
**Graco** 3:10 5:5 228:21  
229:3,4 232:21  
**Graco's** 230:6  
**grade** 225:4,6,7,13  
226:4 244:8 370:18  
**grades** 370:15 371:2  
**graduate** 232:5  
**graduating** 309:16  
**grand** 310:10  
**grandchildren** 92:18  
**grandfather** 107:10,12  
309:8 382:20  
**granted** 113:4 337:8  
**granting** 229:17  
**granular** 24:1  
**graphite** 314:4,8,9,11  
314:14,16,20 315:1,2  
315:5,9,12,17,20,21  
316:2,4,5,14 346:13  
346:15 347:1,9,16  
348:6,22  
**grasp** 295:3  
**grateful** 107:7 229:13  
337:7

**grating** 186:12  
**gravity** 170:14  
**gray** 68:10 327:20  
**greater** 61:8 75:10  
 209:3,5  
**greatest** 19:2 80:1  
**greatly** 53:16 127:9  
 150:12 320:1 423:21  
 425:2  
**green** 20:10 319:10  
**greenfield** 364:15  
**Greg** 362:9  
**Gregory** 2:7 6:2 362:5  
**grievously** 329:13  
**Griffin** 426:6 429:13  
**Grimball** 1:11,14 235:5  
 235:14,18 236:2  
 239:9,17 240:4,9  
 246:17 247:19 343:18  
 344:19 346:10 347:3  
 347:10 348:18 349:8  
 349:12 350:1 351:2  
**grinding** 169:19 172:13  
**grips** 355:2  
**grocery** 3:12 6:19  
 264:19 413:12 440:22  
 441:5 454:3  
**gross** 25:22 132:10  
 155:10  
**ground** 154:11 162:18  
 168:21 379:22 455:7  
**grounds** 334:11 440:1  
**group** 2:12,18 4:7 6:17  
 36:11,16,19 39:6,16  
 40:8 41:9 60:12 74:2  
 188:14 194:5 321:20  
 430:1 434:17  
**Group's** 449:18  
**groupings** 430:14  
**groups** 90:1 272:14,14  
 383:17  
**grow** 53:8 80:16 112:19  
 267:15 323:19 393:3  
 413:9  
**grower** 422:19  
**growing** 39:18 50:18  
 180:17 269:6 305:13  
 360:22 433:10  
**grown** 80:16 89:9 297:6  
 368:15 423:13 425:9  
**grows** 423:2  
**growth** 37:19 53:20  
 118:8 180:7 263:6,8  
 267:17 306:11 320:9  
 380:4 387:6 415:13  
 431:9 444:15  
**Gruchacz** 2:10 4:4  
 22:19,21,22 23:1

26:16 55:5,12,20  
 56:18 57:12  
**GSP** 286:8,10 291:9  
**guarantee** 39:10  
**guarantees** 423:14  
**Guard** 12:8  
**guess** 56:13 82:3  
 141:18,22,22 196:1  
 198:5 246:21 349:2  
 350:4 397:12 448:9  
 453:10 454:22  
**guest** 248:8  
**guise** 334:4  
**gulf** 195:9,11,19 359:17  
**gummies** 340:19 341:2  
**guts** 42:3  
**gutted** 13:15,19 17:6  
 439:11

---

**H**


---

**HACCP** 457:21,22  
**hacking** 300:20  
**hail** 141:16  
**hair** 26:9,9  
**Haley** 310:8,11  
**half** 89:9 164:21 218:2  
 249:8 258:3 413:5  
**halt** 365:16  
**halting** 366:11  
**halts** 37:19  
**Hamilton** 146:10  
**hammer** 308:10  
**hamper** 444:14  
**hand** 329:17 451:13  
**hand-me-downs** 93:1  
 232:3  
**hand-operated** 212:12  
**handbag** 266:20  
**handbags** 255:10 261:8  
**handful** 294:10,20  
**handle** 124:21 201:7  
 367:15  
**handled** 69:15  
**handling** 146:19  
**hands** 144:18 451:22  
**hands-on** 256:11  
**hang** 247:7  
**hangs** 331:12  
**Hanover** 387:22  
**Hanvey** 2:11 4:11 75:14  
 75:16,17,18 78:4,5,9  
 78:10 82:21,22  
 126:10,16 127:5  
**happen** 55:17 287:5,6  
 399:13 410:12,15  
 445:14  
**happened** 289:20  
 346:14 411:9

**happening** 100:21  
**happens** 74:9 135:16  
 353:15  
**happy** 106:17 179:4  
 196:21 207:3 211:15  
 273:14 349:20 450:12  
 460:3  
**hard** 15:4 68:8 152:15  
 152:17 260:4,12  
 267:15 281:6 307:4  
 414:19  
**hard-working** 151:21  
 155:2  
**hardest** 29:20  
**Hardesty** 2:11 6:3  
 366:18,20,21 372:10  
 372:11 400:10,13,16  
 400:22  
**hardship** 149:7 374:15  
 419:21  
**hardware** 91:8 93:8  
 175:9 222:22 223:9  
 223:12,15 224:4  
 225:2 244:8 266:6  
**hardworking** 13:11  
 17:4  
**harm** 8:7 28:4 30:5  
 32:20 40:20 42:14  
 49:9 75:4 79:19 85:2  
 87:7 108:21 113:8  
 121:1 129:22 149:19  
 150:7 169:7 176:10  
 177:11 178:19 181:13  
 203:1 212:5 214:3  
 215:18 224:14 228:11  
 239:13 269:12 320:5  
 357:8 361:22 367:19  
 380:10 383:17 396:17  
 432:7 440:14  
**harm's** 385:16  
**harmed** 175:14 307:14  
 307:22 423:18 432:10  
 436:5  
**harmful** 8:5 84:4 85:18  
 117:15 233:13 253:22  
 339:18 414:21 415:11  
 443:4  
**harming** 86:20 87:6  
 173:6 259:4  
**harmonized** 55:22 56:3  
 56:21 57:4 109:9  
 120:7 217:7 393:14  
 421:4 458:12  
**harms** 30:11 116:5  
**harnesses** 234:17  
**harsh** 385:9  
**harshness** 427:3  
**harvest** 12:1 13:3

**harvestable** 209:19  
**harvested** 13:10 43:7  
 423:13  
**hats** 254:11 261:7,19  
**Hawaii** 436:15 439:7  
**hazardous** 188:22  
**hazards** 93:2  
**he'll** 22:16  
**head** 15:15 218:20  
**headcount** 305:13  
**headed** 13:15,19 17:6  
**heading** 59:13 301:21  
**headings** 102:11  
 301:19  
**headlines** 72:19  
**headquartered** 185:22  
 332:5 377:13 426:19  
**headquarters** 110:14  
 387:20  
**heads** 174:12 176:18  
**headwear** 261:7  
**health** 28:12 190:14  
 202:18 203:2 205:21  
 217:12 307:16 338:7  
 340:9 341:12  
**health-conscious**  
 338:10  
**healthcare** 302:12,17  
 303:1,14,16 306:12  
 307:21 322:16 323:9  
 323:22 324:2 325:14  
**healthier** 304:7  
**healthiness** 23:16  
**healthy** 106:16 303:6  
 336:13  
**hear** 17:1 77:2 296:3  
**heard** 26:15 135:12  
 145:18 200:9 258:13  
 260:5 274:2 286:21  
 288:18 295:20,22  
 311:19  
**hearing** 1:5,9 7:7 8:22  
 19:21 20:1,8 21:10,11  
 21:14 76:14 137:6  
 138:1 148:17 151:9  
 248:18 260:8 273:16  
 279:21 281:10 288:21  
 305:17 357:20 448:1  
**hearings** 36:17 114:7  
 274:1 420:3  
**heart** 91:1 301:3 302:16  
**heat** 46:10,11,22 47:6  
 318:4,6 390:13,14  
**heated** 127:7  
**Heather** 270:5  
**heavier** 169:16  
**heavily** 298:19 316:5  
 317:15

**heavy** 84:13 146:21  
167:2 369:21 370:14  
370:18  
**heavy-denier** 359:3  
**heavy-duty** 107:14  
109:22 110:6,8  
**Hector** 270:6  
**hefty** 263:22  
**held** 108:14 212:14  
293:21 321:11 338:18  
377:12 381:22 392:14  
**Hello** 22:22 430:9  
**helmets** 298:18 299:5  
299:21  
**help** 11:9 151:20  
204:10 213:8 248:12  
252:4 265:16 267:14  
286:11 295:17 363:20  
385:13 391:16  
**helped** 310:9  
**helpful** 56:17 70:2  
134:11  
**helping** 91:19 383:18  
385:15,18  
**helps** 170:16  
**hematite** 167:1  
**Hemisphere** 360:11  
**Henrick** 2:12 4:19 168:8  
168:10,11,12 173:11  
194:19 196:1  
**hep** 459:4  
**hexahydrophthalic**  
359:19  
**HFC** 389:20 391:11  
**hi** 366:21  
**Hialeah** 70:19  
**hiccups** 401:2  
**hide** 225:7  
**high** 39:18 44:14 53:6  
81:14 82:16 88:21  
132:9 148:5 152:4  
156:13 157:5,11  
158:19 159:1,10,13  
161:9 169:18 170:14  
170:17 175:3 180:19  
191:10,14 197:22  
199:14 210:8,16  
225:8 229:8 230:21  
235:17 237:8 242:7  
243:8 267:3 288:21  
312:12 323:2 333:21  
333:22 344:15 345:17  
348:7 365:7 369:13  
369:14,18 372:7  
394:9 395:3 407:14  
415:7,9 430:12  
438:13 440:10  
**high-** 281:3

**high-end** 133:12 329:5  
342:21 352:6  
**high-moving** 452:19  
**high-performance**  
53:19  
**high-quality** 29:2 38:20  
70:20 315:11 360:16  
393:1  
**high-speed** 133:12  
**high-tech** 30:8 100:11  
**high-tenacity** 359:2  
**high-value** 437:18  
**high-volume** 309:4  
**highchairs** 140:18  
**higher** 23:18 80:3 90:13  
90:13,20 103:10,13  
141:6,13 148:22  
149:16 166:4 171:7  
177:17,19 191:1  
209:9 241:12 257:12  
261:18 288:11 289:19  
291:15 301:9 303:10  
306:9 319:20 347:16  
348:15 369:3 371:10  
375:1 389:14 394:3  
444:14,19 445:11,19  
**highest** 121:21 223:5  
230:7 288:16 303:11  
304:6 343:3 423:8,14  
460:2  
**highlight** 38:14 145:21  
389:5 395:7  
**highlighted** 127:12  
142:11 200:14 327:8  
387:10 401:15  
**highlights** 36:18  
**highly** 38:18 46:20 58:9  
98:19 147:1 167:2  
182:7,12 197:10,18  
210:8 314:14 440:11  
**highly-skilled** 40:15  
**highway** 80:5 231:12  
**highways** 115:21  
**hikes** 419:3  
**Hilton** 438:5  
**hire** 51:17 227:7  
**historical** 72:14 282:14  
**historically** 381:15  
415:5,6 435:3  
**history** 73:4 108:13  
111:16 115:3 166:8  
360:4  
**hit** 29:20 53:10 430:12  
**hobby** 289:10  
**hobbyists** 215:2  
**hog** 43:8,11,18 44:1  
45:2  
**Hogan** 83:6

**hold** 18:1 49:3 73:16  
248:21 307:8 310:18  
450:6  
**holding** 3:1 6:5 7:6  
162:5 201:16 277:21  
377:2,12  
**Holdings** 4:18  
**holds** 72:8 73:22  
407:17  
**hole** 16:22  
**holiday** 257:19 262:20  
**Holland** 52:11  
**Hollander** 294:12  
**Holocaust** 367:2  
**home** 175:8 177:1  
178:9 203:20 207:19  
213:10 254:10 274:15  
274:17 354:7 423:22  
**homecare** 321:17  
**Homeland** 1:15  
**homes** 176:16  
**hometown** 423:10  
**honey** 2:1 6:11 412:8  
412:12,16 413:1,6,16  
413:19,22 414:6,8,11  
414:14,19 415:1,4,7  
415:17,22 445:8,16  
445:20  
**Honolulu** 436:15  
**honor** 321:19  
**honored** 9:11 196:4  
279:1  
**hope** 82:15 113:6  
245:17 254:1 262:20  
264:3 272:22 288:5  
417:18  
**Hopefully** 14:14  
**hopes** 282:20  
**horizon** 257:12  
**Hornick** 5:8  
**horse** 289:10  
**hose** 194:6  
**hospital** 203:21  
**hospitality** 274:15,18  
278:20  
**hospitalized** 272:10  
**hospitals** 150:6 272:15  
302:14 321:15 323:6  
323:9  
**hotels** 274:17 278:22  
278:22 438:1  
**hotter** 454:16  
**hour** 144:16 248:11  
249:8 423:9  
**hours** 249:1 269:18  
**house** 279:3 300:21  
**household** 85:11,13  
176:20 231:15,17

254:22 255:2 260:14  
264:1 421:12,15  
443:20  
**households** 177:2  
417:1 421:1  
**Houston** 156:12 157:20  
390:12 391:2  
**Howe** 1:16 22:4,4 60:7  
77:14,14 133:14  
134:6,16 142:8  
144:19 200:11 402:6  
403:11,18 404:5  
**HS** 455:22  
**HST** 331:8  
**HSTUS** 337:17  
**HT** 208:9  
**HTS** 23:8 24:14 26:2,12  
36:4,20 37:2,18 38:9  
40:5 41:11 46:5 52:1  
74:21 102:11 109:15  
109:21 110:11,11  
112:8,16 114:16,17  
136:20 148:1 152:22  
153:2 155:7,17 157:1  
158:20 168:21 182:21  
183:10,17,21 186:9  
189:6 199:12 203:14  
208:8,12,14 211:13  
222:6,9 256:14,16,19  
273:8 308:13 322:10  
373:2 389:7 396:11  
443:17  
**HTSUS** 42:2 275:7  
279:11 337:15 388:13  
427:10  
**Hubbard** 2:12 6:17  
429:22 430:2,3,5,7  
436:9 449:15,21  
450:2 455:12,14,18  
455:20 456:6,19  
**hubs** 355:1  
**Huff** 2:13 5:13 302:4,6,7  
302:8 308:18 343:7  
343:13 344:4  
**Huffy** 3:3 5:19 331:17  
331:20,22 332:3,10  
332:15,19 333:15,21  
334:7,16,18 335:3,9  
335:10  
**huge** 144:5 227:1  
246:11 310:16 328:5  
413:16,21 415:18  
**Hughes** 2:13 5:8 259:7  
259:9,10,13 264:5  
288:7,14 289:9  
290:18,20  
**human** 302:16 305:1  
330:18 341:10 381:6

**hundred** 142:14 165:1  
179:17 186:1 198:17  
227:11 282:1 354:21  
374:6  
**hundreds** 114:13  
174:13 202:12 208:3  
340:11 363:11 395:11  
414:1 458:8  
**hung** 392:20  
**hunting** 439:3  
**hurdle** 293:12  
**hurricanes** 359:16  
**hurt** 77:2 112:11 178:7  
395:11 396:18 403:22  
431:21 438:15  
**hurting** 16:17 169:8  
386:13 411:12  
**husband** 139:11 212:13  
249:19  
**husband's** 283:13  
**husk** 456:13  
**hydraulic** 146:3,18  
147:9 148:5 150:16  
150:17 156:14 157:5  
157:11,12,22 158:10  
158:11,17,19 159:2,7  
159:10,13 160:12  
161:8 194:5  
**hydraulics** 2:7 4:17  
147:16 156:1,11  
157:13,18 158:5,18  
159:17 193:20  
**Hydrocarbon** 389:1  
**hydrocarbons** 389:21  
**hydrochloride** 337:6  
**hydroxide** 427:15  
**hygiene** 28:12 33:18  
**hyperactivity** 339:22

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**I**

**IBD** 298:4  
**ICL** 370:12 371:1,20  
**iconic** 259:17  
**idea** 56:22 140:7 264:22  
266:19,21 288:22  
348:20  
**identified** 32:12 190:6  
202:21 206:18 256:19  
258:10 265:21 288:8  
327:6 418:18 421:3  
446:10  
**identify** 21:19 41:11  
142:9 148:12 189:21  
193:11 198:9 200:13  
211:14 235:9 262:9  
266:13 285:17  
**II** 322:2 324:15 349:18  
349:22

**III** 5:8  
**ill** 215:3  
**ill-** 99:19  
**illegal** 415:3 445:11  
**Illinois** 3:5 4:13 43:1  
106:20 107:3,4,9  
108:21 109:5,11,18  
110:15 111:2,7,12,13  
112:3,4,12,17 151:13  
321:18  
**Illinois-based** 302:10  
**illustrations** 454:13  
**ilmenite** 167:1  
**imagine** 243:5 348:4  
428:9  
**imbalance** 366:4 417:3  
**immediate** 95:20  
187:20 335:12 339:10  
361:6  
**immediately** 40:1  
322:15 380:12 402:22  
**impact** 30:18 32:13  
33:7 35:20 36:21 37:4  
38:5 41:9 48:7 80:1  
86:19 88:1 102:6  
105:14 106:3 108:22  
109:11 112:4 115:10  
118:5,7 120:15 121:4  
123:20 124:1,9 129:9  
137:8 150:12,13,20  
159:14 161:15 176:12  
176:14 187:16,20,21  
211:10 215:1 224:19  
232:19,22 255:15  
256:10 258:5,18  
262:17 263:15 269:20  
273:3 276:20 297:21  
306:6,16 308:12  
316:11 320:14 322:8  
324:6 325:13 327:1  
328:5 336:5 337:19  
360:20 361:6 362:2  
365:14 366:11 368:21  
370:16 373:13 377:8  
394:20 405:16 417:10  
418:4 419:7,11 420:8  
421:15 423:10 428:5  
433:21 438:14 442:17  
449:18  
**impacted** 35:14 203:5  
270:14 422:6 425:15  
432:21 444:5  
**impacting** 109:17  
117:11 209:2 336:8  
440:3  
**impacts** 85:18 114:12  
184:19 252:21 256:22  
275:11 282:15 323:4  
407:11 442:21 443:14  
**impaired** 49:5  
**impairing** 395:18  
**imparting** 46:19  
**impede** 30:21  
**impeding** 379:4  
**imperative** 425:19  
**implants** 318:1  
**implement** 90:3 173:18  
227:13  
**implementation** 74:13  
118:2  
**implemented** 37:15  
41:9 71:7 75:7 91:4  
95:17 100:20 126:8  
211:12 257:21 258:6  
272:22 353:21 376:10  
**implementing** 112:15  
178:18 230:2 324:4  
**implicate** 301:21  
327:10  
**implicated** 301:5  
**implore** 268:6  
**implying** 62:3  
**import** 3:16 5:11 23:3  
37:12 40:4,8 43:19  
52:1 56:20 86:4,5  
96:4 99:8 110:6 111:8  
120:4 148:11 153:2  
208:10 210:2 217:4  
217:10 225:3,14  
235:19 244:20 260:9  
267:2,4,21 271:4,9  
279:17 280:1 305:9  
312:7 314:16 341:22  
365:7 370:14 374:9  
375:17 379:17 389:9  
391:12 394:15 400:12  
403:6 405:3 406:19  
409:20 410:18 424:9  
427:4,7 438:8  
**importance** 27:2 45:22  
90:6 242:5 303:19  
448:16  
**important** 9:17 12:21  
12:22 30:6 72:8 89:3  
94:4 102:2 127:19  
128:4 146:14 151:10  
159:11 170:18 191:15  
202:5 204:10 213:19  
216:5 220:20 231:13  
233:19 248:13 258:22  
263:18 275:14 314:22  
315:11 329:16 333:18  
337:9 338:4,10  
373:11 375:11 376:9  
390:9 428:10 439:18  
**importantly** 43:18

72:13 86:15 105:9  
170:6 229:11 237:13  
247:5 250:4 336:6  
385:5,11 428:7  
434:12  
**importation** 99:13  
102:22 147:9 294:14  
295:4,5 307:15 367:8  
367:14 381:17  
**imported** 14:2,10 16:14  
24:1 36:4 42:9,14  
43:15 56:22 71:15  
73:5 74:14 75:1,8  
79:16 80:19 81:8 82:8  
84:17 88:5 96:8 110:3  
114:9 126:19 148:6  
148:20 150:21 156:18  
158:10,10 165:3  
173:20 233:11 235:15  
257:3 269:11 272:19  
276:4,18 277:10  
280:12 292:3 299:1  
308:2 309:13 318:6  
332:17,20 334:21  
342:22 353:8 357:18  
369:19 384:18 390:6  
403:6 414:8 415:22  
426:12 430:19 443:1  
460:18  
**importer** 156:13 203:4  
292:4 314:1 332:16  
365:4 368:11 392:18  
401:20  
**importers** 32:7 44:19  
104:8 227:5 257:4  
259:15 281:1,3,6  
287:3 310:22 334:11  
419:17 434:13  
**importers/** 74:10  
**importing** 55:8 130:8  
153:7 154:10 161:13  
199:8 245:2,6 283:15  
309:12 367:3 368:4  
374:20 379:11 398:17  
402:22 403:16 406:16  
456:10  
**imports** 44:2 52:3 54:18  
61:7,8 71:6,8 80:21  
85:6,17 86:5,10,11  
87:6 134:8 158:18  
159:13 177:5 185:21  
191:9 193:20 195:13  
204:18 205:3 212:4  
216:10,12 221:18  
224:18 235:8 255:20  
256:1,3 277:21  
280:19 288:12 310:1  
315:7 317:4,11 318:2

319:8 322:9,19 353:6  
 358:5,12 362:14,21  
 363:2,19 366:3  
 371:21 383:21 389:6  
 389:18 390:16 397:7  
 398:13 399:12,16  
 403:14 409:16 413:1  
 413:19 414:2,6 415:3  
 423:21 424:7,16,20  
 425:1,5,15 439:22  
 445:8,12 460:8  
**impose** 49:12 52:14  
 73:6 79:12 88:18  
 205:22 216:10 257:11  
 260:13 263:22 282:15  
 413:18  
**imposed** 53:4 81:7  
 85:21 92:14 181:19  
 184:20 257:2 316:6  
 319:3 329:14 339:15  
 346:5 365:13 367:19  
 369:2 372:3 392:6  
 420:17 424:7 443:8  
**imposing** 7:16,21 16:16  
 49:8 82:8 87:12 91:9  
 93:21 98:11 114:8  
 117:15 120:19 122:6  
 156:17,20 159:12  
 169:6 187:12 191:5  
 202:15 206:15 212:3  
 213:20,22 221:22  
 231:19 255:4 311:10  
 318:11 338:20 368:7  
 396:15 425:4 438:9  
**imposition** 32:17 33:7  
 35:11,15,20 36:18  
 39:13 48:5,11 49:17  
 60:10 82:12 149:4  
 177:3 205:6 316:10  
 320:5,13 323:22  
 334:3 361:21 363:18  
 366:10 386:15 388:2  
 395:10 412:22 422:22  
 439:21 447:3  
**impossible** 256:5  
 419:20 420:19 460:4  
**impractical** 233:8  
**impressed** 310:7  
**improper** 177:6  
**improve** 98:12 273:5  
 288:12 454:16  
**improved** 91:3 418:5  
**improvement** 175:8  
 178:9 220:21 254:10  
 437:3  
**improvements** 178:3  
 300:12  
**improves** 427:1

**improving** 31:4  
**in-depth** 282:17  
**inability** 133:15 167:17  
**inactive** 170:15  
**inadequate** 129:8  
 134:13 183:14 198:11  
 369:5  
**inadequately** 303:5  
**inadvertently** 102:12  
**inbound** 423:16  
**incentive** 270:22  
 286:14  
**incentives** 53:22  
**incentivize** 258:9  
**incidences** 218:9  
**incidents** 217:22  
**include** 27:20 76:7  
 105:22 109:18 121:17  
 123:1 124:8 127:22  
 147:15 174:11 183:18  
 212:16 223:16 254:15  
 255:3 256:17 257:3  
 297:11 321:15 337:14  
 357:12 358:13 420:9  
 427:11 438:4 443:21  
**included** 37:1 46:5  
 79:15 103:15 109:12  
 109:15 159:4 183:21  
 184:5 219:19 256:13  
 261:1 301:22 312:9  
 360:14 362:15 378:13  
 379:10  
**includes** 27:11 188:10  
 205:15 254:7 263:3  
 297:19 374:3 421:18  
 438:7  
**including** 9:4 13:8  
 20:18 28:5 32:6 33:22  
 37:11 42:18 49:10  
 51:21 79:1 82:1 88:20  
 92:11 96:11 101:18  
 105:5 119:9,14 121:1  
 121:5 136:5 157:15  
 170:2 171:16 175:18  
 186:17 207:19 214:19  
 215:2 232:21 242:9  
 242:22 243:1 250:2  
 254:7,11 257:5  
 259:17 274:15 275:17  
 278:4,22 280:5 286:1  
 296:5 302:19 315:13  
 322:3 378:16 403:8  
 432:8 434:20 438:10  
**inclusion** 94:18 101:12  
 102:9 103:17 105:16  
 321:22 322:6 363:20  
 364:3 366:1  
**income** 85:16,18 178:4

206:4 231:16,18  
 255:3 432:18 441:20  
**incomes** 85:12,13  
 128:10  
**inconceivable** 384:11  
**inconsistent** 84:1 88:5  
 213:21  
**incontinence** 322:4  
**incorporate** 418:20  
**incorporated** 45:15  
 70:15 83:2,3 106:21  
 151:5 154:6 156:2  
 160:11 168:18 201:21  
 211:19 222:17,21  
 228:22 308:20 313:19  
 325:20 366:19  
**increase** 12:13 35:13  
 39:14 48:10,14 49:4  
 60:10 66:12 76:9 79:3  
 81:21 87:13 89:5  
 93:16 94:9 105:12  
 116:19,21 122:12,19  
 129:17 132:21 139:21  
 144:6 146:16 154:21  
 163:16 165:14 167:21  
 176:22 182:1,2 184:9  
 190:18 209:4,5 215:4  
 215:8 228:8 237:12  
 251:14 253:19 262:16  
 267:19,21 277:4  
 278:17 281:20 290:5  
 297:17 301:18 306:2  
 306:19 307:5 315:22  
 318:14 320:11 322:15  
 323:6 329:19 335:17  
 336:1 339:10 361:5  
 366:3 379:1 381:4  
 385:21 386:6 389:10  
 394:9 417:17 432:1,4  
 444:10  
**increased** 44:20 66:6  
 86:11 104:3 108:19  
 109:10 111:9 112:3,8  
 112:11,15 116:18  
 127:12 131:16 169:13  
 176:10,17 190:16  
 199:9 205:4 209:3  
 269:17 271:22 289:6  
 303:16 306:13 308:1  
 316:8,11,17 340:5,7  
 365:15 369:8 389:9  
 394:8,18 415:12  
 419:1,2,3 424:20  
 425:14 427:20 438:9  
**increases** 28:10 30:3  
 35:15 89:4 92:20 93:1  
 94:19 124:5 177:13  
 210:22 278:2,5,16

299:7 323:11 339:2  
 365:12 417:20 420:22  
 421:14 427:22 432:22  
**increasing** 34:16,18  
 80:17 87:22 93:20  
 180:9 182:1 289:22  
 418:1  
**increasingly** 15:18 73:8  
 126:22 417:9  
**incredible** 199:8  
**incredibly** 231:13  
 345:19  
**incremental** 365:12  
**Incubator** 265:12  
**incurring** 419:21  
**independence** 167:9  
**independent** 75:21  
 78:15 108:11 157:14  
 208:3 213:14 298:3  
 301:13 332:12 335:22  
 336:9 431:22 432:12  
 432:14 438:17,21  
**India** 48:18 142:19  
 165:4 171:15 172:3  
 192:2,9,12 200:19  
 291:11,12 315:5  
 319:8,12 394:6  
 400:18,22 401:1,2,20  
 402:4 407:22 408:1,2  
 414:10  
**India's** 172:1 192:15  
**Indian** 319:8,13 355:16  
**Indiana** 96:20 119:2  
 146:10  
**indicate** 285:14 446:21  
**indicated** 28:2 166:12  
**indication** 244:18  
**indirect** 338:2  
**indirectly** 441:16  
 443:18 444:5  
**individual** 323:7 357:17  
 448:12  
**individuals** 20:2 68:14  
 373:9  
**Indonesia** 48:18 127:22  
 141:5 200:19 311:18  
 450:4 457:12 459:3  
 459:18  
**Indonesian** 130:19  
**industrial** 40:18 46:16  
 50:15 71:21 72:5  
 86:20 119:10 222:22  
 223:8,12 224:4,22  
 316:3 317:1 379:8  
 385:1 423:7  
**industrialized** 441:21  
**industries** 2:4,11 3:1  
 4:22 5:17 6:3 28:17

50:16 53:11,14,18  
 66:20 68:15 147:1  
 150:15 185:13,17,19  
 280:10 315:12 317:22  
 321:7,10 354:5  
 366:19 367:5 382:22  
 387:5 395:3 440:15  
**industry's** 25:1 49:4  
 79:10 80:15 104:2  
 115:4 365:9 397:7  
 409:16 437:15  
**industry-led** 437:3  
**inevitably** 39:21  
**innovative** 322:19  
**infant** 34:15 88:19,22  
 89:6,11 92:2,3,12  
 93:16 140:15 204:4  
 217:4,11 220:21  
 235:17 242:7 243:12  
**infants** 32:9 34:10,14  
 35:9 90:7 93:2,12  
 218:15,19 231:4  
 242:12 243:7  
**infants'** 217:20  
**infeasible** 214:8 233:8  
**infection** 459:5  
**inferior** 319:13  
**inferring** 66:3  
**inflation** 289:22 323:20  
**inflationary** 311:12  
**inflict** 414:4  
**inflicted** 412:18  
**influence** 42:12 82:13  
 106:5 281:14 395:4  
**influx** 305:2  
**information** 24:22  
 153:11 300:19,22  
**informed** 225:16  
**infrared** 385:13  
**infrastructural** 141:11  
**infrastructure** 87:17  
 192:15 271:18 335:6  
 359:4  
**infringement** 54:6  
**infringements** 75:5  
**infringing** 100:5  
**ingredient** 428:3  
**ingredients** 37:7 58:5  
 58:12 358:13 443:2,9  
 443:14 444:1,2  
**inhalation** 243:13  
**initial** 60:3 153:8  
 229:19 348:2  
**initially** 8:17 291:3  
 374:14  
**initiated** 7:12  
**initiative** 30:14 71:20  
 84:10 224:6

**injure** 389:8 425:2  
**injured** 329:13  
**injuries** 89:6 93:2  
 217:22 218:3,5,14,16  
**injury** 86:2 103:1 372:1  
 412:18  
**injustice** 318:4  
**inks** 320:6  
**inmates** 250:3  
**inner** 327:4,11 351:7  
 352:16,19 353:1  
**Innova** 329:7  
**innovate** 356:19  
**innovation** 7:10 100:8  
 117:9 159:16 178:18  
 180:2,21 213:17  
 306:11 395:2  
**innovations** 300:20  
**innovative** 28:17 29:2  
 124:11 158:7 174:8  
 250:20 307:7 357:13  
 393:4  
**inorganic** 427:12  
**inputs** 27:15 30:15 33:9  
 40:16 51:19 52:17  
 53:1 116:15 262:7  
 391:10 407:4,6 461:4  
**inquiries** 244:16  
**insect** 210:1  
**insecurity** 214:18  
**inserted** 12:17  
**inserts** 277:18  
**inside** 264:19 293:17  
 352:7,8,11  
**insights** 308:16  
**inspect** 428:8  
**inspection** 435:10  
 454:22  
**inspections** 428:12  
 435:4 455:7  
**inspired** 310:5  
**install** 208:4  
**installation** 324:18  
**installations** 152:5  
**installed** 187:10 188:19  
 203:21 208:6  
**instance** 59:17 195:7  
 238:10 399:2  
**instances** 164:12,16  
 445:11  
**instantly** 97:18  
**Institute** 2:7 6:2 362:6  
 362:10,12 417:15  
**Institute's** 171:4  
**instituted** 177:14  
 371:20  
**institutions** 306:3,15  
**instructions** 19:20

76:15 93:7  
**insufficiency** 245:3  
**insufficient** 48:2 58:1  
 60:20 129:8 197:6  
 198:10 226:3 244:7  
 316:21 319:1 389:20  
 391:13  
**insulation** 274:13  
**insulations** 274:9  
**insurance** 227:20  
**insurmountable** 440:5  
**integral** 109:20 336:11  
**integrated** 76:8 79:3  
 147:1 204:19 239:20  
 442:2  
**integrating** 152:13  
**integrity** 170:4 185:10  
**intellectual** 7:10 54:6  
 72:6 75:6 79:8 94:14  
 106:12 113:1 115:5,7  
 121:8,17,19 122:9  
 154:16 158:2,13  
 159:15 160:9 175:16  
 175:16 178:17 191:11  
 217:16 221:17 222:3  
 223:21 275:3 300:10  
 300:14,17 305:3  
 307:13 308:8 320:16  
 322:22 327:15 333:2  
 334:1,4 357:3 361:13  
 386:20 395:1 396:6,7  
 443:5  
**intend** 40:12 67:20  
 271:5  
**intended** 17:14 30:18  
 54:17 113:9 215:15  
 323:21  
**intense** 385:9  
**intensive** 25:21 149:10  
 293:5 327:5 352:22  
**intensiveness** 293:13  
**intent** 18:19 272:4  
 318:9  
**intention** 19:3  
**interactions** 418:2  
**Interagency** 7:6  
**interest** 160:16 285:21  
 347:19 432:7 433:19  
**interested** 87:16 310:20  
**interesting** 240:6 407:7  
 455:17  
**interests** 27:7 28:5  
 49:10 73:14 121:1  
 159:19 177:12 203:1  
 233:10 396:17 421:20  
**interfere** 334:13  
**Interior** 170:21 346:22  
**intermediates** 373:15

402:3  
**intern** 10:3  
**internal** 408:19  
**international** 1:10,21  
 1:22 2:14 3:5 4:20  
 5:14 10:7 21:15 97:8  
 125:11 151:15 173:13  
 173:22 176:1 294:21  
 308:20 309:4 328:14  
 356:16 388:16 412:20  
 421:22 442:13  
**interpret** 131:21,22  
**interpreter** 295:16  
**intervene** 160:7 396:2  
**intestine** 61:14  
**intestines** 43:7  
**introduce** 77:7 187:13  
 188:3 233:6  
**introduced** 292:7  
**introduction** 304:15  
**invented** 212:13  
**invention** 236:10  
**inventions** 300:11  
**inventories** 220:11  
**inventors** 189:22  
**inventory** 187:13  
**invest** 25:20 28:21  
 40:13 153:17 293:5  
 306:10 307:6 379:5  
 380:21 382:1,3  
 391:21 403:21  
**invested** 226:17 377:17  
**investigated** 342:5  
**investigation** 7:8,12,15  
 8:6,12 9:10 30:12  
 84:9,14 99:10 103:20  
 253:12 260:18 297:19  
 300:8 301:4 327:7,13  
 388:15 389:10 396:15  
 428:1 442:11  
**investigations** 79:13  
**Investing** 347:21  
**investment** 52:4 117:7  
 240:2 329:1 354:13  
 365:10,19 380:22  
 388:6,7 390:4,6 391:2  
 395:18 400:4  
**investments** 50:19 51:3  
 51:12 52:21 53:7  
 72:21 82:17 178:2,20  
 187:22 190:17 214:8  
 226:15 239:4,15,18  
 364:21 391:4,7,8  
**invite** 70:6 144:21  
 201:13 247:22 355:22  
 412:3  
**inviting** 28:1  
**involve** 40:15 218:3,14

224:6 237:11 262:7  
320:21 395:3 396:3  
**involved** 26:4 42:17  
89:19 143:21 158:22  
163:21 214:21 354:10  
367:7 388:14 396:8  
**involves** 39:4  
**involving** 23:6,20  
**ion** 51:9 52:6,8 53:12  
53:16 67:8,13  
**ionic** 51:5  
**Iowa** 43:1 96:18 119:2  
157:20  
**IP** 42:13 45:5 122:2,4  
327:4 329:9 352:14  
352:15  
**IPR** 115:8  
**Ireland** 110:14  
**iron** 103:17 127:7 186:5  
189:8  
**ironic** 15:20 222:1  
**irony** 18:15  
**irreparably** 436:4  
**irrespective** 150:20  
**irresponsible** 100:4  
**island** 437:7  
**Islands** 437:5  
**ISO** 458:1  
**isolation** 322:4  
**Israeli-owned** 371:1  
**issue** 45:21 72:7 143:3  
144:1,18 177:6 203:4  
258:22 284:6 340:16  
341:6 381:16,21  
393:15 399:12 428:21  
454:1,5 457:4,15  
**issued** 388:22  
**issues** 10:7 74:17  
148:17 164:13 167:12  
172:8,10 178:16  
259:4 289:2 300:8,13  
301:2 327:22 333:3  
334:2 429:4 447:15  
447:19 451:10  
**Italy** 48:19 261:18  
**Itasca** 151:13  
**ITC** 9:18 87:5 104:1  
248:8,20 388:17,22  
389:6,8,11,17  
**item** 80:9 162:16  
270:16 326:18 328:18  
328:21 381:2 392:5  
**items** 27:12 58:6 59:18  
106:2 150:11 161:20  
208:9 223:14 234:9  
242:8 256:14 264:1  
265:2 270:12 273:12  
280:14 314:6 331:6

345:1 357:22 361:20  
396:3 422:4 432:2,12  
432:22 434:14 435:7  
452:19 453:1,2  
**IV** 304:1  
**IVs** 302:20

---

**J**


---

**J-Alexanders** 438:5  
**Jackson** 1:16 284:21  
284:22 285:11,12  
295:10  
**James** 3:6,15 4:15 5:4  
118:14 222:16,20  
**Japan** 29:9 48:18  
328:10 408:18 410:9  
426:19  
**Japan's** 50:11  
**jeopardize** 29:6 365:18  
**jeopardy** 385:22 386:14  
390:7 442:8  
**Jersey** 309:10 310:2  
382:20  
**jet** 374:1,2 375:19  
**Jill** 3:4 5:10 268:13,16  
**Jim** 3:1 5:17 118:18  
321:6  
**Jo-** 268:13 271:8 272:4  
**Jo-Ann** 3:4 5:10 268:18  
268:21 269:3 270:16  
272:18 292:2,4  
**Jo-Ann's** 270:3  
**job** 16:13 72:16 108:18  
178:7,19 180:2,7  
190:17 214:18 225:17  
289:5 341:9 375:6  
459:8  
**jobs** 11:17 28:20 29:17  
33:5 37:20 51:14  
79:16 97:4,5,5,6  
111:14,20 114:3  
155:1,1 174:21 175:4  
178:4 180:6 190:22  
209:8,10 251:16  
253:6 262:18 263:19  
263:21 269:9 270:22  
277:12,15 289:8,14  
289:17 290:10 301:11  
301:12 326:20 357:3  
357:16 362:1 364:22  
365:1,10 386:22  
390:5,7,8 416:20  
433:6 440:4 441:17  
**Joe** 2:5 3:3 5:1,4 22:22  
88:9,14 201:20 202:2  
**John** 3:1 6:5 377:1,5  
**joined** 309:15,18  
**joining** 267:10

**joint** 2:3 6:13 125:20,21  
144:14,17 224:11  
416:8,12  
**joints** 125:14 144:9,12  
**Jonathan** 2:10 3:7 5:7  
83:1,6 252:13,17  
**Jordan** 57:14,15  
**Joseph** 2:10 4:4 22:19  
**Josh** 3:11 5:10 273:18  
274:3  
**Journal** 219:9  
**JPMA** 35:14 36:2 90:1  
**Jude** 272:14  
**juices** 444:1  
**Julia** 1:16 2:13 5:8 22:4  
77:14 259:7,13  
**July** 7:19,20 8:9 9:3  
14:8 20:22 36:20  
259:22 281:11  
**jump** 415:9  
**jumped** 364:10  
**June** 7:15  
**jury-rigged** 93:9  
**justified** 49:15  
**justifies** 112:7  
**juvenile** 2:17 4:6 31:16  
32:3,17,21 33:13 34:4  
34:20 35:14 89:7 90:3  
91:2 92:20 93:21 94:4  
94:18,20 229:5,15

---

**K**


---

**K** 213:5  
**K2** 4:4  
**Kamler** 2:14 5:14  
308:19,22 309:1,3  
313:17 344:20 345:3  
345:12  
**Kansas** 207:14 371:1  
**Kate** 1:19 22:2  
**Kathy** 1:20 77:18  
**Kearny** 310:2  
**Keda** 2:10 4:4 22:20  
23:1,10,11 24:17  
**keep** 115:22 119:22  
128:6 145:5 163:19  
166:2 231:13 273:12  
303:6 310:15 317:22  
352:12 385:14,15,19  
392:19 411:21 429:11  
459:11,11  
**keeping** 90:7 306:11  
387:5  
**keeps** 93:20  
**Kelly** 2:17 3:4 4:6 31:15  
31:18  
**Kelvin** 2:1 6:11 412:7  
412:11

**Ken** 422:17  
**Kennesaw** 23:2  
**Kenneth** 2:5 6:15  
422:13  
**Kent** 2:14 5:14 308:20  
309:3 312:15  
**Kentucky** 47:2  
**Kerry** 4:19 173:12,21  
**Ketil** 194:7  
**Kevin** 2:9 4:10 70:14  
**key** 27:15 30:15 32:10  
38:6 47:21 51:19  
52:17 91:16 109:6  
174:15 217:5 275:20  
276:22 298:17 373:15  
374:1 378:18 428:3  
432:15 443:9 450:10  
455:5  
**kid** 144:15  
**kidney** 344:11  
**Kids** 92:6,7  
**kids'** 298:17 299:5  
**killing** 23:13  
**kilo** 276:7,13,15,17,17  
**kilos** 276:4  
**kinds** 56:1 451:18,19  
**King** 452:14  
**Kingdom** 340:11  
**kitchen** 270:7  
**kitchens** 176:16 231:6  
**knew** 267:16  
**Knisley** 1:17 244:6  
285:4,4 353:4 400:10  
400:14,17 401:12  
409:8,15,22 455:18  
455:21 456:18 460:15  
461:6  
**knitted** 243:4  
**knots** 240:19  
**knowhow** 352:7 415:3  
**knowing** 73:19 266:11  
**knowledge** 56:15  
100:17 142:3 237:19  
239:22 256:11 320:19  
440:9  
**known** 23:4 26:6 41:21  
46:3,12 80:13 81:11  
88:16 171:15 225:4  
250:9 280:21 326:3  
356:18  
**knows** 283:22 284:2  
**koi** 446:9,17  
**Korea** 29:10 48:18  
192:6,7,11 410:10  
**Kraft** 2:15 6:18 436:10  
436:12,13,14 440:20  
456:20 457:3 460:10  
**Kuala** 194:7



L		
<b>label</b> 313:9	355:14 365:6 368:10	365:22
<b>labeling</b> 340:4	378:2,4 379:13	<b>learning</b> 192:1 267:16
<b>labels</b> 277:18 340:2	384:22 390:21 402:12	<b>leather</b> 261:9,9,17
<b>labor</b> 1:18 13:12 15:2	412:13 416:19 418:10	<b>leave</b> 220:4
16:10 19:1 22:11	422:19 437:8 439:5	<b>leaves</b> 268:2
40:15 44:14 77:21	441:12	<b>leaving</b> 173:8
82:2 111:5 146:15	<b>lasting</b> 220:19 281:13	<b>led</b> 10:20 152:8 326:8
266:4 285:6 347:4	<b>lastly</b> 272:8 434:11	364:4,14
433:6 434:18	436:3	<b>Lee</b> 2:16 5:16 95:13
<b>labor-intensive</b> 349:5	<b>late</b> 145:5 248:19 326:9	313:18,20,21,22
410:9	335:1 380:2 383:6	321:5 346:11,15
<b>Laboratories</b> 189:17	<b>late-1980s</b> 102:21	347:6,12 349:2
<b>laboratory</b> 39:5 437:14	107:22	<b>left</b> 20:12 66:9 164:9
<b>laboriously</b> 212:9	<b>late-1990s</b> 97:10	165:5 456:12
<b>lack</b> 25:9 30:2 38:15	<b>latest</b> 40:4 108:19	<b>leg</b> 204:12
73:3 148:7 169:13	114:19 381:2 422:5	<b>legal</b> 35:8 297:1
209:15 394:2	<b>Latex</b> 451:21	<b>legally</b> 230:4 445:15
<b>lacks</b> 415:2	<b>laudable</b> 443:3	<b>legislation</b> 220:3
<b>ladies</b> 168:11 330:16	<b>Laughter</b> 19:10 59:6	222:12
<b>Lake</b> 212:15 214:20	249:11	<b>legislators</b> 219:14,22
<b>lakes</b> 319:10	<b>launched</b> 266:15	243:20
<b>lamb</b> 43:8,18 45:2	<b>laundering</b> 385:4	<b>legs</b> 217:20 218:4,15
<b>Lamoriello</b> 2:15 4:5	<b>laundry</b> 369:22	<b>Leisure</b> 207:13,14,22
26:17,19,20 31:14	<b>Laurie</b> 1:17 77:12	208:9,15 209:11,12
57:17 58:2 59:3	284:18	210:2 211:11
<b>lanceolata</b> 209:18	<b>law</b> 10:4 34:5,11 65:19	<b>length</b> 293:8,10
<b>landlocked</b> 165:10	129:3,4 202:19	<b>lengthy</b> 325:8 350:22
<b>landscape</b> 37:22 38:8	203:18 231:9 447:12	<b>lesson</b> 213:8
294:9 295:8 305:16	<b>lawn</b> 119:9	<b>let's</b> 16:8,8 64:3 143:11
<b>laptop</b> 264:17	<b>laws</b> 175:17	247:5
<b>large</b> 49:16 59:15 71:10	<b>lay</b> 270:2	<b>letter</b> 212:14 326:18
71:17 83:17 95:2	<b>layers</b> 189:14	327:15
126:2 163:16 190:4	<b>laying</b> 72:20	<b>letters</b> 212:10
204:3 215:7 227:3	<b>layoffs</b> 281:19	<b>level</b> 54:13 62:21 82:1
253:3 255:1 263:4	<b>leaching</b> 454:8	82:16 101:22 112:6
270:6 282:8 322:20	<b>lead</b> 89:5 135:9 170:10	112:20 137:21 201:7
337:20 360:21 375:22	195:15 201:9 227:1	223:5 278:6 292:14
387:4 405:2 410:16	232:18 251:20 281:19	292:14 319:7 350:15
431:15	317:6 339:17 340:16	383:5 407:15 423:14
<b>large-volume</b> 452:19	351:19 354:8,9 365:8	440:10 447:10
<b>largely</b> 130:14,20 132:5	365:15 392:1 445:10	<b>levels</b> 52:18 277:22
133:10,19 172:5	<b>leader</b> 50:13 124:10	<b>leverage</b> 73:19 74:1
193:20 319:9 327:17	186:2 212:20 377:14	206:17
334:19 340:5 342:22	379:2 436:20	<b>levied</b> 208:20 431:11
345:21 370:13 415:9	<b>leaders</b> 72:10 83:19	<b>levying</b> 433:20
433:13	174:7 328:16	<b>LG</b> 52:10
<b>larger</b> 114:11 181:17	<b>leadership</b> 25:1	<b>LHSC</b> 5:8
210:21,21 232:9	<b>leading</b> 11:16 46:10	<b>liability</b> 227:20
237:6 350:10 384:20	80:3 94:6 119:5	<b>license</b> 158:6
387:4 418:17 419:5	126:13 127:14 140:21	<b>lie</b> 301:3
<b>largest</b> 83:12,14 89:10	202:7 274:7,8 280:1	<b>lies</b> 29:15
114:2 142:1 171:3	298:8 357:15 441:9	<b>life</b> 11:13 71:2 99:19
183:12 217:13 218:4	<b>leads</b> 209:3,5,6 275:22	120:3 157:9 266:21
229:4 253:1,5 261:20	<b>Leaf</b> 51:11	<b>life-saving</b> 302:19
268:22 297:22 314:21	<b>leaning</b> 131:7	315:17 337:9
315:6 317:9 319:16	<b>learn</b> 103:2 267:2 303:5	<b>lifesaving</b> 34:17
320:7 321:11 335:4	305:1 363:16	<b>lift</b> 184:3
	<b>learned</b> 192:4 265:14	<b>light</b> 20:10 83:22 85:22
		102:15 132:4 145:7
		369:21 370:15
		<b>lighter</b> 247:15
		<b>Lighthizer</b> 73:17
		<b>Lighthizer's</b> 72:1
		<b>lighting</b> 2:6 4:17 151:5
		151:12 152:4,8
		176:21 254:9
		<b>lightweight</b> 210:16,17
		<b>likelihood</b> 319:4
		<b>likes</b> 112:18
		<b>likewise</b> 21:4 190:2
		232:8
		<b>Lily</b> 2:16 5:16 313:18,22
		<b>limit</b> 224:12
		<b>limitations</b> 186:20
		<b>limited</b> 2:12 6:17 20:9
		24:15 29:22 47:13
		109:12,18 115:1
		146:16 161:13 164:5
		172:8,18 211:2
		223:16 242:9 261:13
		261:16 305:1 336:20
		359:7,12 379:11
		387:3 426:18 430:1
		<b>limiting</b> 131:2
		<b>linchpin</b> 187:6
		<b>Linda</b> 2:8 249:15,19
		<b>line</b> 68:8 69:18 74:4
		85:16 147:11 182:3
		197:18 212:16 213:15
		227:21 290:1 297:21
		311:11 348:21 392:19
		403:19 418:20 438:1
		<b>liner</b> 218:21
		<b>liners</b> 217:5,9,16,18,20
		218:16,17,22 219:14
		219:17,20 220:2,7,18
		220:19 221:13 222:4
		242:17 243:22
		<b>lines</b> 13:13 17:18 38:6
		57:19 96:22 196:12
		196:14 273:8 357:18
		393:4 394:3
		<b>lineup</b> 74:4 103:5
		<b>link</b> 223:2,13
		<b>linked</b> 339:21
		<b>Linus</b> 272:13
		<b>lion's</b> 402:4,15
		<b>lipstick</b> 27:14
		<b>liquefied</b> 103:18
		<b>liquid</b> 407:5
		<b>liquids</b> 384:1,21
		<b>listed</b> 95:5 155:18
		160:13 184:8 196:11
		199:13 238:15 280:12
		349:13 378:10 407:16
		420:12

**listening** 252:11 282:22  
**listing** 104:13  
**lists** 178:13 256:14,17  
 419:1  
**literally** 297:4 372:6  
 374:2 400:3 446:13  
**lithium** 51:8,21 52:6,8  
 53:11,16 67:8,12  
 316:2 427:15  
**lithium-ion** 315:22  
 316:1  
**little** 78:7 86:19 98:3  
 130:16 198:12 271:20  
 283:9 334:22 345:6  
 347:7 352:16 363:20  
 383:20 401:19 406:6  
 410:5 444:21 445:14  
**live** 206:4  
**livelihood** 149:9 306:17  
**livelihoods** 253:20  
 336:10  
**lives** 27:17 94:15 250:5  
 363:11 373:14  
**livestock** 62:9  
**Liz** 302:8  
**LLC** 2:4,5,6,8,12,12,18  
 2:18,20 3:4,11 4:4,7  
 4:12,18,19,22 5:2,3,9  
 5:10 6:15,17 36:11,17  
 95:11 162:5 168:9,17  
 185:13,19 207:6,10  
 207:14 216:19 217:1  
 264:7 268:14,18  
 422:14 430:1  
**load** 103:10,13 195:18  
 226:12  
**loads** 459:4,5  
**lobby** 249:4  
**Lobster** 438:6  
**local** 29:11,18 92:22  
 108:18 111:15 112:20  
 119:14 123:2 149:21  
 150:6,8 188:17  
 189:18,18 190:2  
 265:9 298:4 299:16  
 373:11 375:5 416:18  
**located** 23:11 47:2  
 58:12 70:18 74:10  
 107:4 111:14 158:1  
 165:9 195:11 208:2  
 271:16 274:10 350:7  
 372:20 377:19  
**location** 147:7  
**locations** 30:4 146:7  
 169:20 199:16 332:7  
 349:15 377:20  
**logically** 305:9  
**logistical** 172:11

**logistics** 289:15 434:10  
 437:16  
**loins** 438:10  
**long** 18:4 38:5 108:13  
 115:3 138:21 175:21  
 195:14 196:3 235:21  
 246:4 247:5 262:11  
 286:7 332:9 348:21  
 357:2 395:19 415:15  
 449:4 454:18 457:18  
**long-run** 136:1  
**long-standing** 305:4  
**long-term** 52:21 121:13  
 313:3 321:16 323:7  
 353:9 419:18 433:5  
**longer** 98:9,10 143:12  
 240:22 251:22 403:21  
 455:15  
**Longkou** 2:10 4:4 22:19  
 23:1,10,11 24:17  
**look** 31:3 45:12 56:20  
 57:17 69:10 92:15  
 93:11,18 118:12  
 136:1 138:4 139:3  
 164:18 178:21 242:22  
 259:1 286:12,14  
 291:1,7 308:16 310:7  
 350:9 396:21 403:6  
 407:22 445:2 447:11  
 452:11,17  
**looked** 56:5 164:4  
 221:4 239:2 287:11  
 291:11 347:8  
**looking** 127:17 234:16  
 245:11 285:22 286:5  
 286:9,17,20 287:14  
 288:3 290:10 294:11  
 307:3 342:10 347:13  
 407:8,12 455:21  
 461:3  
**looks** 185:8  
**loopholes** 313:12  
**loosening** 91:8  
**lose** 64:16 190:22  
 209:10 374:21  
**losing** 221:21  
**loss** 37:19,20 41:2  
 170:8 177:21 190:18  
 209:8 277:15 281:18  
 330:5 357:14,16  
 361:22 375:6 380:20  
 415:19  
**losses** 72:16 117:11  
 214:18 289:5  
**lost** 191:1 251:17  
 408:12 440:1  
**lot** 58:19 100:8 128:13  
 130:1 132:22 199:4

235:4 248:14 287:7  
 294:13 295:1,4,21  
 296:4 352:7 355:18  
 400:6 457:5  
**Louis** 5:8 453:9,16  
**Louisiana** 47:3 399:22  
**lounge** 207:16  
**love** 17:1 304:18  
**loved** 259:18 303:18  
 310:9  
**Lovells** 83:6  
**low** 36:1 111:5 132:9  
 150:18 199:13 206:4  
 206:7 224:19 225:4,6  
 225:12,19 226:3  
 240:18 244:8 322:19  
 323:2,2 325:11  
 333:21 344:15 345:18  
 372:6 384:10,13,14  
 414:20 415:5 433:7  
 444:13  
**low-** 141:6 255:2  
**low-cost** 87:22 360:8  
 431:1,19 450:9 453:2  
**low-margin** 380:7  
**low-paying** 97:4 433:6  
**low-profit** 367:16  
**low-tech** 45:2  
**lower** 85:10,18 119:4  
 209:7 251:9 342:13  
 355:17 371:14  
**lower-cost** 270:11  
**lower-quality** 315:1  
**lowered** 282:5  
**lowest** 150:13  
**lubricants** 374:2  
**lubricating** 170:3  
**lubrication** 375:20  
**lucky** 348:17  
**luggage** 255:10 261:8  
**lumber** 144:16  
**lump** 348:11  
**lunch** 20:7 264:18  
 454:4  
**lutein** 338:6  
**luxury** 360:21 381:2  
**LVT** 360:21 361:1,6

---

**M**


---

**M-18** 373:21  
**ma'am** 131:11 143:3  
**machine** 149:22 212:12  
 212:14 262:13 454:15  
**machined** 109:6 110:7  
**machinery** 365:14  
**machines** 212:4,21  
 213:1,4 214:2,6,12  
 215:14,21 237:18

238:4,7,8,9,12  
**machining** 150:19  
**Macy's** 265:12  
**Madam** 9:14 201:19  
 234:3 296:16 341:19  
**magnetic** 167:2  
**magnitude** 327:1  
**Mahalo** 440:19  
**main** 79:22 125:10  
 335:13 368:10 375:12  
 408:10 437:7  
**Maine** 119:2  
**maintain** 112:19 116:6  
 163:12 183:8 210:3  
 282:20 383:7 437:6  
**maintained** 116:1  
**maintaining** 129:20  
 170:4 188:15 189:2  
**maintains** 183:11  
 436:19  
**maintenance** 80:4  
 115:19 123:17 137:18  
 139:16,18 299:18  
**major** 44:22 74:9 89:15  
 97:14 127:22 147:2  
 158:9 160:14 162:13  
 166:16 207:18 213:14  
 261:19 276:19 286:6  
 295:13 297:20 360:3  
 386:2 388:7 423:10  
 446:11  
**majority** 16:11,18 17:9  
 29:13 35:18 49:19  
 59:15,18 61:11  
 109:22 110:16 158:20  
 195:10,12 251:5  
 292:5 304:14 336:2  
 358:18 361:1 406:13  
 436:21  
**Majuro** 437:7  
**maker** 43:11 61:17 63:4  
**makers** 44:21 62:2  
 64:16,19 266:20  
 273:12  
**makeshift** 232:13  
**making** 12:17 58:17  
 132:19 133:12 139:5  
 139:17 140:1 153:4  
 155:14 214:13 226:8  
 239:22 242:5 257:17  
 265:13 276:21 293:7  
 315:14 365:3 369:10  
 410:20 456:15  
**Malaysia** 130:9 133:3  
 194:7,11 200:19  
 371:11 450:3  
**Malaysian** 130:20  
**manage** 197:20 287:2

413:4  
**managed** 266:13  
 359:18  
**management** 97:5  
 436:18 444:8  
**Manager** 45:19 162:11  
 185:17 426:6  
**manages** 109:5  
**Managing** 436:14  
**mandating** 91:7  
**mandatory** 34:7  
**maneuvering** 264:21  
**Mangola** 4:11 83:7,9  
 88:4 127:18  
**manner** 93:10 259:3  
 423:13 430:13  
**Manning** 310:10  
**manufacture** 46:8 52:5  
 75:22 78:16 92:12  
 108:6 116:15 146:3  
 148:15 201:1 214:8  
 217:4 218:12 221:4  
 223:8 226:11 260:10  
 266:1,9 277:14  
 278:19 312:6 373:16  
 376:1 377:15 378:19  
 384:3 395:16 427:18  
 429:3 431:1 433:3  
 443:9,19  
**manufactured** 71:6  
 110:19 121:20 134:9  
 147:15,19 156:15  
 159:22 277:5 278:6  
 278:13,15 279:2  
 292:13 312:3 456:3  
**manufacturer** 69:10  
 94:22 95:2 116:17,20  
 142:1 274:8 298:7  
 356:12 361:9 368:3  
 372:20 373:5,7 374:5  
 376:2 388:8 397:16  
 402:19 408:1 410:8  
 431:7 449:3  
**manufactures** 138:12  
 147:5 202:9 204:15  
 217:17 226:6 297:8  
 299:3 402:13,15  
**March** 72:3 327:7,12  
 328:10  
**margin** 132:10 155:8,11  
 251:9 323:2,15  
 325:11 345:18 431:14  
 436:1  
**margins** 74:8 149:1,3  
 149:16 221:10 225:8  
 227:17 323:10,13  
 384:15 394:10 421:9  
 440:6

**Marin** 326:6  
**marine** 119:11 123:4  
 157:17 227:20 437:1  
**Mariotti** 2:17 4:6 31:15  
 31:17,18,19 36:9 59:7  
 59:12  
**Mark** 2:18 3:18 4:4,7  
 6:8 36:10,15 392:8,12  
**marketers** 89:10  
**marketing** 145:16  
 152:20 202:13 214:22  
**marketplace** 69:22  
 161:9 174:22 176:1  
 295:4 357:5 360:2  
 425:18 437:10 450:21  
 450:22 451:1,3 452:9  
 452:16 454:21  
**markets** 70:21 119:9  
 146:16 153:10 161:3  
 215:12 224:22 318:18  
 320:2 337:22 356:17  
 356:20 357:14,15  
 358:9 360:5 376:4  
 380:5 385:2 425:17  
 440:1 442:6  
**Maroon** 2:18,18 4:7,7  
 36:10,11,12,13,16,16  
 36:19 39:6,15 40:8  
 41:9,14 60:8,12,15  
 68:6,11,13 69:14  
**Marriott** 274:17 438:5  
**marshaled** 420:16  
**Marshall** 437:5  
**Marton** 2:18 5:3 216:18  
 216:20,21 217:1  
 222:15 241:19 242:4  
**Maryland** 219:16  
**Maserati** 128:15  
**Mason** 279:3  
**mass** 35:19 333:20  
 335:18 361:4 393:9  
 450:12  
**mass-** 309:4  
**Massachusetts** 202:11  
 387:22  
**massive** 52:20 73:10  
 129:5 414:4 452:14  
**match** 66:5 210:11  
**matching** 204:5  
**material** 37:21 43:11  
 47:13 64:4,5,9 69:7  
 146:19 148:8 165:14  
 167:22,22 168:2  
 183:10,18 195:18  
 211:5 213:2 217:8  
 243:3 275:20 276:5  
 276:12,14 293:3  
 315:10 348:15 361:17

371:5 376:3 381:19  
 405:3,11,11 429:15  
 433:16 448:10,21  
 452:1  
**materially** 49:5 329:3  
**materials** 35:3 40:17  
 54:5 58:5 67:18 89:21  
 103:12 105:21 114:13  
 114:21 115:1 116:12  
 167:2 176:20 218:22  
 236:4,7 263:12 266:5  
 276:22 277:2 291:13  
 315:14 347:14 358:6  
 359:1,9,22 360:17  
 361:14 363:12 373:2  
 374:10,13,16 376:19  
 389:22 396:4 397:21  
 402:2 405:12 417:13  
 418:22 420:6 431:12  
 444:4  
**math** 143:10  
**matter** 76:19 97:22  
 151:10 296:13 337:17  
 354:17 461:13  
**matters** 337:14  
**Matthew** 3:6 4:8 45:14  
 45:18  
**mattress** 91:9 250:6  
 251:15 252:2  
**mattresses** 94:22 250:2  
 251:3,14  
**mature** 149:2 233:4  
 281:13 384:10  
**Maureen** 1:18 22:10  
 77:20 285:5  
**maximize** 175:21 442:4  
 442:7  
**maximum** 254:17  
**MC** 51:5  
**MCA** 50:12 54:8  
**McCARTER** 2:19 6:4  
 372:12,15,16,18  
 376:22 401:13,17  
**McDonald's** 452:13  
**meals** 432:4  
**mean** 13:7 64:13  
 129:11 131:17,17  
 132:22,22 133:4,6,8  
 139:10 215:5 288:15  
 289:11 345:13 350:19  
 394:3 397:10 401:8  
 430:7 460:13  
**meaningful** 39:19 47:19  
 48:4 128:13 206:16  
**means** 20:11,12 41:1  
 133:2 205:3 232:20  
 236:13 290:8 458:4  
**Mease** 1:17 77:12,13

125:7 194:18 195:22  
 234:5 284:18,18  
 288:7 344:20 345:7  
 398:12 456:20 460:6  
**measured** 219:2 442:11  
**measurement** 247:1,2  
**measurements** 237:2  
 246:20  
**measures** 73:7 84:2,17  
 175:21  
**meat** 275:20 454:4  
**mechanical** 112:21  
**mechanics** 250:7 300:2  
**media** 320:10  
**median** 85:16 323:14  
**medical** 50:14 243:11  
 243:18 282:8 302:13  
 303:11,22 304:5,14  
 304:16 318:1 321:12  
 321:13 322:1,2  
 323:18 324:15 344:6  
**medicine** 3:9 5:20  
 303:17 336:20 337:3  
**medium** 42:20 214:10  
 216:2 239:6 342:14  
 369:21 370:15 396:19  
 419:7 432:8 438:18  
**medium-** 121:2  
**medium-duty** 108:2  
**medium-sized** 49:10  
 70:18 123:11 208:21  
 215:19  
**Medline** 3:1 5:17 321:7  
 321:10,11 451:5  
**Medline's** 321:20  
**meet** 25:10 39:11 47:11  
 48:2 51:18 58:1 59:10  
 60:2,21 81:3,14 92:13  
 93:3 103:13 131:19  
 133:16 153:19 154:4  
 163:1 171:12 172:17  
 172:19 187:1 197:7  
 197:22 221:8 223:9  
 225:2 226:4,11  
 234:11 257:16 260:4  
 271:11 296:2 314:9  
 319:2 358:19,22  
 360:6 393:21 397:9  
 400:18 420:16 425:13  
 459:9  
**meeting** 34:6 91:12  
 186:19 457:10  
**meets** 141:7 171:4  
 172:15  
**Megan** 1:11,14  
**MEMA** 113:19,20 114:6  
 115:3 117:17 118:3  
**member** 10:1 75:21

78:14 181:21 198:20  
 274:4 280:3,7 295:21  
 413:7 422:18  
**members** 17:15 19:16  
 27:19 30:10 33:1  
 36:13 41:18 42:20  
 43:5,18 44:12 45:10  
 50:9 59:8 70:6,8 76:7  
 77:4,6 79:1 81:13  
 88:12 107:2 133:18  
 138:14 144:21 145:1  
 173:15 174:4,7,16  
 175:1 176:2 177:12  
 179:10 181:7,16  
 182:4 183:16 199:19  
 200:2,8 201:13,15  
 216:21 247:22 248:2  
 252:16 256:15 259:11  
 261:2,6 273:15  
 284:12 285:16 288:18  
 355:22 356:1,9  
 372:16 387:17 398:16  
 412:3 413:4 416:3,14  
 419:11,12 420:9,18  
 421:2 442:2  
**members'** 58:1 197:7  
**Memo** 147:18  
**memorable** 213:6  
**memory** 120:3  
**Memphis** 51:5,12,20  
 52:4  
**men** 297:5 387:5  
**mention** 13:1 327:10  
 390:9 453:19  
**mentioned** 14:4 57:8  
 60:9 67:6 125:8  
 126:11 130:3,12  
 139:1 143:17 144:3  
 150:16 189:9 192:1  
 198:8 239:11 240:10  
 246:7,19 278:19  
 284:3 292:17 343:19  
 346:12 350:1 384:16  
 450:5 451:14 461:2  
**mentions** 192:20  
**mercantilist** 72:15  
**merchandise** 223:6  
 395:8  
**merchandisers** 393:10  
**merchandising** 395:5  
**merchandizing** 265:5  
**merchant** 47:18,20  
**mere** 15:11  
**mesh** 217:5,9,15,18,20  
 218:16,17,22,22  
 219:6,14,17,20 220:2  
 220:7,10,18,19 221:6  
 221:13 222:4 242:1

242:16 243:4,22  
**mesh-like** 219:6  
**message** 229:22  
**messages** 152:20  
 289:12  
**met** 1:9 310:7 351:5  
**metal** 127:7 177:13  
 194:5,9 395:6  
**metallurgical** 315:12  
**metals** 81:16 314:2  
 409:10  
**methanol** 2:7 6:2 362:6  
 362:9,11,13,15,18,21  
 363:1,4,5,7,9,13,17  
 363:19,20 364:2,3,5,7  
 364:7,21 365:4,5,6,8  
 365:9,15,21 366:3,6,7  
 366:9,14 398:13,18  
 399:1,9,19 400:1,5  
**methanol's** 366:1  
**methyl** 362:18 405:8  
**metric** 24:19 364:8,10  
 378:22 379:21  
**Metro** 87:10,11  
**Mexican** 111:5 126:4  
 130:17 353:20  
**Mexico** 74:11 109:2  
 110:19 111:9,10,21  
 126:21 128:1 142:22  
 165:4 171:16 172:10  
 261:21 274:21 314:18  
 314:21,22 348:9  
 353:20,22 371:11  
 390:17 394:6  
**Mexico's** 172:2  
**mic** 78:7 88:11 156:6  
**Michael** 2:19,22 4:13  
 6:16 101:5,7 426:1,2  
 426:3,6 429:21  
 447:14,20 448:8,13  
 448:15 449:9  
**Michigan** 52:11 146:8  
**Michigan-based** 146:2  
**Micronesia** 437:4  
**mid** 187:2  
**middle** 172:4 250:13  
 333:13 336:1  
**middle-income** 85:10  
 444:13  
**midst** 262:1  
**Mike** 2:3 5:5 6:13 416:7  
 416:11  
**miles** 144:16  
**milestones** 204:11  
**military** 73:14 90:10,19  
 146:20 272:10 317:19  
 374:4 375:21 377:22  
 383:13 385:1,6

386:10,22  
**mill** 250:11 372:21  
 373:7  
**Milliken** 2:3 6:1 356:6  
 356:10,11,14,17,22  
 357:2 358:5 359:8,13  
 360:2,9 361:2,9,22  
 397:16  
**Milliken's** 360:4,17  
**million** 14:17 18:20  
 24:12,20 25:19,22  
 28:20 33:2 37:10,14  
 37:16 43:5 44:2,3  
 51:3 71:14 76:5 78:21  
 80:20 86:13 90:9  
 115:20 123:8 139:10  
 164:21 208:17,19  
 216:13 221:19,20,22  
 244:3 253:7 271:13  
 272:11,12 276:4,7,8  
 276:14,17,17 292:18  
 298:2,14 311:4 322:8  
 328:8 332:4,14,17,18  
 333:12 351:19,19  
 364:8,10 365:2 367:7  
 367:12,12 368:16  
 380:22 384:16 390:4  
 390:11 398:19 413:4  
 413:6 414:14 416:20  
 418:9 421:1 423:2  
 424:9,14,16,21  
 432:17 441:13,17  
**millions** 27:17 74:19  
 90:18 91:19 105:11  
 229:11 245:16 269:12  
 281:21 312:22 351:16  
 351:16 414:1  
**mills** 250:21 252:8  
**Milwaukee** 185:22  
**minced** 438:11  
**mind** 68:11 106:7 128:6  
 231:13  
**mine** 92:18 164:8  
 171:22 268:8 346:17  
**mined** 194:21 314:12  
 346:13,16 347:2  
**mineral** 162:21 163:10  
 164:3 168:20 169:16  
 170:22 183:5  
**minerals** 164:15 168:14  
 182:22 200:5  
**mines** 164:8,11 348:16  
**minimal** 216:13  
**minimis** 313:12  
**minimize** 324:6 405:15  
**minimizing** 442:5  
**minimum** 47:17 149:16  
 251:21 254:18 349:4

423:8 436:5  
**mining** 146:20 157:16  
 163:13,22 164:14  
 347:19 348:5,19,22  
**MinkeeBlue** 2:20 5:9  
 264:7,13 266:8,16  
**Minnesota** 118:22  
 217:3 270:6  
**minor** 187:8 405:17  
**minorities** 377:21  
**Minority** 267:13  
**minute** 20:11 219:2  
 284:13 289:21  
**minutes** 20:9 22:21  
 26:19 31:17 36:12  
 38:10 41:17 45:16  
 50:7 66:10 70:16  
 75:16 83:4 88:11  
 95:11 101:6 106:22  
 113:13 118:16 145:6  
 145:13 151:6 156:3  
 162:6 168:10 173:14  
 179:9 185:14 201:22  
 207:7 211:20 216:20  
 222:18 229:1 249:17  
 252:15 259:9 264:8  
 268:15 273:20 279:19  
 284:13 296:19 302:6  
 308:22 313:20 321:8  
 325:21 331:18 336:21  
 356:7 358:1 362:7  
 366:20 372:15 377:3  
 382:10 387:16 392:10  
 412:9 416:9 422:15  
 426:2 430:2,6,11  
 436:12 441:2  
**mirrors** 254:10  
**misappropriated** 45:5  
 159:20  
**misappropriation**  
 122:4  
**misguided** 11:7  
**misplaced** 93:8  
**mispronounced** 55:6  
**missing** 93:8  
**mission** 32:11 230:7,14  
 230:19  
**mission-critical** 119:6  
**Missouri** 96:18 219:22  
**mistake** 116:8  
**mite** 415:14  
**mitigate** 219:12 359:15  
 419:4  
**Mitsubishi** 3:10 4:9  
 50:6,10,11  
**mix** 289:18 368:18  
**mixed** 26:12  
**model** 51:10 81:5 97:11

210:15 236:19 241:16  
 304:9 428:14,20  
 434:4 448:6,12,17  
**models** 299:6 302:13  
 302:16,17 304:10,15  
 304:20 343:9 344:9  
 344:15,17 428:13  
**modification** 102:5  
**modifier** 426:22  
**modify** 258:9 405:6,14  
**Mohicans** 326:4  
**mold** 95:3 193:5  
**molded** 33:20  
**molding** 245:21  
**molds** 153:17 154:9  
 226:18,19  
**mom** 31:19  
**mons** 33:1 87:20  
 242:17  
**Monday** 19:22 23:4  
**money** 63:2 130:22  
 131:4 243:18 255:7  
 288:1 381:19 459:16  
 459:17  
**monitor** 122:1  
**monitored** 376:12  
**monomer** 378:18  
**monopoly** 369:3 401:4  
**Montana** 346:18  
**month** 181:3 261:1  
**months** 60:5 143:4  
 226:19 253:16 257:18  
 265:19 293:13 370:10  
 407:9 454:19  
**morning** 7:3 11:11  
 21:21 23:5 26:21  
 31:18 45:17 50:8 55:4  
 70:17 75:17 145:14  
 202:1 461:12  
**Morocco** 165:4 168:4  
 171:15 172:7  
**Morocco's** 172:1  
**mortality** 242:7 415:10  
**mortar** 411:8,14  
**Mosee** 2:20 5:9 264:6,8  
 264:9,12 268:12  
 291:2,11,18  
**mothballed** 364:15  
**mother** 236:9  
**mothers** 220:17  
**motivate** 202:20  
**motivating** 206:17  
**motor** 3:13 4:14 76:1  
 78:17 96:3 113:11,18  
 113:20  
**motorhomes** 101:18  
**motorists** 81:18  
**motorized** 119:7 122:22

**motors** 418:21  
**mountain** 326:5,7,8  
**move** 53:22 124:3  
 138:21 178:11 187:4  
 195:16 234:15 243:16  
 248:15 270:22 271:20  
 328:22 329:10 334:20  
 343:22 346:14 350:14  
 350:20 352:10 353:2  
 369:15 410:2,3 411:4  
 431:19 433:8 434:2  
 448:7 450:8,9  
**moved** 309:10 342:14  
 343:4 345:20 410:10  
 410:10,11 411:1  
 453:5  
**movement** 233:20  
 433:11,20  
**moves** 195:16  
**moving** 130:11 166:3  
 191:16 418:12  
**MT/R** 133:7  
**multi-density** 105:18  
**multiple** 189:14 190:10  
 227:3 262:7 312:22  
 324:21 327:18  
**multiples** 286:21  
**municipal** 370:1 378:3  
 378:6,20,21 379:8,13  
 380:7 381:10  
**municipalities** 123:2  
 188:17 380:11,12,14  
 405:16  
**Murray** 334:9  
**muscles** 204:12

---

**N**


---

**N-E-S-O-I** 427:12  
**NAFTA** 262:1  
**nail** 27:14  
**name** 21:21 22:2,22  
 36:15 41:19 43:2  
 45:17 77:9 78:10 83:5  
 88:14 92:5 95:13  
 107:2 113:16 118:17  
 145:14 151:11 156:10  
 168:12 185:15 202:1  
 207:9 211:22 216:22  
 222:20 229:3 249:18  
 252:17 264:12 274:3  
 284:15 294:12,16  
 302:8 309:2 313:21  
 326:2 331:19 337:2  
 356:9 362:8 372:17  
 377:4 382:14 412:10  
 416:11 426:5 436:13  
**nameless** 456:8  
**names** 240:7 294:11  
 373:2  
**NANCA** 41:22 42:16  
 43:2,5 44:12 45:10  
**Nancy** 3:12 6:19 440:21  
 441:3  
**narrow** 137:2  
**nation** 2:19 6:4 303:20  
 372:13,19 373:12  
 416:19  
**nation's** 29:17 115:21  
 253:5,9 268:22  
 273:11 364:6 422:19  
**national** 2:10 5:7 10:5  
 32:4 34:8 75:4 101:15  
 157:14 179:16 188:13  
 190:13 206:2 231:9  
 231:11 252:14,19  
 267:12,13 323:14  
 372:13 421:2  
**nationals** 143:21  
**nations** 314:15  
**nationwide** 298:4  
 415:12 416:21 421:16  
 423:6  
**natural** 2:20 4:7 10:12  
 41:16,21 42:1,9,11,18  
 43:6,9,15,22 44:10,12  
 44:13,15,17,19,21,22  
 57:9 61:17 99:3  
 179:20 183:4 209:15  
 274:9 277:1 314:4,8  
 314:16,20 315:9,16  
 315:21 316:3,5,14  
 337:12 338:3,9  
 339:17 341:8 347:4  
 347:16 348:6 355:6  
 355:11 364:13  
**natural-** 277:2  
**natural-filled** 277:10  
**naturally** 62:4 169:15  
**naturally-derived**  
 373:18  
**nature** 141:2 146:22  
 150:17 294:4 321:14  
**near** 239:6 370:20  
 460:4  
**near-term** 354:15  
**nearly** 28:18,19,21  
 31:21 48:9 50:19  
 51:14 75:20 78:14  
 104:19 202:6 254:21  
 258:3 265:6 269:9  
 270:16 277:1 303:8  
 322:7 415:8 433:15  
**necessarily** 316:4  
 447:8  
**necessary** 34:21 46:15  
 179:19 271:18 303:6

305:9 318:3 361:4  
 383:21 393:17  
**necessity** 98:5 236:9  
 381:6  
**neck** 204:12  
**need** 26:10 46:1 56:5  
 65:20 80:9 90:10  
 107:12 124:2 137:17  
 154:5 167:18 195:16  
 207:1 212:9 242:12  
 242:15 245:19 247:7  
 266:5 270:2 275:20  
 277:19 287:4 290:22  
 292:15 293:17 299:18  
 299:19,21 304:13  
 305:7 312:7 330:9  
 331:3 348:14 358:20  
 359:18 374:10 379:17  
 382:3 384:4 405:2  
 417:4 428:3 429:15  
 458:2,10  
**needed** 24:8 37:21,22  
 92:8 114:21 128:16  
 153:9,18 172:20  
 218:11 221:8 227:2,6  
 264:1 265:1 287:3  
 304:22 313:8 345:16  
 382:2  
**needle** 369:15  
**needs** 40:7 163:1  
 167:16 172:17 173:3  
 183:15 186:20 187:1  
 223:10 257:7,16  
 299:22 376:11,16  
 402:1 408:4  
**needy** 292:21  
**negative** 72:17 82:9  
 102:6 118:5 121:4  
 123:20 124:1 181:7  
 184:14 187:16 230:5  
 256:10 258:4,18  
 262:17 269:20 273:3  
 282:15 306:6 322:14  
 360:20 364:6 368:22  
 371:22 411:13  
**negatively** 32:13 33:7  
 36:21 106:5,15 124:9  
 176:12 187:21 232:18  
 270:14 281:14 362:1  
 438:14  
**negatives** 26:11  
**negotiate** 260:21  
**negotiating** 73:2  
 178:15  
**negotiation** 118:9  
**negotiations** 12:20  
 117:17 224:8  
**Negron** 2:20 4:7 41:15

41:17,18,19 45:13  
 61:2,3,10 62:12,17  
 63:14,18 64:1,8,22  
 65:6,10,12,22  
**neither** 49:6 127:17  
 186:14 216:4 221:10  
 224:10 391:22  
**net** 35:11 72:16 365:5  
 375:6 380:20 401:20  
 432:18  
**Netherlands** 355:12  
**network** 74:6 157:14  
 347:22 405:15  
**networking** 267:10  
**networks** 442:3  
**Nevada** 52:12 119:2  
 164:9 194:21 195:7,8  
 195:9,18 196:2  
**never** 130:17 182:11  
 191:10 199:22 200:1  
 245:18 322:21 346:20  
**nevertheless** 256:9  
**new** 12:20 39:7 43:1  
 51:3,13 52:19 53:18  
 54:9 77:4 84:21 87:21  
 88:16 89:8 90:6 91:4  
 100:6 103:15 108:4  
 121:11 124:10 130:8  
 139:11,15,19 140:9  
 148:15 155:16 176:15  
 177:13 178:6 182:14  
 182:15 190:3 206:11  
 219:22 220:16 226:19  
 227:2,13 233:6  
 242:17 251:4 252:6,8  
 262:10 265:14 269:7  
 269:9 284:11 287:19  
 306:11,12 307:6,7  
 309:9,10 310:2 320:2  
 336:16 337:13 348:14  
 354:12 361:7 364:16  
 364:20 380:21 382:20  
 384:12 387:20 388:5  
 390:5 392:17,17  
 396:4 422:1 428:12  
 431:13 434:3,22  
 448:17,18  
**newborn** 203:20 302:21  
**newest** 419:9  
**newly** 176:8 422:2  
**Newpark** 2:12 4:19  
 168:8,16,18 169:18  
**news** 77:3 180:12,13  
 347:22  
**newspapers** 459:12  
**nexus** 327:12  
**NFC** 373:4,20 374:6,9  
 375:11,16,22 376:2,9

376:17  
**NHTSA** 59:11  
**nice** 430:17 452:13  
**niche** 2:11 6:3 84:19  
 129:20 153:9 155:6  
 193:10 366:19 367:5  
 367:8 368:10 369:19  
 372:6  
**night** 385:14  
**Nikki** 310:8  
**nine** 104:7 143:4,7  
 372:22 375:8 376:19  
 430:14  
**Ninety** 141:20  
**Nissan** 51:10 52:9  
**nitrile** 322:5  
**NOAA** 12:8  
**noble** 242:22  
**noise** 427:3  
**nominations** 376:14  
**non-** 177:21 219:11  
**non-China** 148:4  
**non-Chinese** 25:9,14  
 30:16 171:18,19  
 374:17  
**non-commercial** 213:3  
 214:1 215:14  
**non-profit** 31:22 269:14  
 280:2  
**non-reciprocal** 10:22  
 18:2  
**non-substitutable**  
 280:20 282:18  
**non-U.S** 210:11  
**noncompetitive** 360:1  
**nondiscretionary** 119:6  
**nonexistent** 363:1  
**nonmarket** 425:17  
**nonprofit** 92:1  
**normal** 241:15 282:20  
 385:8  
**normally** 19:8 143:8  
 227:17  
**Norpac** 2:15 6:18  
 436:11,14,19 437:11  
 438:15 457:2  
**North** 2:20 4:7 41:16,20  
 43:1,1,3 126:2 202:11  
 250:11 274:18 347:15  
**Northeast** 268:22 294:1  
**Northfield** 321:18  
**not-for-profit** 32:4  
**not-for-resale** 432:11  
**notable** 306:19  
**notably** 87:3 114:15  
 442:16  
**note** 26:2 146:14  
 148:19 249:3 314:22

**noted** 12:15 29:11  
 57:20 112:16 188:5  
 194:20 254:16  
**notes** 314:13  
**noteworthy** 285:17  
**notice** 7:16,21 8:10,18  
 20:22 32:13 176:5  
 221:21 260:1  
**notices** 9:3  
**noting** 307:11  
**notions** 272:18  
**notoriously** 227:16  
**notwithstanding**  
 242:11 243:16  
**November** 219:9 453:8  
**NRF** 253:1 254:14  
 258:3,7  
**number** 10:14 14:12  
 21:1 27:12 36:19  
 47:13 79:14 80:17  
 82:3 110:7 119:8  
 120:7 138:8 144:13  
 161:13 169:22 183:17  
 184:2 190:4 198:4  
 203:10 242:6 243:2  
 244:10 246:11 261:17  
 263:7 315:3 323:21  
 327:3 328:21 332:15  
 332:16 341:4 348:10  
 352:21,22 358:3,19  
 359:6,22 360:19  
 384:9 387:3 401:11  
 433:2,10 434:11  
 438:17 446:8,22  
**numbers** 12:5 43:4  
 74:22 81:2 136:20  
 212:10 244:15 393:14  
**numerous** 72:19 93:10  
 165:7 186:16 213:16  
 260:1 272:15 280:20  
 434:16  
**nurse** 304:16  
**nurses** 303:3  
**nursing** 323:11,15  
**nuts** 443:22

---

**O**

---

**O'Byrne** 1:18 22:12,12  
 57:17 59:2 77:22,22  
 127:11 129:6 130:2  
 192:19 193:17 236:3  
 237:15 285:7,7 294:3  
 295:9 351:3,9 353:3  
 407:3 408:6 445:7  
 446:1  
**o'clock** 248:20  
**O-F** 4:1  
**o-rings** 149:22

**object** 59:3  
**objective** 49:6 213:21  
**objectives** 14:5,5 32:19  
 71:21 84:2 85:4 88:3  
 88:6 205:9 388:10  
**objects** 103:16  
**obligations** 305:18  
 442:13  
**observation** 145:22  
**observed** 219:11  
**obstacles** 283:10  
**obtain** 40:21 169:4  
 205:18 391:10  
**obtaining** 34:20 438:11  
**obvious** 266:9  
**obviously** 129:11,14  
 166:16 200:17 209:10  
 286:4 410:16  
**occasion** 450:4 451:6  
**occur** 81:18  
**occurring** 169:15  
**occurs** 124:19  
**ocean** 165:9 460:12  
**Ochs** 2:22 4:13 101:5,6  
 101:7,8 106:19  
 133:14 134:1,14  
**October** 310:11  
**odor** 23:17,17 454:5  
**OE** 96:1 116:18  
**OEM** 142:16 143:1  
 147:2 330:3  
**OEMs** 119:15  
**off-highway** 142:16  
**offer** 147:10 304:11  
 319:14 332:21 338:10  
 344:8 421:5 423:8  
 425:10 451:3  
**offered** 265:7,15 267:14  
**offering** 304:9 313:5  
**offerings** 76:10 79:4  
 343:9  
**office** 5:5 7:4 22:5  
 77:15 78:2 265:20  
 284:19,22 436:16  
**officer** 36:16 212:1  
 268:17 297:1 337:3  
**offices** 202:10 295:2  
 321:16  
**official** 301:22  
**officials** 366:1  
**offset** 124:4 191:2  
 232:21 408:12 435:20  
**offsetting** 188:5  
**offshore** 191:16 386:11  
 431:5  
**oftentimes** 15:5  
**Ohio** 47:3 119:2 146:12  
 147:6 202:10,10

204:16 219:18 268:22  
279:3 294:1 332:6  
**Ohio-based** 207:12  
**oil** 146:20 157:16  
162:15 163:3,5,9,15  
166:2,7 168:1 169:3,8  
169:20 170:1 171:13  
179:20 180:4,9  
183:19 199:4,7  
**oilfield** 179:22  
**Oklahoma** 249:21  
**old** 100:7 144:15 339:6  
457:17  
**older** 206:12  
**oldest** 373:7  
**Olivet** 146:7  
**Oman** 398:14  
**on-** 116:1 399:22  
**once** 36:14 210:19  
220:10 233:14 279:10  
281:16 381:15 440:1  
448:20  
**one's** 303:18  
**one-third** 380:19  
**one-two** 453:11  
**ones** 29:20 139:2 250:2  
460:19  
**ongoing** 30:21 103:19  
254:3  
**online** 220:12,14 253:4  
305:18 453:8  
**online-based** 305:19  
**onsite** 172:8  
**open** 30:22 98:20  
248:21 249:5,7  
279:14  
**opened** 269:7 309:9,11  
**opening** 4:2 310:10  
**openly** 68:17  
**openness** 175:22  
**operate** 73:9 151:19  
269:15 323:9,13  
**operates** 51:6 298:9  
333:10 384:15  
**operating** 149:2 155:5  
164:9 185:1 189:19  
214:18 317:5 323:15  
**operation** 23:3 44:4  
50:22 234:22 235:2  
310:4 412:14  
**operational** 306:20  
383:20  
**operations** 42:20 53:10  
76:7 79:2 119:1 121:5  
124:2,4,12 146:6  
183:7,9 184:4,10  
202:3 203:8 227:9  
298:11 302:9 316:10

357:8 373:6 382:1  
**operators** 166:11  
171:13 253:3 432:19  
**opinion** 389:1,13  
**opinions** 332:21  
**opponents** 376:13  
**opportunistic** 401:1  
**opportunities** 31:4  
137:16 180:11 267:14  
442:20 444:16  
**opportunity** 9:21 20:15  
21:7 26:22 31:11 36:7  
45:21 54:11 75:12  
82:19 88:14 101:10  
107:7 113:4,15  
118:11 132:14,18  
145:18 156:4,8  
161:18 162:8 166:17  
173:17 179:3 180:12  
185:18 202:4 212:2  
222:13 228:17 229:13  
252:20 258:22 259:11  
268:11,19 273:13  
279:21 296:21 302:1  
302:7 308:15 309:2  
321:2,10 326:1 337:1  
344:10 356:21 362:10  
387:18 396:20 416:4  
422:9 426:4 429:18  
440:17 441:6 445:1  
**oppose** 104:17 206:20  
**opposed** 69:3 254:14  
**opposes** 393:13  
**opposite** 54:17 67:19  
254:19 275:11 418:12  
**opposition** 96:7  
**opt** 270:11  
**optical** 376:6  
**optimistic** 180:10 263:6  
**option** 81:3 200:18  
278:4,10 286:19  
324:7 386:10  
**options** 30:1 115:2  
116:6,19 125:19  
130:6 148:14 261:17  
292:15 299:9 355:6  
405:4  
**oral** 20:9  
**Orangeburg** 387:20  
**order** 13:22 25:21 60:2  
66:18 70:12 76:22  
135:9 154:3,5 167:11  
186:7 201:18 210:3  
227:3,5 237:2 247:11  
265:10 300:17 314:17  
348:13 383:19 395:22  
429:15 448:6,22  
**ordered** 167:11

**ordering** 154:9  
**orders** 104:6 257:19,20  
311:1  
**ore** 164:16 165:15,17  
165:19 169:19 171:11  
172:3,7,12 196:2,9  
**Oregon** 439:8  
**organization** 92:1  
143:13 198:19 250:15  
274:5 277:11,16  
280:2 456:7  
**organizational** 264:13  
**organizations** 31:22  
260:6 267:10 269:15  
269:21 272:16  
**organized** 265:3  
**Organometallic** 3:6 4:8  
45:15,19  
**organosilane** 358:15  
**origin** 65:4 98:12 147:8  
319:18 337:15 443:11  
**original** 93:7 108:8  
113:22 116:13 146:4  
157:16 254:16 422:2  
**originally** 107:10 113:8  
**originating** 414:6  
**origins** 371:16  
**ornamental** 419:13  
**Osaka** 426:19  
**oscillation** 157:7  
**others'** 402:1  
**Otsuka** 2:19 6:16 426:1  
426:8,13,18 429:5  
**outcomes** 427:22  
**outdated** 232:3  
**outdoor** 119:10 209:16  
236:5 274:19  
**outdoors** 274:15  
**outlets** 332:11 333:11  
397:22  
**outline** 117:18 358:1  
**outlined** 307:2 327:14  
**output** 94:7  
**outreach** 90:6  
**outset** 197:9 383:3  
**outside** 39:11,16 51:5  
52:17,19 60:13,19  
109:1 114:17 115:2  
117:3 124:4,12  
133:21 143:18 148:11  
150:1 171:14 172:15  
186:22 193:2 240:1  
244:11 252:6 276:16  
291:21 325:4,7 342:6  
343:2,9 350:3 351:6  
355:7 377:14 383:1  
390:11 391:14 438:13  
439:16 457:1

**outweigh** 40:1  
**over-saturated** 266:22  
**overabundance** 69:1  
**overall** 11:2 14:5 24:5  
48:13 82:11 174:18  
178:20 187:9,17  
233:10 273:4 436:18  
**overburdened** 395:13  
**overdose** 340:17  
**overdue** 175:21 308:8  
**overextending** 231:21  
**overheated** 454:8  
**overly** 102:11  
**overnight** 97:17 135:22  
287:6 288:5 418:11  
**overseas** 33:14 53:22  
95:6 266:10,17 282:2  
304:17 334:20 444:18  
**overwhelming** 257:16  
**overwhelms** 211:7  
**owe** 137:19  
**owed** 414:2,13  
**owned** 130:20 133:13  
158:3 159:19 160:1  
168:17 175:1 329:8  
331:12 370:13 400:2  
**owner** 83:16 107:3  
151:16  
**owners** 253:21 258:4  
299:12 431:22  
**ownership** 143:21  
331:1  
**oxalic** 400:19  
**OxiClean-type** 368:11  
**oxide** 427:15,16 428:22  
429:1 447:16 449:8  
449:12  
**oxometallic** 427:14

---

**P**


---

**P-R-O-C-E-E-D-I-N-G-S**  
7:1  
**p.m** 76:21 296:14,15  
461:14  
**pace** 306:12  
**Pacific** 13:8 460:12  
**packaged** 24:2,3  
441:11  
**packaging** 24:4,8 27:16  
46:15 58:5 277:17  
393:12 417:14,17  
444:3  
**packer** 422:19  
**packet** 90:16  
**packing** 42:19  
**pad** 427:5 428:15 449:2  
449:7  
**padded** 217:19 218:18

218:21 219:19 220:1  
220:9,11,13  
**pads** 33:21 80:10 82:1  
426:17 427:2,3  
428:10 448:11,16  
**page** 326:18 327:3,15  
328:18 331:5,5  
**pages** 389:13  
**paid** 281:21  
**pain** 254:17,18  
**paint** 16:13 37:8 354:17  
**paints** 180:10 363:12  
**PANA** 375:12,19  
**Panasonic** 52:11  
**panel** 4:3,10,16 5:1,6  
5:12 6:1,10 19:15,16  
20:13 22:19 50:5 55:3  
68:4 70:3,5,6,8,14  
77:5 118:14 125:6  
144:20,22 145:1,11  
161:17 185:12 191:21  
201:12,13,15,20  
228:20 234:4 247:21  
248:1,2,4,5 249:13,15  
260:8 273:16,22  
279:16 283:4 296:6  
296:17 336:19 341:20  
342:11 352:14 355:20  
355:22 356:2,5,8  
387:17 392:8 397:3  
412:2,4,7 431:7  
440:21 445:5 461:2  
461:10  
**panelists** 137:7 143:16  
144:4  
**panels** 20:1,5,6 248:18  
296:10  
**panic** 140:4  
**Panjiva** 244:21  
**paper** 213:2 254:11,12  
254:12 373:17 376:7  
382:22 453:9 456:15  
**par** 315:7  
**paragraph** 326:22  
**paramount** 304:7  
**parcel** 123:9  
**Pardon** 372:14  
**parent** 23:10 157:7  
158:3,7,13 194:2  
391:4 403:3 426:18  
**parents** 89:8 90:6 92:20  
93:12 94:11 203:20  
204:1,4,7 206:1 207:1  
220:5 221:15 230:18  
231:4 232:2,11  
**parents'** 93:14  
**parity** 166:9  
**part** 11:20 12:19 27:17

43:17 81:2 100:12  
125:20,20 127:6,7  
136:18 137:17 149:15  
151:20 199:2 204:19  
219:7 239:14 273:14  
274:1 292:9 297:18  
301:6 336:11 338:4  
345:4,5 348:4 360:22  
361:16 367:14 386:17  
387:4 406:2 412:21  
420:21  
**Participants** 420:3  
**participate** 306:17  
**participated** 263:5  
**participating** 21:17  
381:10 388:1  
**participation** 25:1  
**particular** 12:13 57:19  
69:20,21 84:1 121:5  
123:22 126:16 162:21  
190:19 196:11,14  
216:14 238:8,10  
239:1 240:12,14  
246:20 285:21 329:15  
333:20 340:18 345:1  
352:3 375:10 379:4  
380:9 381:8 397:11  
405:18 460:21  
**particularly** 11:11 27:9  
32:21 33:5 102:10  
137:9 204:6 222:1  
245:15 299:20 301:19  
330:6,13 342:13  
354:17  
**particulates** 170:5  
**parties** 178:15  
**partner** 79:10 100:1  
217:1  
**partners** 38:19 101:22  
109:6 121:15 122:5  
130:11 151:18 229:10  
245:15 260:20 281:7  
298:6 421:19  
**partnership** 98:6  
280:11,22 282:18  
**parts** 2:9 4:10 16:9  
33:21 70:14,17,20  
71:5,8,10,16,18 74:4  
74:14 76:1 78:17  
79:14 81:4 82:8,13  
88:22 98:16 105:20  
107:11,13 108:11,16  
109:13,21,22 112:21  
113:21 114:13,14,15  
114:17,21 115:12,22  
116:3,11 118:6 119:7  
123:13 125:8,14,17  
125:22 127:10 134:7

135:13 138:8 142:15  
149:21 172:4 181:16  
182:14 194:22 195:4  
199:14,22 203:15  
213:4 217:8 223:18  
227:5 234:8 271:4  
300:1 311:17 313:5  
335:6 342:7,22 343:1  
345:14,14 406:14  
**party** 103:19 437:14  
**pass** 116:19 122:14  
155:12,14 251:12  
268:2 298:15 299:9  
316:17 353:15 380:12  
411:17 458:4  
**pass-along** 353:11  
**pass-through** 228:6  
**passage** 286:8  
**passed** 81:20 116:4  
168:1 182:3 214:16  
228:1 251:7 278:9,16  
306:14 320:11 381:3  
420:21 434:16  
**passenger** 83:22 85:22  
102:15 114:1  
**passengers** 80:11  
**Passing** 116:22 268:3  
**Patagonia** 274:18  
**patent** 222:7 327:19  
**patented** 221:2 242:18  
429:6  
**patents** 212:17 322:21  
333:22  
**path** 260:16  
**patient-specific** 344:8  
**patients** 282:10  
**Patrick** 3:2 5:18 325:19  
326:2  
**patterns** 103:10  
**Pause** 70:10 201:17  
356:3 412:5  
**pave** 254:2  
**pay** 33:8 53:4 87:14  
99:13 123:12 166:3  
167:20 178:6 209:9  
227:18 288:16,21  
290:6 316:19 335:16  
403:20 405:13  
**paycheck** 386:8  
**paying** 29:18 123:15  
268:10 298:14 413:22  
424:11 447:1  
**payroll** 227:20  
**pedals** 354:20  
**pedestrians** 80:12  
**Pediatrics** 218:8 219:10  
**Pella** 157:20  
**penalize** 17:11 18:14,21

19:5 154:19  
**penalizes** 154:19 155:3  
**pending** 76:14 99:10  
219:20 427:22  
**penetration** 127:1  
**penniless** 367:1  
**Pennsylvania** 119:2  
230:16  
**people** 11:19 13:12,18  
17:13 42:22 61:6  
71:15 76:6 78:22  
86:22 96:17 97:3 98:1  
108:17 128:12 130:14  
132:8 139:13,17  
204:17 227:8 230:15  
250:6 285:19 296:6  
297:7 321:19 332:7  
335:9 377:21 383:18  
393:3 410:13 423:5  
432:17 459:6  
**People's** 88:20  
**percarbonate** 368:13  
368:17,20  
**percentage** 55:17  
141:15 161:11 198:2  
204:3 240:19 397:6  
407:4 409:16  
**percentages** 60:17  
**perfect** 170:13 440:12  
**perform** 76:2 78:18  
123:13 302:18 435:4  
**performance** 306:19  
356:13 429:4 447:15  
447:19  
**performed** 43:14  
**pergola** 247:4  
**pergolas** 207:16 241:9  
**peril** 47:21  
**period** 15:8 86:9 164:22  
190:10 218:10 268:5  
281:7 311:10 313:7  
389:10 403:10 450:8  
**periodically** 154:12  
**permanent** 330:4 365:1  
**permeability** 219:1,3  
221:7 222:8  
**permitting** 179:12  
**peroxoacids** 427:12  
**peroxometallic** 427:14  
**person** 138:6 293:11  
431:14  
**personal** 2:15 4:5 26:18  
26:21 27:10,12 28:8  
28:13 29:13 31:7 59:4  
97:11 215:9 224:9  
254:8  
**personnel** 76:18  
**perspective** 15:19



- 137:11 144:11 179:4  
203:3 216:7 228:4  
262:21 276:3 277:1  
294:21 295:8  
**persuade** 391:22  
**persuasion** 73:18  
**pertaining** 110:10  
**PESA** 179:15,16,21  
180:22 181:7,9,16  
182:4,20 183:13  
184:7,16,18 185:8  
198:17  
**pesticides** 415:13  
**pet** 2:3 6:13 254:11  
416:8,12,19 417:10  
417:15,16 418:7,11  
418:16 422:5  
**pet-owning** 421:1,12  
**Peter** 5:7 249:19 250:8  
283:22  
**petitioned** 334:9  
**petroleum** 3:8 4:20  
171:4 179:8,14  
338:12  
**petroleum-type** 452:3  
**pets** 417:1  
**Pettis** 1:18 22:10,10  
59:7 77:20,21 134:21  
136:11 191:22 192:4  
192:17 241:18 244:5  
283:6,7 285:5,5 343:6  
343:17 397:5,12,19  
398:1,4,10 404:7  
405:19 449:15 450:1  
455:11,13,16  
**pharmaceuticals** 376:7  
**Philadelphia** 265:12  
**Philip** 1:11,13 2:19  
**Philippines** 457:12  
459:2  
**Phillip** 6:4 372:12,17  
**phos** 371:5  
**phthalocyanines** 319:9  
**physical** 222:10 303:3  
**physically** 102:16 103:8  
**physician** 321:16  
**pick** 233:2 330:12  
**picture** 180:10 348:6  
**piece** 156:14 157:5  
158:19 159:2,9,13  
160:18 161:9 234:15  
351:18  
**pieced** 161:1  
**pieces** 42:4  
**pigment** 319:5  
**pigments** 314:5 318:22  
319:1,11,12 358:13  
**Pigott** 3:1 5:17 321:6,8  
321:9 325:18 349:9  
349:11,11,16 350:6  
**PIJAC** 416:14 417:2  
421:22  
**pillow** 277:3  
**pillows** 279:8  
**pilot** 39:5  
**pioneer** 212:20  
**pioneering** 326:5  
**pipe** 46:14 158:21  
317:8  
**pipes** 317:12  
**piping** 174:14  
**Piqua** 202:10 204:16  
**Pittman** 3:1 6:5 377:1,3  
377:4,5 382:6,7 402:7  
402:10 403:15,20  
404:8,13 405:20  
406:2,7  
**place** 76:14 86:8 90:12  
90:14 92:22 106:13  
135:13 194:14 195:13  
210:4 262:12 264:21  
264:21 287:21 317:21  
352:12 410:17 418:1  
431:10 459:10  
**placed** 104:6 257:20  
316:9 318:16 365:7  
**places** 90:22 239:7  
345:15 346:4 451:22  
460:9  
**Plaines** 107:4  
**plan** 39:5 51:15 205:14  
301:7 306:18 313:4  
361:16 453:12 457:21  
457:22  
**plane** 375:21  
**planet** 15:10 330:18  
**planned** 117:7 366:2  
380:21 417:7  
**planners** 393:10  
**planning** 307:2,5  
365:20 379:1  
**plans** 53:7 213:8 263:3  
301:6 310:15 344:7  
**plant** 25:21 51:16 194:6  
351:17 364:21 370:19  
373:13 374:8 384:1  
390:11,19 400:1,1  
426:6 429:13  
**plants** 25:14 47:3 52:9  
58:19 97:13 98:20,22  
99:1,4 135:20 211:4  
271:16 334:17 356:15  
356:17 364:14,17  
390:18 391:16,17  
399:17,20 400:5  
**plastic** 37:8 95:3  
149:22 264:19 453:9  
**plastics** 363:12 373:18  
382:16,22  
**plate** 316:22  
**plates** 254:12 456:17  
**platform** 437:18  
**plating** 150:2  
**play** 33:17 34:17 88:21  
140:19 175:2 205:15  
229:8 230:22 235:17  
387:4 451:16  
**player** 97:14 317:12  
432:15  
**players** 151:22 166:16  
419:5  
**playground** 241:8  
**playhouses** 207:16  
**playing** 54:14 101:22  
131:6 179:1 383:5  
**plays** 28:14  
**playset** 247:4,5  
**please** 19:17 21:20  
37:17 41:6 70:11  
76:16 78:8 124:17  
167:14 244:10 263:20  
326:17 328:18 331:4  
347:10 382:5 448:1  
**pleased** 21:15 31:13  
88:6 283:1 321:4  
**pledged** 383:14  
**PLT** 132:2,12 133:2  
**plumbing** 3:4 4:19  
105:20 173:12,22  
174:2,5,9,15,19 175:7  
175:10 176:6,11,17  
177:17,19,20 178:12  
186:3 197:10  
**plummet** 336:6  
**plus** 185:5 195:13  
262:18 301:11 350:12  
**plywoods** 105:17  
**PMC** 3:6 4:8 45:15,19  
46:10 47:22  
**PMC's** 47:1  
**PMI** 174:1,7 175:12,19  
177:3 178:10,14  
**pneumatic** 96:12  
**pocket** 435:22  
**pockets** 215:6 255:6  
**point** 30:7 56:8 66:2  
94:21 147:7,16  
163:20 167:8 192:15  
197:14 239:3 242:4  
246:1 261:19 267:8  
291:6 294:15 327:3  
327:14 329:12 346:16  
348:3 354:1,2,11  
383:9,19 411:22  
417:6 445:18 455:5,5  
**pointed** 398:21  
**points** 155:9 256:8  
389:5 419:19 430:12  
450:10  
**poised** 366:8  
**poisoning** 340:22  
**poke** 16:22  
**Poland** 309:8  
**policies** 7:8 8:5 30:20  
40:18 54:3 79:7 84:7  
86:20 115:8 117:14  
120:21 122:8 156:22  
160:4 169:5 175:13  
175:15 202:21 253:13  
255:16 258:9 260:16  
272:7 320:17 322:19  
332:22 341:4 342:16  
394:22 421:20 438:12  
**policing** 154:16  
**policy** 27:8 45:6 54:12  
72:13,15 84:12 88:3,6  
160:14 206:17 213:21  
217:12 221:1 233:10  
252:19 263:10 324:3  
347:14  
**political** 73:14,20  
**pollinate** 413:8  
**pollination** 413:10  
415:20,22  
**pollock** 13:8  
**pollution** 225:11  
**polyacrylamide** 377:15  
378:19 379:10 381:14  
**polyacrylamides**  
404:14  
**polymer** 377:16 379:13  
**polymers** 378:2  
**polyurethane** 375:14  
**polyvinyl** 451:11  
**poor** 90:21 164:17  
272:10  
**popular** 204:6 213:12  
220:14 299:6  
**population** 11:19  
410:16  
**populations** 35:17  
**portable** 212:4,20 213:1  
213:4 214:1,5,12  
215:13,21 237:18  
238:4  
**portends** 214:18  
**portion** 24:5 181:20  
297:19 438:19  
**portions** 299:3  
**Portugal** 401:18  
**pose** 218:19 361:17  
**position** 268:1 392:15

- positioned** 218:20  
422:21
- positions** 124:3
- positive** 132:1 164:5  
189:2 257:7 305:14  
366:11 433:19
- positively** 89:5 327:2
- possibility** 81:9 240:13  
357:9,15 401:7 406:4
- possible** 21:3,13 52:9  
117:1 122:20 129:17  
150:13 199:15 210:18  
215:22 257:9 263:21  
263:22 303:20 311:1  
311:9 409:21 430:13  
460:7
- possibly** 245:1 252:4  
306:21 312:11 351:13  
407:1 414:22
- post-** 447:22
- Post-election** 278:22
- post-hearing** 9:4 20:18  
21:8 203:12 448:3
- post-tariff** 278:14
- Postal** 123:4,9
- posted** 20:4 21:12
- potential** 41:8 44:5  
124:2 190:5,17  
211:10 229:15 230:20  
244:11 252:21 277:15  
278:1 317:20 325:13  
339:18 340:13 347:8  
365:7 386:13 394:9  
427:21
- potentially** 112:1  
131:20 199:20 206:5  
262:19 277:12 290:11  
347:19 357:11 367:20  
386:13 419:8
- poultry** 275:16
- pounds** 24:20 368:15  
368:16 413:6 414:14  
423:3 424:10
- Poverty** 206:3
- power** 12:9 51:9 73:13  
119:10,11 152:8  
185:7
- powerful** 230:19
- powering** 17:5
- practical** 120:20 122:7
- practically** 67:17 97:17  
363:1
- practice** 42:12 458:9,15
- practices** 7:9 8:5 10:22  
12:19 18:3 27:5 72:1  
82:14 106:10 120:21  
122:9 156:22 160:4  
169:5 175:14 181:2  
181:12 184:18 202:21  
206:18 217:17 221:17  
223:21 224:3 253:13  
253:17 255:16 258:10  
259:3 272:2 275:3  
307:13 308:7 320:17  
394:22 412:20 417:3  
437:9 443:6 444:22
- PRAT** 63:2
- Prayon** 370:12,13,16,19  
371:20
- pre-market** 34:5 60:3
- pre-planning** 344:12
- pre-shipment** 435:4  
455:7
- precious** 94:15
- precise** 197:11
- precisely** 54:16
- precision** 58:7 245:21
- precursors** 358:15
- predators** 415:14
- predicted** 289:5
- predominant** 319:8
- predominantly** 74:11  
85:16 241:6
- predominately** 460:22
- prefer** 132:13 204:4  
407:2
- prenatal** 32:6
- preparation** 379:20
- preparations** 314:5  
318:22 444:3
- preschool** 32:6
- presence** 340:7
- present** 1:12,21 2:1  
31:12 54:11 75:3  
112:20 321:2 328:2  
382:12 441:6
- presented** 10:21 162:1
- presenters** 431:6
- presently** 320:20
- presents** 103:14
- preserved** 331:2
- president** 10:6 11:5  
12:14 17:13 18:5 19:4  
23:1 33:4 45:18 50:10  
75:18 78:11 87:15  
88:15 95:14 107:3  
113:17 145:15 151:12  
156:11 167:10 168:13  
179:13 185:16 202:2  
222:20 252:18 259:13  
268:17 296:22 313:22  
326:3 331:20 372:19  
382:15 392:12,15  
412:15,17 416:12  
422:17
- President's** 273:4
- 332:22
- presidents** 321:21
- presiding** 1:11
- press** 255:17
- pressed** 160:8 218:20  
456:16
- pressure** 156:14 157:5  
157:11 158:19 159:1  
159:10,13 161:9  
184:2 188:10 189:2  
224:2
- pressured** 300:15  
396:5
- pretty** 16:14 289:21  
349:17
- prevent** 34:19 46:18  
170:8 189:3 217:20  
218:16 223:20 233:17  
253:22 283:11 313:14  
361:11 431:12
- preventative** 303:17
- preventing** 34:13 92:2  
308:7
- prevention** 189:13
- prevents** 398:16
- previous** 27:22 109:16  
114:7 253:10 333:17  
422:7 431:6
- previously** 110:20  
112:16 189:9 277:10  
278:19 337:4 338:18  
346:16 419:1 420:13  
421:6
- price** 28:10 48:16 61:7  
62:21 66:11,11,13,17  
66:22 67:2 81:21 89:3  
92:19 116:19,21  
127:3 138:2 166:4  
177:1 178:6 206:8  
209:4,5,10 210:22  
215:4,7 237:12,13  
256:7 261:18 263:12  
266:15 267:8 290:4  
300:2 304:11 318:13  
320:11 328:19 329:19  
335:21 336:1 339:2  
354:1,2 360:6 371:14  
380:14 419:3,19  
420:22 421:14 439:20
- priced** 141:6,7 177:2  
224:19 369:3 370:21
- prices** 35:13 39:14,21  
49:3 60:11,22 66:4  
94:9 126:14 154:21  
171:7 173:7 177:17  
188:3 223:6 251:14  
257:9,12 289:19,22  
290:1,20 298:16
- 301:9 319:19,20  
335:17 339:10 371:10  
388:21 389:15 391:1  
391:10 394:10 413:17  
413:22 414:12,16  
415:5,7 421:11  
423:20 424:11 425:2  
427:20
- PriceWaterhouseCo...**  
28:16
- pricing** 141:13 206:4  
250:17 269:17 278:17  
284:8 289:3 316:7,11  
334:10 369:8
- primarily** 25:7 84:19  
89:17 95:22 188:9  
195:6 203:13 235:12  
356:17 377:16 389:11  
446:16
- primary** 100:18 110:14  
153:2 165:5 169:10  
230:7 255:22 256:1  
323:12 326:12 351:18  
378:1
- principal** 317:2
- principle** 108:10 314:16
- principles** 137:1
- print** 320:10 344:11
- printer** 307:7
- printing** 320:6 343:20  
344:1,5 385:7
- prior** 163:8,11 233:21  
338:19 366:1 435:8
- prioritize** 161:5 191:14  
323:1
- prioritized** 205:19
- priority** 30:13 160:13  
205:11
- prison** 250:3
- private** 90:1 253:5  
280:2
- privately** 16:9 108:14  
112:14 321:11 377:12  
381:22
- privately-held** 268:21
- privately-owned** 42:21
- proactive** 284:5
- probably** 56:20 57:2  
99:15,16 136:17  
192:13 244:2 246:15  
283:16,19 288:14  
291:14 293:13 401:9  
402:14 405:6 408:3  
458:19
- problem** 40:10 56:4  
135:9 267:7 287:13  
295:15,19,20 303:15  
351:14 447:9 457:13

**problematic** 14:12  
102:10  
**problems** 219:13 222:2  
254:4 335:1,2 339:22  
459:3,19  
**procedural** 19:20  
**procedure** 324:17  
**procedures** 20:21 80:5  
458:6,6  
**proceed** 19:18 45:1  
443:11  
**proceeding** 52:16  
268:20 272:20 273:14  
**proceedings** 202:5  
388:2  
**process** 39:4 43:13,17  
69:9 154:8 170:1  
171:2 181:17 182:22  
195:12 210:7 257:21  
266:11 324:11,11,20  
325:1,5,8 350:14,17  
351:1 355:18 365:13  
376:15 406:8 428:11  
429:10 435:10 437:1  
449:1,5 451:17  
456:14  
**processed** 423:13  
439:17  
**processes** 26:6 150:1  
169:19 182:8 236:4  
344:2 383:22  
**processing** 13:13 24:7  
46:19 65:5 150:19  
163:22 211:3 439:12  
439:13 444:2 457:1  
457:19 459:14  
**processors** 18:13  
**procure** 275:15 276:15  
**procuring** 112:2  
**produce** 15:8 46:9  
103:3,4 106:4 109:1,6  
110:5 111:10 112:5  
135:10 141:6 143:5  
164:14 174:4 179:20  
182:8 183:2 194:1,5  
196:8 197:14,16  
201:10 214:12 225:1  
225:12 230:8 234:20  
235:20 237:18,21  
238:22 240:3 242:17  
250:18,19 259:19  
291:4 292:17 293:2  
304:21 309:21 317:8  
330:1 352:3,4 358:16  
359:3 373:14 374:16  
377:9 378:7,21 388:4  
388:18 390:12 401:14  
407:6 408:13 413:12

456:4  
**produced** 45:3 46:6  
47:5,7 60:20 101:18  
102:20 108:15 110:21  
157:8,22 158:8  
164:22 165:21 182:10  
182:11 194:11,15  
225:17 291:20 292:9  
299:6 304:17 335:7  
345:2,11,13 368:6  
384:13 398:14 399:4  
401:17 413:6 414:9  
**producer** 24:16,18 25:5  
25:7 46:10 47:19,20  
67:18 69:6 98:7 171:3  
202:7 315:6 335:5  
359:10 360:3 368:14  
369:1,3,7 370:17  
371:13 373:20,22  
429:5  
**producers** 2:1 6:11  
24:16,19 32:7 40:11  
40:13 42:11 43:9  
44:22 46:20 47:3,12  
47:22 48:1,17 49:19  
55:9 67:8 148:7  
169:11 170:19 172:6  
172:17 173:7 225:5  
225:18 244:10 304:20  
318:18 334:3 368:8  
370:11 372:2 391:17  
412:8,16 417:16  
424:2,4 425:3,10  
**producers'** 339:5  
**produces** 23:12 40:16  
69:16 110:18 207:15  
235:10 315:4 348:8  
371:1 373:13 390:1  
**producing** 42:18 57:9  
111:5,20 199:4 203:8  
235:1 250:7 251:1  
319:21 332:3 336:13  
346:3 380:2  
**product-** 325:5  
**productions** 358:18  
**productive** 120:2  
**professional** 223:5  
**professionals** 29:4  
383:14  
**profit** 155:11 225:8  
227:17 251:9 281:18  
306:17 345:18 369:14  
370:9 421:8 440:6  
**profitability** 149:15  
187:22 190:16 300:6  
**profitably** 269:6  
**profiting** 280:10  
**profits** 49:4 306:5

**profound** 305:20  
**program** 40:19 100:12  
112:4 205:11 213:20  
216:6 341:9 367:14  
369:16  
**programs** 265:14 279:7  
323:8 327:8 442:20  
**progress** 31:1  
**prohibiting** 91:5  
**prohibitive** 225:12  
226:20 394:4  
**project** 187:9,10 272:13  
310:9 453:8  
**projected** 323:18  
**projects** 25:15 187:18  
188:4 212:11 213:9  
269:5 270:20 272:8  
365:11,16  
**prolonged** 73:21 282:5  
**promote** 82:17 303:22  
**promotes** 43:2 188:13  
**promoting** 32:10 92:2  
**Promotion** 12:16  
**prone** 339:6  
**pronounce** 240:6  
349:10  
**propane** 103:21 106:1  
106:14 134:4  
**proper** 232:15 349:7  
**properly** 81:16 116:1  
460:14  
**properties** 46:20  
154:14 427:2  
**property** 7:10 54:6 72:6  
75:6 79:8 94:14  
106:12 113:1 115:5,7  
121:8,17,20 122:10  
154:16 158:2,14  
159:15 160:9 175:16  
175:17 178:17 191:12  
217:17 221:17 222:3  
223:21 275:4 300:11  
300:14,17 305:3  
307:13 308:8 320:16  
322:22 327:15 333:3  
334:1,5 357:3 361:13  
385:13 386:20 395:2  
396:6,7 443:5  
**proponents** 376:12  
**proportion** 157:21  
261:6  
**proportionate** 318:13  
**proposal** 14:8,16 15:11  
18:15 104:17 105:5  
105:22 106:8,13  
114:19 173:18 184:22  
196:13 357:12  
**proposes** 104:13

**proposition** 293:5  
354:14 386:18  
**proprietary** 158:12  
194:8 214:9 237:22  
239:21 307:12  
**Pros** 83:14  
**prospects** 418:5  
**prosperity** 307:16  
**protect** 33:5 82:16  
115:4,8 121:19 163:5  
175:15 188:20 230:8  
242:12 273:11 320:16  
333:2 335:6 352:14  
**protected** 122:2 222:7  
289:21  
**protecting** 185:9 222:3  
275:3 327:18 338:8  
352:15  
**protection** 22:1 32:9  
34:9,22 42:13 49:16  
77:11 121:17 159:16  
284:17 334:5 444:6  
**protectionism** 263:13  
**protectionist** 72:14  
263:9  
**protective** 32:15 36:3  
300:10 356:13  
**protein** 276:2  
**prototypes** 153:13,16  
**proud** 71:1 91:21  
108:13 267:17 274:12  
279:8 309:17 385:17  
393:2  
**proudly** 373:7  
**prove** 383:19 455:2  
**proven** 72:14 167:5  
**provide** 16:3 19:19 21:7  
29:1 31:9 32:8 34:9  
35:16 36:7 37:5 38:20  
54:13 74:3 109:3  
117:4,20,22 136:19  
139:7 152:3 157:10  
169:22 179:18 182:17  
196:20,21 202:4  
203:11 204:11 206:16  
208:11 210:17 213:5  
221:6 229:20 243:3  
276:8 300:2 304:2  
335:3 386:3 393:17  
425:5 437:16,18  
441:18 447:22 461:5  
**provided** 231:2 301:12  
373:3 413:11 415:20  
443:13  
**provider** 156:13 324:2  
**providers** 149:21 150:2  
173:1 298:8 396:2  
416:17

**provides** 92:8 115:15  
137:15 263:17 328:19  
371:14 392:22  
**providing** 39:8 88:13  
111:14 139:5 175:3  
185:20 193:15 223:4  
230:11 281:3 365:2  
391:21 393:4 437:11  
**province** 150:14  
**provision** 12:17  
**provisional** 20:3  
**provisions** 121:18  
**proximate** 95:21  
**Psillos** 1:19 22:2,2 67:4  
68:2  
**public** 1:5 7:7 8:10 9:1  
24:22 76:11 87:13  
188:20 340:9  
**Publication** 389:2  
**published** 7:15,20 8:9  
8:18 280:13  
**Pull** 78:7  
**pulse** 263:2  
**pump** 390:14  
**pumps** 390:13  
**punish** 272:2 444:21  
**punitive** 72:11 418:13  
**purchase** 84:21 122:16  
123:5 169:12 196:3  
204:4 206:7 215:6,10  
215:11 227:12 229:12  
250:18 266:5 275:20  
299:15 307:6 323:8  
369:20 406:13  
**purchased** 24:8 27:21  
158:5 171:10 254:21  
260:3 272:18 276:13  
311:6 367:22  
**purchasers** 85:11,12  
314:8 318:16 339:15  
**purchases** 149:12  
190:20 220:17 260:14  
359:8 368:21 370:6  
**purchasing** 97:12  
257:18 428:9  
**pure** 264:14 413:1  
415:21  
**purification** 23:15  
370:2  
**purity** 188:15 348:7  
**purported** 320:15  
**purpose** 8:22 170:20  
**purposes** 320:15  
430:11  
**purse** 264:17,19  
**pursuant** 396:14 441:7  
**pursue** 14:8 18:9 25:21  
163:6

**purview** 305:16  
**push** 286:11 310:6  
**put** 18:8 86:8 87:20  
93:12 95:17 100:11  
106:7 111:18 120:2  
127:7 138:12 144:9  
155:11 178:22 232:13  
234:18 237:1 276:3  
279:3 287:20 306:1  
307:8 310:18 318:8  
329:5 366:5 380:19  
386:22 390:6 404:17  
417:22 434:6 453:17  
454:4 459:10  
**puts** 63:1 340:2  
**putting** 18:8 41:4 62:2  
66:16 74:15 128:15  
233:11 274:12 329:21  
385:22 386:14 435:18  
455:9  
**PVC** 46:13,18 47:5  
281:22 282:3  
**PVLT** 85:22 86:6,10  
128:21 131:15  
**PWC** 323:17

---

**Q**


---

**Q4** 404:2  
**qualification** 350:17  
**qualified** 32:14 39:7  
181:18 320:3  
**qualify** 143:6 189:22  
190:3  
**qualifying** 193:9  
**qualities** 170:12  
**quality** 35:8 39:9 40:21  
52:18 60:4 69:20  
81:11,15 108:16  
121:21,22 126:15  
127:4,9 135:6 137:22  
138:3 144:11 152:4  
162:22 164:17 169:18  
171:11,20 172:7,9,10  
172:20 175:3 180:19  
180:20 183:14 196:6  
207:15 210:3,8,16  
213:17 221:9 223:5  
227:7,13 230:8 233:7  
237:9 242:19 256:7  
259:20 271:11,15  
274:13 281:4 282:5  
287:3 292:13 304:6  
307:20 315:6,20  
319:13,19 324:14  
325:1 343:3 348:15  
355:17 358:20,22  
360:6 435:5 437:12  
437:13,19,21 442:4

457:5,9 461:3  
**quantities** 13:20 47:8  
209:19 213:3 227:2,4  
256:7 291:15 358:11  
359:7 401:22  
**quantity** 39:9 47:17  
162:22 171:20 172:19  
287:2 292:14 312:7  
**quarterly** 389:16  
**QUAT** 379:15  
**quaternize** 405:11  
406:9,14  
**quaternized** 378:15  
**question** 55:5,7 57:7,21  
58:3 60:7 61:1 64:2  
67:4,14,15 86:2  
127:20 128:5 129:11  
131:12 133:14 134:19  
134:22 136:13,17  
142:8 193:4 194:18  
197:3,5 198:7,17  
200:4,11 235:6  
238:21 239:10 240:4  
241:18 246:17 270:4  
283:6 284:11 285:12  
286:4 288:6 289:4  
293:20 294:8 295:10  
311:3,22 343:6,19  
344:4 345:4,6,12  
346:10 349:9 371:3  
386:12 397:6 400:18  
400:20 402:6 404:8  
446:6 447:2,21,22  
448:3 449:15 455:10  
455:19 460:7,14,15  
460:21  
**questioned** 253:16  
**questions** 19:8,9 20:15  
20:17,19 21:3 31:13  
36:8 45:12 50:3 54:21  
68:5 82:20 88:7  
106:18 113:9 118:12  
126:9 146:1 179:5  
207:3 211:15 228:18  
264:3 273:15 279:14  
283:1 308:17 310:21  
321:4 396:21 400:11  
409:9 420:11 429:20  
445:2 456:21  
**quick** 131:11 278:18  
449:21 452:12 453:11  
453:22 455:19  
**quickly** 59:21 94:7  
192:8,11 195:17  
256:6 257:15 346:7  
**quilt** 272:17,21 293:21  
**quilts** 213:10 272:12  
**quite** 17:2 73:19 100:7

129:10 233:3 236:16  
243:7 286:7 352:21  
385:17 428:11 450:21  
**quote** 432:6,9  
**quoted** 73:18 266:2

---

**R**


---

**R** 158:9  
**R-407C** 390:1  
**R-407H** 390:2  
**R-410A** 390:1  
**R&D** 178:2  
**race** 328:11  
**rack** 392:13  
**racks** 393:18,20 394:14  
394:19 395:5,17,21  
396:8,10  
**radial** 100:16 132:7  
**radials** 133:6  
**rail** 172:12  
**raise** 66:4,17,22 67:2  
106:4 188:3 318:12  
386:21 435:22  
**raised** 13:17  
**raiser** 315:14  
**raising** 89:3 173:7  
268:6 298:16 367:21  
374:13 385:20 386:2  
421:11  
**ramifications** 367:17  
**ramp** 163:15 192:8  
227:4  
**ramped** 129:15  
**ran** 164:12  
**Ranch** 2:5 6:15 422:14  
422:18 423:2  
**range** 21:16 26:3 32:8  
37:7 114:20 117:16  
157:15 198:5 213:9  
223:8 226:6 274:16  
278:6 302:15 304:13  
312:13 413:8 415:11  
424:8  
**ranging** 47:9 219:1  
**rank** 303:11  
**rapid** 420:18  
**rapidly** 433:10  
**rate** 8:16,20 37:13,15  
90:21 104:3 146:9,11  
146:13 208:18 258:2  
298:13 323:19 422:3  
**rates** 90:13 99:12 111:5  
242:7 415:10 421:5,7  
**ratings** 103:11  
**rationale** 88:6 162:19  
**raw** 37:21 43:11 57:12  
64:4,5 99:5 105:21  
114:20 115:1 131:1,4

- 183:18 211:4 263:12  
275:20 276:22 315:10  
347:14 358:5 359:1,9  
359:22 360:17 361:14  
371:5 374:9,16  
397:21 413:6 418:22  
431:12 433:16 448:10  
452:1  
**re-engineering** 237:11  
**re-imported** 43:16  
**reach** 94:10 215:6  
293:15  
**reaches** 92:4  
**Reacting** 391:21  
**reaction** 342:16  
**read** 83:7 155:19  
347:21 368:2  
**readily** 170:16 393:19  
419:16  
**ready** 232:7 425:13  
**real** 18:15 44:14 48:16  
138:1 232:16 254:3  
262:14 397:15 434:12  
457:22  
**realistic** 232:20 319:4  
**realistically** 394:7  
**realities** 97:7  
**reality** 182:6 265:10  
266:18 278:5 350:8  
**realization** 367:3  
**realize** 399:8  
**realized** 56:2 454:6  
**rear** 76:17  
**reason** 34:11 82:3 89:2  
122:6 156:20 169:10  
350:18 352:8,11,13  
377:11 385:2 402:21  
406:7 433:2 443:7  
**reasonable** 230:13  
327:16 431:13 435:19  
**reasons** 14:12 33:22  
35:22 49:21 159:11  
191:17 206:20 228:10  
304:4 330:22 341:14  
358:1 384:9 387:8  
431:4  
**reassembled** 93:9  
**rebuilding** 107:13,19  
**recall** 21:6 340:11  
**receive** 9:1 64:8,10  
151:9 165:9 244:16  
279:1 306:18 388:21  
438:2  
**received** 213:16 256:18  
**receiving** 57:18  
**recess** 76:14 461:11  
**recession** 104:19  
**reciprocal** 27:3 82:18  
364:4  
**recirculating** 107:19  
**recognition** 312:17  
**recognize** 66:11 115:5  
242:12 273:1 399:8  
**recognized** 107:12  
186:2 212:19 223:7  
242:8,14 436:20  
**recognizes** 27:2  
**recommend** 94:17  
136:20,21 137:2  
**recommendation** 9:8  
**recommendations**  
117:19  
**recommended** 219:6  
**reconcile** 55:21  
**reconsider** 53:6 113:6  
118:4 184:21 258:8  
260:15 268:6 422:1  
**record** 76:20 77:5 83:8  
196:17 215:13 230:11  
262:20 296:14 315:8  
459:20 461:14  
**recording** 21:9  
**records** 403:7  
**recovered** 104:19  
328:13  
**recovery** 104:22 158:9  
**recreate** 243:18  
**recreational** 23:14  
**recyclable** 433:13  
**red** 20:12 145:7 319:11  
340:10 438:5  
**reds** 319:11,21  
**reduce** 100:4 166:14  
167:13 187:13 306:20  
313:7 323:21 366:4  
**reduced** 279:9  
**reducing** 171:9 443:4  
**reduction** 32:1 124:7  
165:12 178:2 222:11  
**Red** 2:9 5:2 211:18,22  
**Reedsburg** 230:16  
**reeling** 411:7  
**reenergized** 387:7  
**refer** 12:8 310:19  
**referred** 107:15  
**referring** 238:16 275:7  
384:17 453:7  
**Reflecting** 220:6  
**reflects** 254:19  
**reform** 30:22 444:18  
**refractory** 315:13  
**refreshment** 249:6  
**refrigerant** 388:5  
**refrigerators** 105:19  
**regain** 440:2  
**regard** 282:19 311:3,22  
388:10  
**regarded** 191:9  
**regarding** 9:1 72:22  
115:6 122:9 188:8  
223:21 377:6 388:17  
451:14  
**regardless** 39:15 60:12  
81:6 100:3 173:3  
**regards** 159:15 254:6  
352:16 436:8  
**regimes** 437:15  
**regional** 453:10  
**regions** 59:15 60:6  
274:21 275:19  
**Register** 7:16,21 8:10  
8:18 20:22 21:13  
32:13 260:1  
**registration** 324:17  
451:15  
**registrations** 23:21  
**Regrettably** 306:7  
**regular** 195:16 303:17  
**regularly** 154:12 303:11  
**regulate** 137:12 160:6  
396:1  
**regulated** 182:12  
197:10,18 231:10  
322:2  
**regulation** 219:10,21  
**regulations** 137:13  
182:16  
**regulators** 188:10  
**regulatory** 167:12  
324:11,21 349:14  
460:5  
**reinforce** 213:7  
**reintroduce** 284:14  
**reiterate** 144:2 211:9  
**relate** 208:13 230:18  
242:3  
**related** 7:9 34:13 79:7  
106:10 112:1 131:12  
134:18 147:18 148:18  
174:9 176:6 178:12  
178:16 186:5,8 213:4  
213:19 216:5 254:9  
280:14 300:3,13,19  
333:3 348:4 393:18  
395:1 396:11 409:11  
444:21  
**relates** 11:12 14:13  
243:12  
**relating** 28:12 122:4  
233:21 272:3 386:20  
**relation** 381:12  
**relations** 328:2 334:13  
**relationship** 60:2 97:20  
272:6 437:7  
**relationships** 39:2  
121:14 193:14 395:20  
**relative** 25:17 244:10  
**relatively** 111:5 150:18  
187:8 255:1 278:14  
367:16 384:13 433:7  
**release** 70:3,5 144:20  
201:12 247:21 300:18  
355:20 412:2 461:9  
**released** 72:2 199:6  
**relevance** 242:5  
**relevant** 152:7 231:1  
**reliable** 104:1 148:16  
174:8 193:16 280:10  
281:3 459:13  
**reliance** 308:4 318:14  
359:11  
**reliant** 314:9 318:2  
**relief** 112:7 216:9  
334:10  
**relies** 116:5 224:17  
393:16 395:17  
**relocate** 365:16  
**relocated** 130:21  
**rely** 59:8 115:21 120:1  
197:15 212:9 261:11  
306:3,15 316:4  
342:22 374:6 395:19  
419:12 441:19 459:8  
**remain** 39:22 52:22  
53:18 109:3 185:1,2  
208:15 277:7 278:1  
287:1,8 369:3 401:4  
431:10  
**remained** 379:9  
**remaining** 38:13 185:3  
296:10 373:22 385:22  
425:3  
**remains** 40:10 261:15  
314:14 425:6  
**remanufacturers**  
107:18  
**remanufacturing**  
107:13 143:1  
**remarkably** 248:10  
**remarks** 145:6,8 167:15  
331:21  
**remedies** 106:8 129:4  
412:21  
**remedy** 18:1 412:18  
**remember** 439:18  
**remind** 87:18  
**remodeling** 176:16  
**removal** 159:7 223:11  
314:3 357:17,22  
427:11  
**remove** 18:20 38:7 39:6  
54:19 155:18 161:19

168:19 178:12 183:7  
 228:14 233:16 279:11  
 282:11 301:16 308:13  
 331:8 361:19 362:16  
 366:12 429:16 440:13  
**removed** 42:5 50:1  
 117:21 125:1,2  
 162:17 273:9 288:9  
 325:15 381:9 408:9  
 426:10  
**removes** 37:21,22  
**removing** 17:17 136:20  
 286:15 317:20  
**renaissance** 199:3  
**render** 214:8  
**renegotiating** 262:1  
**renewable** 433:14  
**Reno** 52:12  
**repackers** 25:18  
**repair** 79:20 80:3 82:4,5  
 111:1 115:18,20  
 119:16 123:11,13,15  
 125:19 300:1  
**repairs** 76:3 78:19  
**repeat** 86:7 154:3 345:5  
**repeated** 385:4  
**repercussions** 417:13  
**replace** 25:22 52:20  
 168:2 190:8 196:9  
 246:16 281:12 320:4  
 340:14 344:1 351:13  
**replaced** 38:21 39:1  
 80:10 94:8 299:17  
 434:1  
**replacement** 71:18 74:4  
 107:12 119:7 123:13  
 142:15  
**replacements** 339:18  
**replicate** 245:13  
**replicated** 204:22  
**report** 54:3 62:22 63:2  
 72:2 202:22 206:18  
 218:7 258:11 320:18  
 327:7,9 364:19  
**reported** 62:21 414:6  
 424:12,18  
**reports** 68:19 71:11  
 93:11  
**represent** 32:22 59:13  
 74:22 75:21 78:15  
 97:6 174:6 185:19  
 187:8 271:8 321:10  
 333:7 367:5 370:5,8  
 416:18  
**representative** 1:1,13  
 1:13,14,14,16,16 7:5  
 7:11,13 8:19 9:9  
 73:17 178:10 216:8

265:20 285:1 301:16  
 330:16 356:10 396:10  
 439:15  
**Representative's** 22:5  
 77:15 78:2 268:20  
 330:11  
**representatives** 20:16  
 281:9  
**represented** 9:22  
**representing** 23:5 32:5  
 101:15 179:17 253:2  
 333:6 358:17 432:17  
**represents** 55:19 76:4  
 78:20 113:20 165:18  
 167:21 198:17 259:14  
 280:3 335:18 359:12  
 413:2 416:14 439:7  
 441:9  
**reprocessed** 14:1  
**reprocessing** 13:4  
**reps** 119:3  
**Republic** 88:20 437:5  
**request** 18:19 21:2 23:8  
 25:10 31:5 41:10 75:1  
 89:2 155:18 157:1  
 162:19 196:20 211:13  
 216:9 228:14 229:17  
 233:16 273:8 313:2  
 325:15 331:7 334:11  
 334:15 337:5,8  
 341:15 361:19 372:22  
 378:11 379:3 387:9  
 407:16 426:9 443:7  
**requesting** 357:17  
 376:10 381:8 408:9  
**requests** 36:2 124:22  
 215:20 258:7 396:9  
 421:22  
**require** 52:18 150:18  
 188:18 197:11 221:7  
 226:15 227:3,5  
 271:15 303:18 340:4  
 349:14 403:13  
**required** 34:4,11 35:2  
 46:17 60:2 160:8  
 171:5 187:4 190:4,8  
 191:10 202:19 203:18  
 224:10 225:21 226:7  
 226:13,18 230:4  
 231:9 251:3 256:7  
 312:8 324:12 350:16  
 354:8,9 359:1 384:3  
 393:21 394:5 396:5  
 420:7 424:11 458:10  
**requirement** 25:12  
**requirements** 25:6 34:1  
 34:7 47:11 59:11 60:1  
 91:10 97:12 103:13

163:14 172:20 189:15  
 226:12 271:12 287:4  
 314:10 358:20 375:15  
 434:20 457:8 458:1  
 459:9  
**requires** 23:20 25:4  
 284:4 324:16 335:4  
 375:22 458:2  
**requiring** 91:6  
**resale** 432:22  
**research** 24:21 28:22  
 66:2 164:3 202:13  
 243:11,18 255:3  
 394:4 454:6  
**resent** 17:8  
**reserves** 30:1 162:20  
 163:19 164:5,12  
 165:7,12 166:18  
 171:15,17,21 172:19  
 183:12 196:5  
**reshore** 311:1 313:4  
**reshoring** 2:14 5:15  
 308:20 312:18  
**residential** 174:17  
 178:8 188:16,19  
 390:13  
**residents** 29:18  
**resin** 454:7,17 455:1  
**resistance** 46:21 210:1  
 241:2,2 427:1  
**resistant** 236:6,6  
**resolve** 94:13 254:3  
**resolved** 354:11  
**resource** 363:14  
**resources** 10:12 73:21  
 74:5 167:18 168:18  
 209:15 210:7 347:4  
 420:15 433:14  
**respect** 42:12 137:3  
 189:9 205:9 275:1  
 285:18 380:18 408:5  
**respected** 223:7  
**respectfully** 18:19 23:8  
 36:2 38:11 41:10  
 54:15 75:1 124:22  
 155:17 157:1 211:12  
 215:20 228:14 233:15  
 258:7 273:7 301:15  
 331:7 341:7,14  
 361:19 387:8 396:9  
 426:9 442:11,22  
 443:7  
**respective** 146:15  
**respectively** 168:19  
**respond** 31:13 134:15  
 207:3 262:4 264:3  
 356:21 357:21  
**responded** 8:3

**responding** 21:3  
**response** 21:6 131:14  
 134:2 398:9 435:1  
 442:12  
**responses** 20:19 21:8  
**responsibility** 437:22  
**responsible** 180:19  
 378:8 436:17 438:3  
**rest** 11:6 19:19 126:20  
 141:16 274:22 276:7  
 307:18 355:15  
**restart** 78:4 348:19  
**restarting** 364:14  
**restate** 243:10  
**restaurant** 431:22  
 432:15 436:2 450:19  
 452:12  
**restauranteurs** 432:20  
**restaurants** 432:12  
 438:1 453:11  
**restoring** 447:9  
**restraint** 33:19 206:9  
**restraints** 409:4  
**restricted** 314:15 380:4  
**restricting** 395:16  
**restrictions** 316:9  
 417:22 418:8,9  
**restrictive** 160:3  
**restructuring** 291:1  
**result** 35:12 49:6 52:15  
 80:5 81:17 95:21  
 122:18 123:14 124:2  
 142:12 149:16 164:7  
 164:14 176:8 189:21  
 210:21 217:22 228:12  
 250:20 270:21 271:6  
 272:5 298:13 300:14  
 308:2 322:7 340:21  
 367:19 371:16 390:5  
 415:15 418:13 419:2  
 436:6  
**resultant** 417:8 422:7  
**resulted** 148:22 334:16  
**resulting** 209:8 210:22  
 269:17 369:8 444:11  
**results** 93:16 117:10  
 164:6 245:9  
**resumed** 76:20 296:14  
**resurgence** 363:6  
 365:9  
**resurgent** 364:7  
**retail** 2:10 5:7 24:11  
 35:13,19 79:20 83:14  
 83:17 215:1 229:10  
 252:14,19 253:1,5,8  
 289:16 311:5 321:17  
 332:11 333:11 335:17  
 335:18,21 353:17

392:13,20 393:1,5,8  
 393:12,17,21 394:14  
 394:19 395:12,17  
 396:8,10 411:11  
 416:19 421:2 423:7  
 451:1  
**retail-ready** 277:6  
 279:7  
**retailer** 89:7 209:4  
 269:1 395:9 411:6,7,8  
 411:12 416:16  
**retailers** 89:15 115:14  
 176:12 207:18 213:14  
 217:14 220:12,14  
 253:4 256:5 257:17  
 258:1 259:15 262:4  
 278:16 281:16 286:4  
 298:3 300:6 301:13  
 309:7 311:13 332:13  
 333:9 411:18 420:10  
 420:21 421:9 438:2  
 446:11  
**retailing** 178:9  
**retaliation** 49:7 258:17  
 258:20 399:14  
**retaliations** 417:8 422:8  
**retaliatory** 73:6 88:18  
 150:11 363:4 417:22  
**retardancy** 386:12  
**retardant** 251:4 284:3  
 315:17  
**retreaded** 84:22  
**return** 252:9 319:5  
 339:2 346:20 433:3  
 450:11  
**returned** 65:13 337:11  
**returning** 63:8  
**revamp** 74:6  
**reveals** 150:15 443:16  
**revenue** 25:17 37:20  
 123:8 365:2,10  
 367:11 395:9 440:7  
**revenues** 25:22  
**reverse** 366:10  
**review** 150:14 443:16  
 457:21  
**reviewed** 244:20,22  
**reviewing** 153:15  
**revised** 219:7  
**revolution** 326:9 363:8  
**rice** 10:6,9 414:20  
**Riceboro** 377:13  
 379:21 381:1 382:4  
**Richard** 3:5 4:13  
 106:20 107:2  
**ride** 195:8 313:1  
**riders** 297:12  
**riders** 299:20 336:3

**riding** 144:15 330:18  
**rightfully** 431:8  
**rights** 54:6 115:7 158:2  
 158:6 300:11 333:3  
 357:3  
**rigorous** 231:9 350:18  
 428:11 437:13 449:1  
**rigs** 195:16  
**rim** 330:6,9  
**rim** 326:13 327:4,11  
 329:15  
**ripe** 288:19  
**ripple** 187:14  
**rise** 39:22 60:22 206:5  
**risen** 290:2  
**rising** 303:9 316:7  
 347:22 371:8,17  
 374:13  
**risk** 32:1 74:16 94:15  
 155:1 191:15,15  
 218:19 232:14 300:5  
 354:10 359:13,15,18  
 361:17 387:1 435:18  
 435:20 455:9  
**risks** 15:6 233:6 301:11  
 340:6 341:7  
**risky** 268:4 339:18  
 350:16 354:13  
**Ritchie** 3:8 6:7 387:14  
**rivets** 109:14  
**RMI** 437:8  
**road** 80:12,18 81:5 98:4  
 116:2 132:15,17  
 139:10 144:16  
**roadmap** 121:12  
**Roadmaster** 334:8  
**Rob** 2:6 4:17 151:4,11  
**Robert** 2:12 6:17 70:22  
 429:22  
**robust** 376:9 457:20  
**rod** 125:15  
**rods** 317:1  
**role** 28:14 32:2 35:2  
 175:2 425:17  
**roller** 238:9  
**rolling** 213:16  
**room** 1:10 70:11 76:22  
 201:18 230:18 259:19  
 353:14  
**roots** 274:5  
**rope** 223:1,13  
**rose** 86:10 131:15  
**Ross** 12:12 18:11  
**rot** 209:22 236:6  
**rotor** 80:14,21 81:2  
 127:6  
**rotors** 80:7,9,20 81:7  
 81:16,22 126:17,18

**rotting** 241:2  
**rough** 16:3  
**roughly** 12:4 48:14  
 165:18 167:21 186:1  
 201:4 207:22 280:14  
 421:1  
**round** 108:19 337:7  
 419:9 422:5,7  
**rounds** 27:22 324:21  
**royalties** 249:10  
**Royce** 3:2,2 6:6,6 382:8  
 382:9,10,11,14,15,18  
 383:11,21 387:13  
 407:3,7  
**rubber** 37:8 99:5 131:1  
**rubber's** 131:4  
**ruin** 74:16  
**rules** 20:21 137:1  
**ruling** 305:17  
**run** 73:4 193:6 228:8  
 397:17 450:19 454:15  
**running** 119:22 145:5  
 199:21 200:1 348:22  
 454:22  
**runs** 193:12 217:10  
**runway** 331:3,4  
**Russ** 3:10 5:5 228:20  
 229:3  
**Russia** 15:20 16:2  
 165:10 317:2,8,13,16  
 317:21 318:14 409:1  
**Russian** 15:16 18:17  
 317:4,6,15,17,19  
**Russians** 19:6  
**ruthlessly** 329:21  
**RV** 2:22 4:13 96:2 101:5  
 101:8,14 102:7 103:5  
 104:12,16,18 105:8  
 105:10 106:4  
**RVIA** 102:19 103:16  
**RVs** 101:17 106:5  
 132:16  
**RYCO** 2:7 4:17 156:1  
 156:11 157:4,8,9,13  
 157:18 158:5,8,11,18  
 159:7,17 160:2,8,12  
 160:17 161:7,9,12  
 193:19 194:1,5  
**RYCO's** 157:21 160:7  
 194:2

---

**S**


---

**saddles** 326:12 355:2  
**SAE** 147:15,19 148:2  
**safe** 32:1 34:20 89:11  
 90:7,10,11,12,14,16  
 92:9,17 93:4 94:4,19  
 137:13 153:22 174:15

189:20 193:16 232:15  
 299:21 329:9 336:14  
 377:10 378:7 385:19  
 387:6 428:17 438:2  
 441:18 443:19 459:11  
**safely** 116:1 141:18,21  
 179:19 204:2  
**safer** 140:9 204:13  
 217:18 218:18 219:15  
 251:8 338:14 426:16  
**safety** 32:10,15 34:1,7  
 34:8 35:9,16 36:3  
 59:22 80:6,11,11  
 81:15 88:1,22 89:22  
 90:3 91:2,18 92:2  
 123:16 137:13 144:7  
 154:4 169:2 170:1  
 172:16 186:6 188:9  
 188:14 189:13 190:14  
 195:5 202:18 203:2  
 205:21 206:14 207:1  
 217:4,11,12 218:11  
 219:5 220:6,21  
 229:21 230:4,5,9,12  
 231:10,11,12,12,22  
 232:3,19 233:6,11,13  
 233:19 234:17,19  
 245:14 247:17 254:9  
 298:18 387:1,7  
 434:13 435:6 437:13  
 448:16 457:5,8 458:1  
 458:14 461:3  
**Saint** 453:9,16  
**sale** 46:7 91:5,12 92:22  
 158:7 163:22 219:16  
 242:15 336:10 421:10  
**sales** 25:18 33:2 37:9  
 39:3 41:3 43:5 66:6  
 97:6 106:5 119:3  
 122:16 132:14,18  
 157:22 191:1 202:14  
 209:7 214:21 220:9  
 220:12 262:17 270:1  
 271:8 290:12 298:2  
 299:14 301:10 305:13  
 305:18 330:6 336:5  
 353:17,22 367:7  
 368:15 370:8 374:21  
 440:3,7  
**salmon** 13:9 330:19  
**salt** 51:21  
**salting** 42:19  
**salts** 427:11,13  
**Sam** 91:15,17  
**Sam's** 207:19 438:6  
**sampling** 266:2 443:21  
**sanctions** 15:21  
**sandwich** 249:3,7

- sanitation** 437:15 458:6  
 458:13  
**sanitization** 25:12 26:4  
 26:10 56:6  
**sanitizing** 444:7  
**sat** 399:5  
**Sates** 327:22  
**satisfy** 97:11 104:2  
 210:4 348:13  
**saucers** 235:13  
**Saudi** 398:14 454:6  
 455:1  
**sausage** 43:11 44:1,9  
 44:21 61:17,18 62:2  
 63:3,4 64:16,19  
**sausages** 42:11 43:10  
 44:22  
**Savannah** 332:9 377:14  
**save** 130:22 268:7  
 459:17  
**saving** 459:16  
**saw** 57:3  
**saying** 17:1 62:7 73:18  
 140:4 245:12 403:13  
 407:21 449:6,10,10  
 449:11  
**says** 263:1  
**SBA** 15:4 22:12 77:22  
 285:8  
**scale** 43:14 44:4 211:6  
 245:13 246:8 293:15  
 298:11 425:11 434:9  
**scales** 345:16  
**scalpel** 308:10  
**scare** 340:10  
**scary** 266:11  
**scenario** 182:17  
**scenarios** 278:1  
**schedule** 20:3 21:2  
 109:9 120:8 217:7  
 249:1 281:5 288:17  
 392:5 421:4  
**scheduled** 19:21 20:3,5  
 36:4  
**schedules** 32:14  
 141:10  
**schemes** 413:21 414:3  
 424:9  
**school** 212:11 303:8  
**schools** 150:6 213:13  
 302:13 304:12  
**scientific** 29:3 240:7  
 243:11 337:3  
**scissors** 212:10  
**scope** 101:2 136:16  
 137:2,6 184:21 419:9  
**Scott** 2:4 4:22 90:17  
 185:12,16 309:18
- scoured** 200:18  
**scramble** 257:4,8  
 434:13  
**scrambling** 346:7  
**scrapbooks** 213:10  
**scrapped** 107:20  
**scratch** 410:22  
**seafood** 11:12,13 12:3  
 12:4,9,14,18,18 13:2  
 13:8 14:1,13,18 15:9  
 15:12,15 16:1,1,20  
 18:13 436:17,21  
 437:19 438:3,16,19  
 439:16,20 440:15  
 443:22 457:17  
**sealant** 352:6  
**searched** 210:10  
**season** 262:20  
**seasonal** 119:20  
**seat** 59:18 70:4 203:15  
 203:21 204:1,5  
 229:18 234:8,19  
**seated** 19:15,17 70:7  
 144:22 145:2 201:14  
 248:1 356:1 412:4  
**seats** 33:19,20 34:9  
 88:22 202:7 203:13  
 203:18 205:7,15  
 208:13 229:8 230:21  
 232:3,6 233:22 234:7  
 235:12,17 245:16,17  
**Seattle** 436:16  
**second** 84:15 166:20  
 188:8 201:1 226:8  
 261:20 281:14 314:21  
 315:6 317:9,13 323:3  
 334:6 340:7 355:13  
 368:20 369:17 418:10  
 448:2  
**second-generation**  
 274:4  
**secondary** 99:4  
**Secondly** 122:11  
**secretary** 10:9,9 12:12  
 18:6,11  
**secrets** 307:12  
**Section** 1:5 7:6,7 9:6  
 20:14,19 22:14 27:22  
 30:9,11 41:19 45:20  
 52:15 53:3 54:3,13  
 71:7 72:2 79:13 84:2  
 84:17 101:13 102:5  
 104:16 106:7 109:16  
 114:6 148:18,20  
 149:5 169:1 178:13  
 179:11 191:7 202:21  
 213:22 215:15,22  
 216:10 223:15 252:17
- 253:12 258:10 268:20  
 272:4 273:10 282:12  
 297:18 300:8 301:3  
 312:20 313:10 314:7  
 318:10 320:15,18  
 321:3 322:3,13  
 325:12,16 329:18  
 337:7,13 341:16  
 356:22 360:15 361:11  
 362:13 372:17 393:13  
 396:14 412:21 416:5  
 428:1 441:8  
**sections** 45:7 247:15  
**sector** 16:6 29:14 31:22  
 58:15 71:13 73:11  
 76:5 78:21 79:20 81:2  
 106:16 114:2 146:21  
 179:22 180:5,15,18  
 184:12 185:4,6,10  
 187:15 253:6 280:3  
 288:15 289:21 290:2  
 386:10 439:1,6 444:4  
**sector's** 180:1  
**sectors** 157:15 160:13  
 181:14 205:14 228:3  
 290:3 303:21 327:9  
 439:3  
**secure** 276:11  
**securing** 200:22 232:15  
 420:15  
**security** 1:15 10:5 75:4  
 102:2 423:15  
**seeing** 92:3 363:7  
 447:11  
**seek** 117:3 206:12  
 425:18  
**seeking** 8:10 244:19  
 285:20 358:2 422:4  
 427:10  
**seeks** 223:11 314:3  
**seen** 66:20 93:10 129:5  
 130:17,19 192:13  
 363:3 417:16 425:12  
**segment** 30:6 107:18  
 132:1,22 154:1  
 290:13 333:20,22  
 335:18  
**segmented** 133:10  
**segments** 46:16 79:20  
 96:3 320:7 336:8  
**Seidler** 3:2 5:18 325:19  
 325:21,22 326:2  
 331:15 351:3,7,10  
**seldom** 364:1  
**select** 61:19  
**self-** 163:12  
**self-sufficiency** 163:6  
**sell** 62:2 64:18 73:15
- 76:1 78:16 96:5 98:1  
 108:4 119:12 125:15  
 125:22 142:14 144:12  
 152:11,16 154:6  
 167:22 208:5 224:5  
 225:8 236:13 269:10  
 271:12 274:19 284:7  
 285:16 292:2 298:2  
 299:13 301:13 307:15  
 321:13 333:11 361:3  
 366:6 388:4 395:5  
 405:1 406:20 423:6  
 423:19 444:17  
**selling** 64:15 220:13  
 262:20 270:10 289:16  
 297:4 332:15 393:7  
 394:10  
**sells** 47:17 125:13  
 157:13 158:11 207:17  
 250:1 270:16 297:8  
 302:12 315:16 378:20  
 390:19  
**semi-automated** 96:22  
**semi-finished** 314:4  
 316:21  
**SEN** 9:14  
**Senate** 10:1 11:1  
**Senator** 9:11,13 10:17  
 19:11  
**send** 65:1  
**sending** 65:4  
**senior** 113:16 156:10  
 297:1  
**sense** 56:14 57:10  
 131:3 138:19  
**sensitive** 23:17  
**sent** 13:4,13 16:13 17:7  
 62:10 192:21  
**separate** 23:6  
**September** 9:5 20:20  
**serious** 72:7 80:5  
 156:19 228:11 300:13  
 335:9 338:2 340:16  
**seriousness** 36:18  
**Serta** 95:1  
**serve** 23:1 116:9  
 177:15 179:13 306:2  
 344:7 363:2 369:4  
 373:15 376:16 379:16  
 380:11 381:20 382:21  
 395:13 453:11 457:2  
**served** 84:19 392:19  
**serves** 147:7 150:5  
 179:21 393:8  
**service** 73:10 82:4 85:7  
 108:9 115:18 116:4  
 123:4,9,15 137:17  
 149:21 181:13 214:22



223:5 281:4 416:17  
 430:15,19 431:2  
 433:1 435:14 449:16  
 450:7,17,22 451:2  
 452:12,17 453:15  
**services** 3:8 4:20 30:16  
 76:3 78:18 123:14  
 179:8,14,18,22 180:4  
 255:9 265:15 298:8  
 299:16 300:5 413:10  
 415:20,22  
**servicing** 123:8  
**serving** 321:20  
**session** 19:19  
**set** 20:22 139:15 167:12  
 180:20 189:18 227:9  
 227:9 234:22 235:2  
 293:14 351:17 419:19  
 436:5 458:3,4  
**setting** 89:20 90:2  
 189:16 239:4 430:22  
 457:16  
**settled** 459:13  
**seven** 104:7 110:20  
 180:7 220:16 272:11  
 421:7  
**seven-** 311:9  
**severe** 79:19 209:13  
 214:2 224:13 367:19  
 374:15 417:13 433:20  
**severely** 27:7 106:3  
 161:8 212:5 368:21  
 432:20  
**severity** 82:7  
**sew** 221:8  
**sewage** 378:7  
**sewing** 262:12 269:5  
 270:20  
**shadow** 305:21  
**shafts** 109:20  
**shale** 363:8  
**Shamie** 3:3 5:4 88:9,10  
 88:12,15 91:16 95:8,9  
 140:13,17 141:4,18  
 141:21 142:7  
**shampoo** 27:13  
**shampoos** 26:9  
**Shandong** 400:3  
**Shanon** 2:19 6:16  
 425:22 426:5 447:14  
**shapes** 212:10  
**share** 14:4 80:7 101:10  
 153:11 177:21 179:3  
 224:11 229:6 246:10  
 255:1 298:8 308:15  
 332:19 351:12 352:18  
 386:5 402:4,16 442:8  
 453:21

**shared** 292:12  
**shares** 175:12  
**sharing** 260:6 306:18  
**SHARON** 1:22  
**sheds** 208:14  
**sheep** 43:8,18 45:2  
**sheer** 36:19  
**sheets** 316:22  
**Shelbi** 1:17 285:4  
**shell** 456:13  
**shelving** 395:5  
**Sherrill** 2:20 5:9 264:6  
 264:12  
**shift** 30:3 97:19 98:15  
 246:4 287:9,22  
 310:22 317:18 393:22  
 439:22  
**shifted** 35:6 244:12  
**shifters** 355:1  
**shifting** 99:1 130:4  
 261:22 287:11,14  
 319:22 406:4  
**shifts** 288:2  
**ship** 237:3,14 241:14  
 311:17 332:13 399:6  
**shipment** 172:9 435:8  
**shipped** 13:20 16:12  
 24:19 57:15 236:14  
 364:17 399:2,5  
**shipper** 422:19  
**shippers** 423:19  
**shipping** 99:4 210:18  
 210:19 211:1 236:21  
 241:13 246:21 453:14  
**ships** 13:18 15:2,5  
**shocked** 267:2  
**shoes** 264:18  
**shop** 125:19 249:3  
 298:5 300:2 309:9,11  
**shop's** 249:7  
**shopping** 395:8  
**shops** 79:21 175:9  
 299:16  
**short** 19:14 42:9 187:2  
 281:7,17 282:6  
 311:11 371:7 385:17  
 402:21 403:10 454:18  
**short-** 433:4  
**shortage** 303:14 346:8  
**shortages** 339:3 367:21  
 369:5  
**shorter** 240:22 354:8  
**shortfall** 131:19  
**shortly** 333:16  
**shoulder** 392:18  
**show** 152:13,18 155:16  
 454:21  
**showed** 454:12,13

**shower** 174:11 176:18  
**showrooms** 175:10  
**shows** 15:7 73:2 104:4  
 152:6 425:1  
**shrink** 306:5 444:15  
**shutter** 310:4  
**sibling** 93:14  
**side** 63:5,6 91:6 166:5  
 192:15 247:6,12  
 330:3  
**sidewalls** 103:11  
**siding** 46:14  
**SIDS** 32:1 34:14 90:21  
 92:3 93:17  
**siege** 425:6  
**sign** 104:5  
**signals** 305:14  
**significant** 9:17 10:19  
 11:3,20 13:20 24:5  
 27:11 28:14 30:2,5  
 35:13 38:5 47:8 49:3  
 51:2 76:4 78:20 102:6  
 110:2 111:18 115:6  
 118:5 121:4 123:20  
 124:1 157:21 167:10  
 176:9,15 181:20  
 182:14 184:7 192:14  
 199:18 200:8 208:16  
 233:4 256:10 258:12  
 281:20 297:19 299:3  
 323:3 325:13 333:14  
 339:9 357:7 358:11  
 370:6 376:3 401:22  
 417:9 419:21 421:15  
 432:1,15 435:20  
 438:17,19 439:15  
 443:14  
**significantly** 26:5 35:20  
 86:3 108:21 120:14  
 129:13,15 176:10  
 199:10 215:8 277:5  
 279:9 306:4,9 317:18  
 329:19 366:9 394:3  
 414:7 423:18  
**silicon's** 397:17  
**silicones** 358:16  
**similar** 39:20 62:8 66:9  
 74:20 103:16 111:2  
 135:2 161:6 172:10  
 186:12 189:7 194:10  
 220:1,3 237:18,21  
 240:15 376:13 379:14  
 456:14 460:11  
**similarly** 28:1 255:9  
 261:19 301:4 395:11  
**Simmons** 95:1  
**simple** 143:10 264:22  
 305:6 331:2 354:19

376:11 395:7 450:17  
 450:20  
**simply** 40:11 52:16  
 100:11 107:20 148:6  
 171:1 181:22 186:18  
 196:2 204:22 209:21  
 224:6 226:1 228:7  
 266:7 327:12 335:12  
 353:11 358:4 360:12  
 366:5 395:10 420:16  
 431:14,19 433:8  
 434:6 435:11,22  
**simulation** 302:17  
**simultaneously** 46:19  
 306:10  
**sincerely** 280:8  
**sincerest** 436:8  
**single** 74:2 253:3  
 291:22 292:18 324:2  
 339:11 359:8 452:15  
**single-only** 384:2  
**singularly** 435:13  
**sinks** 174:12 176:18  
**sir** 64:2 65:2,12 95:7  
 124:16 295:16 409:9  
 448:13 449:9  
**sister** 158:1 388:7  
 390:9  
**sit** 12:6 140:3 356:2  
**site** 20:4 21:12 270:8  
 379:19 400:1  
**sitting** 249:19 461:2  
**situated** 395:12  
**situation** 100:2,4 162:9  
 375:3,4 403:9 408:5  
 450:11  
**Situations** 92:7  
**six** 12:1 19:21 164:19  
 195:19 217:13 234:18  
 323:19 389:16 407:9  
**six-minute** 296:9,12  
**size** 43:12 44:13 210:21  
 236:17 240:10,15  
 241:14 247:10 306:21  
**sized** 43:17 44:11,16,19  
 63:11 64:10,11 121:3  
 396:19 419:7 432:8  
 438:18  
**sizes** 62:14,17 103:5  
 226:21 236:21 237:1  
**sizing** 44:3 61:15 64:5,6  
**sizings** 43:13  
**Sizzix** 213:13  
**skeletons** 302:16  
 344:18  
**skews** 143:7,11 201:4  
**skilled** 50:21 266:19  
 303:14 323:11,15

**skills** 221:7 245:13,21  
 302:19  
**skin-** 23:16  
**SKUs** 120:12 124:15  
 446:11 452:18  
**skyrocketing** 282:5  
**slats** 217:21 218:4,15  
**slaughter** 43:8  
**slaughtered** 62:9  
**slaughterhouse** 42:19  
**sleep** 32:1 90:11,12,14  
 90:16 142:4 232:12  
**sleep-related** 34:14  
**sleeping** 90:7 93:13,20  
 94:2 232:13,15  
**slightly** 165:1  
**slim** 421:8  
**slings** 326:13  
**slow** 184:9  
**slowdown** 365:9  
**slurry** 456:15,16  
**small** 1:18 15:3 19:2  
 23:2 29:11,16,22  
 31:20 32:22 33:6  
 42:20 43:6 49:10  
 58:18 107:5 112:12  
 121:2 123:9,11  
 151:17,17,21 152:12  
 155:5 161:10 193:10  
 212:8,14 213:3 214:3  
 215:19 217:2 232:14  
 234:22 242:19,21  
 246:13 253:2,21  
 258:4 260:9 263:4  
 265:8,8,16 268:7  
 269:15 270:13 284:8  
 292:20 299:12 300:6  
 302:10 305:19 307:17  
 367:6,10 371:15  
 373:4,8,10 382:20  
 384:16 387:3 392:18  
 394:21 396:18 397:17  
 408:18 416:18 419:7  
 432:8 438:17,21,22  
 439:3,5,6  
**smaller** 30:1 48:1 127:1  
 165:8 193:11,14  
 227:2 247:15 371:17  
 394:11 402:14  
**smallest** 420:17  
**smart** 127:17  
**smelly** 454:2,20  
**smelt** 81:16  
**Smith** 3:3 5:19 331:16  
 331:18,19,19 336:18  
 342:15 353:4,10  
**smoke** 373:21  
**smuggled** 414:15

**Smyrna** 52:10  
**snack** 249:6  
**SNF** 3:1 6:5 377:2,12,17  
 378:20 379:7,12  
 380:10,11  
**snowball** 251:13  
**so-** 454:1  
**soap** 27:13  
**social** 73:20 220:22  
**societal** 26:10  
**Society** 89:21  
**sodium** 368:13 369:17  
**softer** 23:17  
**sold** 24:9,10 61:17 63:4  
 68:20 89:15 115:13  
 161:11 174:5,10  
 175:7 220:11 251:15  
 270:8 282:7 292:20  
 311:5 332:4 334:21  
 335:17 353:7 358:9  
 367:9 373:19 413:6  
 414:11,16 415:5  
 423:13 425:1 427:5  
**soldier** 304:3  
**soldiers** 385:11,14,19  
**sole** 25:4 52:22 67:17  
 220:10 255:19 359:9  
 373:20 401:4  
**solely** 345:2,10 358:6  
**solicit** 376:14  
**solid** 170:5  
**Soltau** 3:4 5:10 268:13  
 268:15,16,17 273:17  
 291:19 292:1 293:4  
 293:19,22  
**soluble** 377:16  
**solution** 273:7 282:13  
**solutions** 51:6 109:4  
 186:3 260:21 393:5  
**Solvay** 368:14  
**solve** 212:9 447:8  
**solves** 267:7 335:1  
**son** 249:20 309:17  
**soon** 21:13 104:5  
 309:10 403:15  
**sooner** 232:6  
**sorry** 63:9 64:1 372:8  
 399:11 404:6 405:21  
 430:4 448:2 449:6  
 455:14  
**sort** 68:10 344:1,16  
 348:20 420:6  
**sorted** 43:12  
**sorts** 68:22  
**sought** 212:9  
**sound** 280:22  
**source** 2:16 5:16 39:6  
 39:16 48:5 52:17,22

54:4 58:22 60:13 61:6  
 67:12,16 74:11 81:4  
 81:10 127:2 133:17  
 133:19 141:1 148:15  
 158:15 159:21 173:2  
 181:16,22 182:6  
 198:9,22 209:14,20  
 210:13,16 216:2  
 220:10 221:3 223:8  
 226:18 238:3,7 241:5  
 241:5 251:19 255:19  
 255:22 256:5 286:7  
 288:3 291:13 304:10  
 304:18 313:22 314:3  
 315:16,19 317:2  
 335:14 338:13 343:12  
 359:14,19 360:8,12  
 361:15 378:10 384:2  
 386:11 389:22 407:20  
 409:3 419:22 435:9  
 435:17 449:16 450:3  
 459:14  
**sourced** 33:14,22 48:2  
 59:14,16,18 141:5  
 189:12 198:2 199:16  
 210:20 233:3 236:7  
 298:22 299:2 397:7  
 436:22 460:17  
**sources** 39:8 47:14  
 52:19 57:22 58:11  
 59:8 111:1 125:10  
 126:12,14 127:14,22  
 133:21 134:12,13  
 135:4,7,9 142:10  
 148:12 165:5 167:6  
 169:15,18 171:18,19  
 172:22 186:13,19  
 192:1,5 197:6,13  
 200:13 210:11 234:10  
 245:11 246:2 252:6  
 255:20 257:5 261:14  
 286:5,12,18 313:19  
 314:9,11,16 318:15  
 320:1,2 324:5 351:6  
 358:5 361:2 398:17  
 420:4,8,11,14 428:17  
 434:14 435:15  
**sourcing** 34:2 38:17  
 59:21 60:6 94:19  
 97:15 115:2 127:12  
 148:5 198:15 205:2  
 226:2,14 257:1,15  
 261:11 262:8,15  
 263:3 271:21 283:8  
 283:11 285:18,19  
 286:10 287:19 291:7  
 300:14 311:1 347:14  
 355:7 407:22 409:12

428:21 442:19 444:14  
 461:1  
**South** 119:3 192:6,7,10  
 310:8,11 312:5  
 372:21 373:8 384:1  
 410:10  
**Southeast** 98:16,21  
 99:2,6 130:4,22  
**space** 332:8  
**spacer** 243:4  
**Spain** 401:3  
**span** 240:22  
**spanning** 121:15  
**spans** 240:22  
**speak** 19:12 38:10  
 75:12 168:13 198:19  
 333:5 347:7 397:13  
**speakers** 333:17  
**speaking** 33:11 87:1  
 168:15  
**special** 132:6,7 133:5,9  
 437:6  
**specialized** 312:15  
 344:14  
**specializing** 146:3  
**specialties** 69:17  
 303:18  
**specialty** 37:2 38:7,14  
 40:11,21 51:20 54:18  
 68:7,9,21 69:2 132:6  
 188:12 266:1,14  
 267:1 314:1 356:12  
 358:14 359:20 372:20  
 373:17 374:7 375:20  
 393:9  
**species** 13:9 209:17  
 237:10,10 240:7,13  
 240:15 419:13 446:3  
**specific** 14:13 20:17  
 111:22 113:7 162:16  
 170:14 182:21 187:10  
 196:19 197:11 198:4  
 232:2 244:15 256:19  
 259:4 294:11 327:8  
 349:19 350:20 387:10  
 388:12 393:14 397:16  
 398:16 419:12,19  
 427:10 446:3  
**specifically** 32:12,18  
 67:9 88:21 97:10  
 102:12 107:14 109:2  
 139:2 147:20 190:12  
 227:10 263:13 275:7  
 390:15 446:10 451:20  
**specification** 68:20  
 69:5,6,8 435:6  
**specifications** 147:20  
 153:5,8,14 171:5

226:9 358:22 393:21  
457:10  
**specifying** 91:8  
**specimen** 322:4  
**spectrum** 206:8  
**speculate** 293:1  
**speech** 310:12  
**speed** 135:10 368:2  
**spend** 91:19 131:3  
206:8 250:5 255:8  
441:20  
**spending** 178:3 255:2  
333:7 421:13  
**spent** 105:11 225:19  
244:3 442:2  
**spill** 248:9  
**spirit** 421:21  
**spite** 271:22  
**spoke** 23:4 126:17  
**spokes** 354:22  
**sporting** 309:6 332:12  
**sports** 119:10  
**spring** 257:20  
**SQF** 458:1  
**square** 332:8  
**St** 102:13,16 103:3,14  
272:14  
**stability** 180:3 427:1  
**stabilize** 417:19  
**stabilizer** 47:1,10,12,18  
47:22 48:8,10 49:19  
**stabilizers** 46:11,11,12  
46:17 47:6,6,8 48:14  
49:13,16  
**stable** 280:10,21  
**Stackpole** 3:4 4:19  
173:12,14,15,21  
179:6 196:10,18  
197:2,8 198:3  
**staff** 1:21 10:5 242:19  
306:22 435:3 440:4  
**stage** 73:13 232:6  
**staggering** 424:21  
**stain** 240:14  
**stainless** 223:13  
**stake** 457:15  
**stamping** 130:13  
**stand** 49:5 385:9  
461:11  
**standalone** 394:11  
**standard** 81:15 89:19  
90:2 180:20 189:16  
197:22 219:4,8,21  
221:9 315:18 344:16  
457:9,9 460:2  
**standards** 59:22 90:3  
91:2,4,12,17,20 92:13  
93:4 121:21 141:8

147:14 153:5,20,22  
154:4 172:16 197:20  
206:14 226:11 231:10  
242:19 243:6,8  
**standing** 326:14  
**standoff** 73:22  
**standpoint** 434:10  
**stands** 27:7 425:13  
430:17 451:19  
**staples** 255:1  
**start** 9:12 20:10 198:20  
226:1 246:3 248:4  
283:5 284:10 364:9  
374:19 410:21  
**started** 70:22 77:8  
163:9 200:12 250:8  
257:4 264:14,21  
266:19 283:16 289:10  
355:18 382:19 402:22  
410:9  
**starters** 120:11,13  
122:12,19 123:18  
**starting** 265:13 312:11  
324:9 326:9 410:15  
**starts** 355:4  
**startup** 148:15 266:7  
**Starwood** 274:17  
**state** 1:15 10:9,11,13  
11:14,18 12:9 22:7  
77:17 119:4,14  
189:18 190:2 219:14  
243:21 285:3 302:14  
353:5 383:4 423:3  
426:5 439:9 440:9  
**state-** 413:17  
**state-of-the-** 51:3  
**stated** 49:21 61:4 106:8  
163:4 181:11 235:7  
253:10 335:8 386:16  
387:2 404:8 429:10  
429:17 446:20  
**statement** 4:2 57:20  
60:9 83:8 127:11  
192:19 207:2  
**States'** 88:2 333:2  
**States-based** 112:13  
**States-China** 328:1  
**stationary** 204:8  
**stations** 174:13  
**statistic** 134:17 199:8  
**statistics** 244:21  
280:17 326:22 439:1  
**stay** 99:16 249:5 268:8  
299:21 400:6  
**stayed** 286:13  
**STB** 133:8  
**steady** 49:3  
**steaks** 438:10

**steam-ship** 131:4  
**steel** 96:4,13 98:6  
103:17,21 104:14  
105:3 106:1,14 134:5  
147:18 148:20 157:7  
177:13 189:8 223:1  
223:12 310:17 315:13  
315:14 365:13 392:13  
393:17 395:21 417:12  
427:21  
**steep** 413:19  
**steeply** 414:12 424:10  
**steering** 125:14  
**Stein** 3:5 4:13 106:20  
106:21 107:1,3  
113:10 134:21 135:8  
136:12  
**Steindecker** 3:6 5:4  
222:16,18,19,20  
228:19 244:6,14  
**step** 289:20  
**Step2** 2:6 5:2 207:6,9  
207:12 211:10  
**Stephens** 1:19 22:8,8  
61:1,4 62:7,13  
**steps** 42:17 295:14  
324:16 379:7,10  
380:1 425:19 449:13  
**Stershic** 3:6 4:8 45:14  
45:16,17,18 50:4 66:1  
66:8  
**Steve** 216:22  
**Steven** 2:18 5:3 216:18  
**Stewardship** 437:1  
**stimulate** 313:10  
**stock** 213:2 281:17  
344:17  
**stocks** 460:10  
**Stoel** 3:7 83:2,3,5,6  
88:8 127:11,16  
129:10 130:16  
**Stoel's** 131:13  
**stolen** 305:3  
**stomach** 42:3  
**stop** 81:18  
**stopped** 263:9 319:21  
**storage** 93:6 399:5  
**store** 83:17 125:18  
227:19 253:3 393:10  
393:12 411:11,14  
454:3  
**stored** 340:17  
**stores** 3:4 5:10 91:14  
175:8 220:8 249:22  
251:16 253:4 268:14  
268:18 269:1,7 292:3  
332:12,12 392:21  
393:5,9,9 413:12

**storm** 108:3 440:12  
**story** 89:14 212:7  
278:18 404:11  
**stoves** 363:15  
**STPP** 369:18,18 371:4  
371:5,9,10,14  
**STR** 133:5  
**Straff** 3:8 6:7 387:14,16  
387:17 392:7 408:7  
408:15,17,21 409:5  
**straightforward** 89:3  
**strangulation** 93:17  
**strategic** 14:5 71:19  
83:18 143:11 431:4  
**strategically** 213:18  
216:4 304:10  
**strategies** 257:15  
**strategy** 191:13 271:7  
323:1  
**straw** 431:10,18 452:15  
453:12  
**straws** 452:7,7,8,10,10  
453:9,15  
**stream** 37:21 104:1  
**Street** 1:10  
**strength** 209:22 237:1  
241:1 247:8,12  
319:10  
**strengthen** 204:11  
**strengthened** 103:11  
**strengths** 226:13  
**stress** 346:4  
**strict** 225:11 251:4  
**stricter** 91:9  
**strictest** 437:15  
**strictly** 96:11 97:1  
**strike** 348:17  
**stringent** 243:6 358:22  
**strip** 164:14  
**stroller** 136:8 204:1,5  
**strollers** 33:17 202:8  
229:8  
**strong** 17:2 29:6 51:18  
102:1 244:17 269:5  
269:20 356:18  
**stronger** 91:7,9 225:21  
247:16  
**strongly** 206:20 228:11  
254:14 362:16 364:6  
366:12 376:17 412:17  
421:17 440:12  
**structure** 371:15  
**structured** 236:20  
275:10  
**structures** 208:6  
**struggle** 139:9 201:5  
206:6  
**struggling** 264:20

320:8  
**student** 10:4  
**students** 250:3 302:13  
 302:18 303:7 304:11  
 306:14  
**studies** 164:3 218:13  
 323:14  
**study** 28:15 323:17  
**studying** 311:20  
**stuff** 95:3 100:11  
 132:12 450:19 456:12  
**stuffing** 275:8  
**style** 161:2  
**sub-** 33:8  
**sub-sea** 183:20  
**subcommittee** 12:7  
 341:10  
**subcommittee's** 338:1  
**subcomponents**  
 115:22  
**subcontractors** 96:19  
**subheading** 42:2 46:4  
 49:21 55:14,18 157:2  
 158:20,21 159:3,4,8  
 161:19 186:9 216:11  
 216:12 217:6 222:6,9  
 238:10,15,18 275:7  
 279:11 378:13,14  
**subheadings** 8:14 31:6  
 31:10 36:4,20 37:2,18  
 38:9 41:11 52:2 96:10  
 120:7,16 159:4  
 168:21 208:8,9,12,15  
 211:13 362:17 366:13  
 419:13 438:8  
**subject** 37:3 42:6 61:20  
 62:15,19,21 63:2,6,12  
 64:12,19 99:8 106:2  
 110:1 148:19 149:5  
 149:14 153:1 159:5,8  
 161:20 189:14 205:17  
 223:15 231:9 255:14  
 260:17 271:2,4 314:7  
 318:7,20 322:21  
 374:18 396:13 418:7  
 418:15,22 421:6  
**subjected** 36:5 150:11  
 234:9 371:6 385:4,10  
**Subjecting** 154:17  
 217:9  
**submission** 38:12 41:8  
 41:12 57:18 65:9,21  
 117:19 120:10 208:11  
 211:14 231:3 255:4  
 256:13 343:7 349:13  
 349:16 387:11 398:12  
 446:19  
**submissions** 9:4 20:21

21:8  
**submit** 54:15 56:19  
 196:17,18,19 280:8  
 341:7 361:20 442:22  
**submits** 35:14 88:4  
**submittal** 404:16,17  
**submitted** 9:5 36:5  
 74:21 96:9 145:19  
 404:15  
**submitting** 193:2 273:9  
**subs** 135:17  
**subsegments** 68:15  
**subsequent** 360:1  
**subsequently** 37:20  
 334:16  
**subsets** 450:16  
**subsidiaries** 50:12  
 168:17  
**subsidiary** 51:5 207:13  
 379:18 400:2  
**subsides** 41:3  
**subsidize** 252:7  
**subsidizes** 72:5  
**subspecies** 446:9  
**substances** 27:16  
**substantial** 26:3 48:15  
 149:11 261:5 269:12  
 319:4 329:1 417:21  
 428:19 448:6  
**substantially** 113:2  
 319:19  
**substitute** 158:16 171:2  
 319:18  
**substituted** 240:16  
 429:8  
**substrates** 237:5  
 241:10  
**suburb** 107:5  
**success** 52:3 175:5  
 212:7 357:4 360:4  
 415:18 431:9  
**successful** 181:10  
 193:13  
**Sudan** 340:9  
**sudden** 92:3  
**suffer** 44:10 190:17  
 208:16 214:17 272:21  
 307:19  
**suffered** 326:13  
**suffering** 427:20  
**sufficiency** 163:13  
**sufficient** 39:9 40:9  
 103:6 105:2 143:17  
 162:22 163:19 170:8  
 171:11 192:8 225:1  
 246:8 325:6 359:10  
 391:10  
**sufficiently** 66:6

**suffocated** 94:1  
**suffocation** 93:17  
 218:19  
**sugars** 414:20  
**suggest** 131:18 255:12  
 256:1 296:1  
**suggested** 277:8  
**suggesting** 288:18  
**suggestions** 252:3  
 287:18  
**suggests** 30:17 61:6  
**suit** 48:12  
**suitable** 171:1 429:14  
**sulfanilic** 375:12 376:1  
 376:5  
**sulfate** 168:20 183:4  
**Sullivan** 9:13,14 19:11  
**sum** 88:4  
**summarize** 150:9  
 245:12  
**summarized** 229:22  
**summary** 312:20  
**summer** 364:10  
**sunk** 214:7 239:4,15,18  
**super** 12:9  
**superior** 162:11 250:16  
 283:17  
**supplement** 343:8  
 344:16  
**supplemental** 8:11,12  
 8:16,21 9:2,9 46:6  
 48:6 49:13 108:16  
 362:18 366:14  
**supplemented** 310:1  
**supplied** 147:2 276:6  
 338:16 353:5 355:16  
 359:21 379:9 406:5,6  
 407:5  
**supplier** 29:22 42:15  
 47:14 55:9 74:6 94:4  
 94:6 97:21 98:4  
 112:13 117:5,11  
 119:5 140:22 147:4  
 162:13 261:16,18,20  
 261:20 267:13 309:5  
 314:1,22 315:3 317:9  
 319:16 326:11 348:10  
 359:8 376:4 379:13  
 408:10 409:10,14  
**suppliers** 24:9 30:15,19  
 39:10,22 59:10 66:3  
 81:13 97:22 101:16  
 114:2 116:15,18  
 117:3 118:6 130:4  
 181:18 188:6 190:3,9  
 191:3 227:14 229:10  
 251:6 256:6 271:11  
 277:17 280:22 281:12

338:21,22 342:6  
 346:7 355:10,17  
 386:6 397:8 408:11  
 434:16,19  
**supplies** 58:4 104:8  
 110:15 152:9 174:9  
 195:17 209:3 215:6  
 254:10,13 315:1  
 319:9 321:13 426:14  
**supply/demand** 60:15  
**supplying** 58:9 113:21  
 157:5 283:18 349:21  
 378:3 427:5  
**support** 18:3 40:2 41:2  
 53:20 79:16 101:21  
 115:8 116:13 118:1  
 146:6 150:3 183:19  
 185:4 201:9 208:3  
 253:11 263:20 273:4  
 277:17 303:22 304:13  
 306:9 328:20 334:15  
 361:5 374:10 376:18  
 383:4,15 406:18  
 412:20 422:21 433:18  
 434:3 442:10 443:19  
 452:2  
**supported** 15:22 30:19  
 305:7 404:13  
**supporter** 356:18 357:2  
**supporting** 28:19 68:1  
 175:4 180:1 253:6  
 416:20 430:22  
**supportive** 10:18 11:1  
 223:19  
**supports** 79:5 91:9  
 149:21 175:15 184:16  
 263:19 272:14 412:17  
 441:17  
**supposed** 106:9 347:15  
**Supreme** 305:17  
**Surely** 94:13 271:5  
**surface** 170:5 183:20  
**surgeon** 304:16 344:11  
**surgeons** 303:4  
**surgery** 321:15 323:6  
 344:10,12  
**Surgical** 350:11  
**surplus** 73:12  
**surrounding** 328:3  
**survey** 258:3 262:22  
 263:2,6 314:13  
 346:22  
**survival** 320:12  
**survive** 307:9 394:7  
**suspect** 87:8  
**suspend** 421:17  
**suspension** 125:14  
 376:15

**sustain** 112:6 367:17  
**sustainability** 436:21  
 437:2,9 439:19 459:9  
**sustainable** 186:3  
 210:5 439:22  
**sustainably** 13:10  
**sustainably-caught**  
 460:8  
**SUV** 87:21  
**SW** 1:10  
**swap** 457:18  
**swaths** 258:11  
**swimming** 330:20  
**swings** 207:16 230:22  
 247:6  
**swingsets** 207:15  
**Swiss-owned** 24:18  
**switch** 59:21 172:22  
 234:13 458:16 460:4  
**sympathetic** 300:7  
**syndrome** 92:3  
**synthetic** 338:11,14  
 339:21 340:8,9,12,15  
**syrup** 414:20  
**system** 10:20 76:12  
 80:9 174:15 240:1  
 324:14 325:1 376:9  
 376:11,13  
**systems** 113:21 116:14  
 157:11 203:14,22  
 234:8,20 235:16  
 300:21 325:14 375:20  
 390:14

## T

**T-A-B-L-E** 4:1  
**table** 73:2 178:15  
 187:17  
**tables** 33:17 140:3  
**tablets** 24:2,3 337:6  
**tableware** 456:1  
**tactics** 11:7 160:6  
 396:1 447:5  
**TAED** 368:5,7,11,17,18  
 369:2,9  
**tainted** 414:22  
**Taiwan** 48:18 142:20  
 143:20 311:7 328:4  
 328:11 329:2 344:21  
 345:8,13 351:5  
 410:10 451:22  
**Taiwan's** 328:2  
**Taiwanese** 329:8 330:7  
 352:8  
**Taiwanese-owned**  
 329:7  
**taken** 8:11 9:10 78:3  
 330:7 347:20 348:2

362:19 366:14 379:7  
**takes** 135:14 143:4,8  
 195:12 226:19 262:8  
 263:2 287:5 288:4  
 293:9 351:16 355:14  
 420:15  
**talk** 11:10 60:13 133:20  
 354:22 368:2 411:19  
**talked** 12:14 133:15  
 166:11 287:10 291:3  
 455:14  
**talking** 128:6,8,14  
 132:1,2,2 134:3 152:7  
 155:8 199:12 262:7  
 289:8,10 294:15  
 349:4,6 451:2  
**tank** 399:6  
**tanks** 106:1,14 134:4  
**taps** 189:7  
**target** 14:21 84:13  
 89:16 181:1 182:22  
 184:17 215:15 220:7  
 224:5 309:6 453:10  
**targeted** 14:16 117:14  
 150:15 183:10 205:14  
 363:18 434:1  
**targeting** 84:16 273:6  
**Tarpley** 3:8 4:20 179:7  
 179:9,10 185:11  
 198:8,16 200:7  
**task** 72:9 265:6 267:9  
**taught** 367:2  
**tax** 28:8 116:9 216:3  
 260:14,18 263:22  
 270:20 305:18 365:2  
 365:10 386:7 444:18  
**tax-** 444:20  
**taxes** 151:16 178:7  
 258:15 268:10 271:5  
 326:21  
**taxing** 87:19 88:4  
**taxpayer-** 306:14  
**taxpayers** 306:6 308:12  
**TCS** 329:5 352:5  
**teach** 302:22 304:22  
**teachers** 215:2 304:12  
**teaches** 92:19  
**team** 2:12,14 5:15 6:17  
 11:6 12:21 17:14  
 121:22 122:16 212:13  
 308:21 430:1 434:17  
**teams** 230:10  
**tech** 42:13 84:13  
 199:13,14 224:19  
 384:11 386:19  
**technical** 29:4 182:7  
**technically** 406:19  
**technicians** 115:18

**techniques** 447:1  
**technological** 180:2  
 300:19  
**technologies** 160:11  
 224:7 306:13 361:12  
**technology** 7:9 30:12  
 36:16 54:7 72:7 79:8  
 100:6,10,13,14  
 106:11 121:11 153:6  
 159:16,18 160:9,17  
 177:7 178:17 179:18  
 181:5 191:8,10,11,16  
 205:18 223:22 224:11  
 230:12 235:3 272:6  
 300:13 301:6 303:21  
 307:6 320:21,22  
 322:18,20,22 323:2  
 327:9 329:6 333:21  
 344:5 395:1,3 396:4,6  
 426:20 438:13 443:5  
**technology-oriented**  
 272:3  
**technology-related**  
 224:8  
**tell** 104:6 140:20 347:10  
 407:14 460:1  
**temperatures** 23:18  
 170:17  
**temporarily** 421:10  
**temporary** 119:20  
 152:5 381:21  
**ten** 104:3,18 143:7  
 272:12 317:11 377:17  
 417:17 432:19  
**ten-year** 311:10  
**tend** 440:6  
**Tennessee** 51:4,6,16  
 52:10  
**tens** 53:13 245:16  
 246:12 269:18  
**tenure** 235:22  
**Teo** 3:9 5:20 336:20,21  
 336:22 337:2 341:18  
 355:5,9  
**term** 38:6 68:7,14 187:2  
 187:2 196:3 214:10  
 216:2 239:6  
**termed** 125:16  
**terminate** 124:3  
**termination** 334:17  
**termites** 241:2  
**terms** 127:1 245:3  
 346:2 354:16 399:14  
 420:1  
**Terracess** 426:14,15,21  
 426:22 427:4,8 429:5  
 429:6,8,9  
**territories** 437:6 439:12

440:15  
**Tesla** 51:10 347:14  
**test** 60:3 92:16 154:3  
 227:8  
**tested** 33:20 34:5  
 449:14  
**testified** 63:21 64:20  
 68:5 102:19 103:22  
 131:13 234:5 244:7  
 258:14 281:10 286:22  
 291:19 295:11 329:13  
 342:12,15 456:7  
**testify** 20:3,5 26:22  
 31:12 36:15 82:19  
 88:14 113:15 118:11  
 118:20 173:17 179:12  
 207:11 222:13 252:21  
 258:22 259:12 264:11  
 268:19 273:13 296:21  
 302:2 332:2 337:1  
 362:11 383:6 396:20  
 416:4 445:2  
**testifying** 83:20 383:11  
**testimony** 9:1,7 20:9,11  
 20:13 36:8 41:7 55:3  
 67:6 74:21 77:8 78:3  
 78:4 125:3,5 126:10  
 130:12 131:13,21  
 134:18 136:14,18  
 140:14 145:19,22  
 151:9 162:1 183:22  
 184:6 191:20 193:19  
 194:20 196:20 198:8  
 202:4 203:12 228:16  
 234:4 235:7 238:14  
 239:11 241:20 253:11  
 260:22 283:4 285:14  
 291:3 337:18 341:20  
 341:22 343:19 346:12  
 353:5 373:3 376:19  
 397:3 398:22 400:20  
 401:16 408:8 426:7  
 430:10,12 445:5  
 446:19 450:5 455:6  
**testing** 34:1 35:2 60:3  
 89:21 91:10 172:8  
 227:13 243:19 284:4  
 284:4 287:4 437:14  
**tests** 190:21  
**Texas** 4:12 47:4 96:18  
 102:9 156:12 199:7  
 249:22 368:14  
**textile** 2:8 5:7 217:8  
 250:10 252:10 262:6  
 280:2,4,11,14,19  
 281:10 282:12,19,20  
 290:2 295:12 296:5  
 356:20 360:3,5

382:22 383:12 384:22  
386:1 398:7  
**textiles** 3:17 5:11 221:6  
221:8 249:16,21  
250:1,11 261:3  
265:21 279:18 280:1  
284:19 356:13  
**Thai** 130:19  
**Thailand** 86:11 98:20  
103:21 127:13,21  
130:8,14 131:16  
132:11 133:3 200:20  
414:10 454:11,12  
457:12 459:3,18  
**thankfully** 286:8  
**thanks** 62:13 67:3 70:6  
118:19 144:21 145:3  
191:17 198:6 201:13  
247:22 259:10 264:2  
293:18 355:21 412:3  
461:10  
**theft** 308:7  
**therapists** 303:3  
**thereof** 109:13  
**thereon** 314:6 318:22  
**thermometers** 418:21  
**thickness** 247:9  
**thimbles** 223:17  
**thin** 74:8 149:3 323:9  
**things** 56:7 137:5,5,12  
138:5,17 241:9 247:7  
289:12 313:11 347:12  
405:6 406:4 418:12  
451:14,15  
**thinner** 240:21,22  
247:15 323:13  
**third** 28:2 85:7,9,11,20  
114:10 115:10 123:18  
128:11 186:21 187:5  
214:11 226:4,14,14  
238:4 244:9 250:5  
269:10 273:10 319:16  
324:9 340:14 355:14  
370:18 397:8 398:15  
410:4 412:11 414:15  
422:18 447:16 449:18  
**third-** 437:13  
**third-party** 434:16  
**Thomas** 2:15 6:18  
436:10,13  
**thorough** 446:15  
**thoroughly** 308:11  
**thought** 56:8  
**thousand** 142:14  
143:10 165:2 174:21  
175:9 176:22 177:1  
180:6 185:5 201:4  
227:12 342:21 399:22

**thousands** 45:3 53:13  
94:1 175:4 226:20  
246:12 263:19 269:19  
270:13 281:19 291:16  
301:12 320:3 332:10  
333:11 335:10,11  
383:12 386:22 443:16  
**threat** 75:3 100:9 257:1  
263:9 333:15 335:9  
363:3  
**threaten** 253:18 320:12  
340:9 341:11  
**threatened** 317:16  
411:20  
**threatening** 87:7  
**threatens** 149:8 220:4  
363:6  
**threats** 263:13  
**three** 2:12 6:17 11:15  
36:17 78:22 104:9  
105:10 143:9 152:22  
153:2 155:17 176:6  
182:21 183:17 184:1  
190:7 193:6 200:7  
208:9,14 212:16  
234:14 252:5 256:15  
264:16,20 265:2  
272:8 287:22 292:16  
296:10 315:3 320:14  
320:20 327:8 334:16  
339:20 349:3 359:6  
369:20 370:7 371:2  
380:17 394:1,16  
406:14 413:14 430:1  
430:2,3 433:10  
434:17 436:5 450:15  
451:3 454:19  
**three-** 424:3  
**three-generation**  
392:16  
**Three-quarters** 397:20  
**three-year** 410:22  
450:8  
**throws** 241:15  
**THURSDAY** 1:7  
**ticking** 250:1  
**tidal** 243:12  
**tie** 86:1  
**tier** 85:11,13 108:7  
128:11 147:3  
**tiers** 85:6,8,10  
**tight** 144:9 269:16  
281:5 316:8 404:18  
405:9  
**tile** 360:21  
**till** 248:19  
**Tim** 3:8 4:20 179:7  
249:20

**time's** 168:6  
**time-consuming**  
324:10  
**times** 90:18 93:11  
169:16 180:7 193:7  
225:20 227:1 293:10  
316:2 317:6 326:15  
354:8  
**timetable** 411:6  
**timing** 404:2  
**tin** 46:12,17 47:6,7  
**tiny** 240:19  
**tire** 3:7,11 4:11,12 83:2  
83:10,11,14,14,17,17  
83:19,21 85:5 86:17  
87:7 95:11,14,17,22  
95:22 96:15 97:8 98:8  
98:14,18,19 99:18  
100:1,6 125:14  
127:14 128:7 130:18  
132:6 140:8,9 328:21  
329:5 351:14,17,22  
**Tire's** 97:19  
**tires** 83:22 84:11,15,17  
84:21,22 85:9,11,13  
85:17,19,22 86:1,6,10  
86:13 87:2,5,6,12,15  
87:19,21,22 88:5 96:4  
96:12 97:15 98:11,12  
99:7 100:10,12,16,20  
102:9,12,14,15,16,20  
102:22 103:3,8,14  
106:1,13 128:15,16  
128:20,21 129:5,12  
129:19 130:20 131:15  
131:15 133:3,5,7  
134:4 135:12,17  
139:11,14,14,15  
299:16 326:12 327:4  
327:10 328:20 329:15  
351:5,7,10,12 352:4,5  
352:6,22 355:3  
**titanates** 426:20  
**titanium** 314:4 316:20  
316:21,22 317:2,4,8  
317:11,12,17,18  
318:2,3,5,7,11,16,19  
427:16 428:22 429:1  
447:16 449:8,12  
**titled** 389:1  
**today** 8:2 9:12 20:6  
21:18 23:8 27:1 32:2  
36:22 38:13 41:7,20  
45:21 83:15,16,20  
86:22 88:17 89:17  
96:7 98:9 99:22  
113:16 115:12 118:12  
118:20 120:10 126:19

127:18 136:6 137:7  
145:20 152:8 155:8  
156:5,9 164:7 173:17  
179:12,15 191:18  
199:6 202:4 203:12  
207:11 222:14 228:17  
229:14,22 244:7  
248:9,18 259:12  
262:15 264:3,10  
278:13 279:9 284:1  
285:22 296:7,11  
297:6,9 302:8,9 304:8  
308:16 309:2 326:1  
334:20 337:18 341:6  
342:20 343:4 356:10  
362:11 367:13 374:3  
377:11 378:11 382:13  
383:10 384:12 387:18  
389:5 392:22 396:21  
399:19 408:2 411:7  
416:21 426:5,9  
429:19 430:17 436:7  
440:18 451:20 452:22  
**today's** 19:15 206:13  
279:21  
**toddler** 232:6  
**toddler's** 93:14  
**toddlers** 93:3  
**toilet** 254:12  
**toilets** 105:20 174:11  
**told** 454:14  
**tolerances** 144:10  
**tolerate** 269:16  
**Tom** 2:8 4:18 162:4,10  
**tomorrow** 461:11  
**ton** 167:22 379:21  
**tonnage** 314:17  
**tons** 24:19 93:19  
130:19 164:21 165:2  
364:9,11 370:4 371:4  
378:22 398:20 402:20  
406:17  
**tool** 143:9 308:9 361:11  
**tooling** 44:14 135:10,14  
135:19 150:1 153:17  
154:8,14 193:5  
**tools** 76:2 78:17 213:5  
304:13  
**top** 11:15 12:2 78:6  
99:11 261:16 359:20  
424:16 437:18  
**top-of-bed** 274:8  
**topic** 262:2  
**topics** 72:9  
**Torres** 3:10 5:5 228:21  
229:1,2,3 234:2,12  
245:5,10 246:6  
**torsos** 344:18

- total** 11:22 15:22 16:18  
 24:19 29:15 37:1,9,13  
 37:15 55:18 80:21  
 165:19 216:11 221:17  
 237:11 255:2 256:2  
 276:15 314:19 317:11  
 322:9 355:15 370:8,9  
 424:12,19  
**totaled** 44:1  
**totaling** 50:19 280:15  
**totally** 23:6 414:12  
 450:22  
**touch** 363:11  
**tough** 341:10  
**towers** 23:20  
**towing** 103:13  
**town** 296:2  
**toys** 204:9  
**TPP** 286:13  
**traceability** 437:18  
**track** 230:11 398:22  
**tracked** 68:18  
**trade-offs** 231:21  
**traded** 68:17 129:3  
 363:9  
**trademarks** 327:18  
**tradeoffs** 232:16  
**trading** 3:6 5:4 10:13,20  
 10:22 12:19 79:10  
 100:1 101:22 222:17  
 222:21 223:3,11  
 260:20 421:19  
**traditional** 91:5 217:19  
 219:11,12,13,15,16  
 219:18 241:22 434:8  
**traditionally** 33:14 36:1  
 180:16 289:20  
**Traffic** 34:8 231:12  
**Trail** 3:2 5:18 325:20  
 326:3  
**trailer** 96:2,14 102:20  
 103:14 106:1 132:6,7  
 133:5,9  
**trailers** 101:19,19,20  
 102:13 104:15,16  
 105:12 132:17  
**train** 195:8,18 264:17  
 302:18,22  
**training** 117:8  
**trains** 299:18  
**tranche** 114:10 115:10  
 275:5 279:12  
**tranches** 114:8  
**Trans** 4:12  
**Trans-** 102:8  
**trans-shipping** 99:5  
**Trans-Texas** 3:11 95:10  
 95:14,17,22 96:15  
 97:19 98:8  
**transcript** 21:11  
**transfer** 7:9 42:13 72:7  
 79:8 106:11 159:16  
 160:8 178:17 191:8  
 191:11 322:18 330:18  
 395:1 396:6 443:5  
**transferred** 322:21  
**transfers** 30:13 54:7  
 177:6 181:5  
**transforming** 205:12  
**transit** 251:21  
**transition** 365:4 420:7  
 420:18  
**transparency** 423:15  
 437:20  
**transparent** 31:1  
 376:12  
**transport** 204:2  
**transportation** 50:15  
 87:13 97:5 172:12  
 195:4,7 241:15  
**transshipped** 414:11  
 414:18  
**transshipping** 311:16  
**trapped** 217:21 218:15  
**trashing** 459:21  
**trauma** 302:20  
**travel** 90:22 101:19,19  
 102:13 203:14,22  
 234:8 235:16 254:10  
 255:10 264:13 267:11  
 286:1,7  
**tread** 103:10  
**Treasury** 18:6  
**treat** 302:20 378:20  
**treatment** 23:19 189:3  
 240:14 291:9 370:1  
 378:1,2 379:8 380:8  
 381:5  
**trees** 460:22  
**Trek** 2:4 5:13 296:17,22  
 297:2,4,9,15,22  
 298:13,15 299:2,8,13  
 300:7,12 301:8,11  
 342:18,19  
**Trek's** 297:21  
**tremendous** 281:15  
 303:9 411:13 424:1  
**trend** 290:1  
**trends** 285:18  
**Trice** 3:10 4:9 50:6,7,8  
 50:9 55:1 67:5,14  
 68:6,12 69:12,14  
**tried** 167:1,4 198:9  
 209:20 241:5 291:4  
 407:20 410:3  
**trigger** 363:2  
**triggered** 419:3  
**trillion** 73:16 253:8  
**tripolyphosphate**  
 369:18  
**trouble** 140:10  
**troubled** 363:16  
**troubling** 340:22  
**truck** 3:5 4:13 83:22  
 85:22 102:15 106:21  
 107:4,9,11 108:7,10  
 108:21 109:4,5,12,18  
 110:15,16 111:1,3,7  
 111:12,13 112:3,12  
 112:17,22 132:4  
 133:7 453:17  
**Truck's** 112:4  
**trucks** 96:12 107:14,20  
 109:22 115:20 363:14  
 453:14  
**true** 27:9 56:13 192:10  
 292:1 373:8  
**truly** 89:14 251:18  
**Trump** 14:6 16:6,15  
 33:4 79:6 278:22  
**trump's** 167:11 412:17  
**trust** 439:12  
**try** 87:17 139:1 295:3  
 368:2 405:14 430:12  
**trying** 11:9 14:7 55:21  
 140:3 275:12 289:13  
 413:15 452:21 454:15  
**Tsao** 1:11,14 76:13  
 77:1 78:1,1 95:7  
 124:16 127:3 131:11  
**tubeless** 352:6  
**tubes** 299:17 317:12  
 326:12 327:4,11  
 328:20 329:15 351:5  
 351:8 352:16,19  
 353:2 355:3  
**Tucker** 5:5  
**tuna** 437:3,12 438:8,9  
 438:11,13 439:10,11  
 440:5,9 460:8,10  
**tune** 244:3  
**Turkey** 142:18 283:18  
**turn** 92:20 118:8 123:14  
 152:16 205:2 278:17  
 300:16 301:10 328:18  
**turnaround** 411:1  
**turned** 225:14 292:19  
 292:20  
**TV** 15:7  
**Twenty** 231:16  
**two** 7:14 39:4 64:3 68:5  
 97:1 114:7 116:19  
 126:2,21 140:3  
 141:12 142:4,14  
 143:8 157:19 161:1  
 164:8,20 171:14  
 179:17 181:3 186:4  
 187:3 190:7 196:4  
 198:17 199:20 208:17  
 218:4 249:1 251:21  
 252:3,5 261:18 262:9  
 264:16,20 265:6  
 268:2 276:2 281:12  
 292:16 297:5 304:19  
 310:20 311:8 325:2  
 330:22 333:18 338:16  
 338:17 339:7,8  
 348:10 351:20,21  
 354:20 355:9 358:19  
 366:5 370:11 375:11  
 380:5 400:10 433:2  
 438:7 456:7,20  
 458:13,14  
**two-** 450:7  
**two-step** 406:8  
**two-thirds** 29:14 40:3  
 60:19 292:2 417:11  
**twofold** 162:19  
**type** 84:12,15 85:1 97:9  
 97:20 99:20 132:7  
 141:2 160:20 195:20  
 198:14 240:12 241:3  
 293:2,6,15,16 359:17  
 370:13 410:21 411:21  
 449:12  
**types** 30:11 59:19 99:7  
 129:5 174:14 183:6  
 241:8,9 276:2 292:8  
 327:6 350:17 369:21  
 370:7 395:6 429:1  
 451:15  
**typical** 109:7  
**typically** 47:9 60:16  
 117:1 265:2 338:12

---

**U**


---

- U.S.'s** 89:10 172:2  
**U.S.-based** 124:8  
 230:10 356:11  
**U.S.-flagged** 13:11  
**U.S.-produced** 359:22  
**U.S.A** 33:12 108:12  
**Ukraine** 414:10  
**UL** 153:19  
**ultimate** 15:3 39:15  
 48:19 209:6  
**ultimately** 14:20 45:11  
 46:21 112:6 116:20  
 118:7 129:22 169:8  
 178:5 182:17 209:1  
 224:15 299:15 316:19  
 323:5 428:6 432:3

435:18  
**ultra-low** 413:17  
**Um-hum** 192:17,18  
**unable** 85:2,3 158:15  
 225:10 271:19 358:21  
 367:16 371:18 419:5  
 442:6  
**unacceptable** 359:13  
**unannounced** 154:12  
 454:21  
**unavailability** 190:22  
 388:19 389:12 390:22  
**unavailable** 172:5  
 194:22  
**unavoidable** 214:14  
**unaware** 339:13 340:5  
**uncertain** 371:2  
**uncertainty** 15:12,14  
 72:22 199:17 200:2  
 261:4 310:16 442:5  
**unchallenged** 415:2  
**uncollected** 424:17,19  
 424:22  
**uncompetitive** 235:1  
**undercut** 53:16 177:16  
 278:11  
**undergoing** 344:13  
**undergone** 437:12  
**underlies** 289:7  
**underlying** 177:6 289:7  
 300:7  
**undermine** 27:7 320:21  
 388:3,6 391:9  
**undermines** 391:1  
**underpads** 322:6  
**underprivileged** 272:11  
**understand** 13:14  
 54:12 65:12 247:1  
 275:14 290:14 341:3  
 345:3 381:12 432:5  
 434:19 448:10,15  
 450:18 460:14  
**understandably** 391:18  
**understanding** 21:4  
 64:2 73:3 74:18  
 282:17 457:7  
**understands** 361:10  
**understood** 403:12  
 447:13  
**undersupplied** 379:6  
**undertaking** 308:9  
**Underwriters** 189:17  
**undone** 49:17  
**undoubtedly** 113:7  
 166:6,14  
**unemployment** 146:9  
 146:11,13  
**unfair** 8:4 10:21 12:18

18:3 27:4 44:18 72:1  
 79:7 82:14 106:9  
 111:6 160:3 181:2,11  
 184:18 202:20 223:20  
 253:17 259:2 272:2  
 308:6 383:8 417:3  
**unfortunately** 8:3 26:11  
 127:5,18 265:22  
 286:6,16 288:5 374:9  
**unfriendly** 319:6  
**unground** 162:18  
 168:21  
**unified** 179:21  
**uniform** 385:2 386:9  
**uniforms** 385:8,8,10  
 386:3,5,7,13  
**unilateral** 177:4  
**unintended** 11:7 82:9  
 173:5 184:14 215:16  
 233:12 273:2 282:15  
 357:11 383:16  
**unintentionally** 181:12  
 270:19  
**Union** 65:15  
**unique** 34:1 170:12  
 203:3 209:17 210:6  
 237:10 240:18 241:3  
 243:3 256:12 385:12  
 403:9 428:22 442:17  
 447:18  
**uniquely** 34:4 422:20  
**uniqueness** 38:14 69:2  
**unit** 133:11 335:19  
**units** 96:5 110:11  
 245:17 246:12 328:8  
 395:6  
**universities** 265:9  
**University** 309:16  
**unlawful** 412:19  
**unmistakably** 28:9  
**unpaid** 424:15  
**unparalleled** 437:19  
**unperformed** 139:16  
**unprotected** 220:6  
**unreasonable** 84:8  
**unrelated** 84:11  
**unreliable** 172:12  
**unsafe** 93:1,10,13 94:2  
 140:1  
**unsatisfactory** 167:5  
**unsophisticated** 127:6  
**unsuccessful** 200:21  
**unsustainable** 214:17  
**unusual** 43:19 379:2  
**unwilling** 358:21  
**updated** 219:21  
**upgrade** 246:14  
**upgrades** 324:19

**ups** 227:9  
**upward** 219:1 277:21  
**upwards** 199:19 368:16  
**Urethanes** 4:4  
**urge** 82:6 88:18 94:17  
 100:22 117:21 168:19  
 228:10 273:11 282:11  
 326:21 336:15 362:16  
 366:12 421:17 440:12  
 442:11 443:12  
**urged** 218:10  
**urgently** 31:5  
**urges** 118:3 159:7  
 178:10 184:19 376:17  
**urinals** 174:11  
**USA** 2:10 4:4 22:20  
 23:2 149:1,12 313:7,9  
 326:16,17 368:14  
 369:4 370:3 433:4  
 435:15,18,21 450:12  
 451:9 452:9,15 453:1  
 453:5  
**USA's** 23:10  
**usable** 211:5  
**USDA** 65:13,19 285:4  
**use** 35:1 43:10 76:17  
 93:6 100:14 102:13  
 103:12 114:1 116:2  
 120:3 122:22 160:18  
 169:20 170:20 171:5  
 194:22 199:9 212:21  
 218:12 232:2,8,12  
 240:11,21 241:10  
 243:3 246:21,21,22  
 258:8 313:8 338:12  
 338:14 348:7 368:18  
 374:22 376:11 381:13  
 404:15 406:15 415:12  
 427:4 454:17  
**user** 189:3 405:2  
**users** 119:17 195:3  
 228:2 281:15 316:3  
 320:3,6 323:12  
 381:12 390:21 396:5  
**uses** 25:7 136:7,8  
 375:18,22 443:18  
**USFIA** 259:14 263:1  
 288:8,11  
**USITC** 371:22 376:14  
 389:2  
**USTR** 7:15,20 8:9,18  
 9:17 10:3 20:4 21:12  
 22:13 28:2 31:6 52:14  
 54:19 84:6,16 104:13  
 106:6,8 109:16  
 114:10 117:22 118:3  
 150:10 184:15,17,19  
 185:8 268:6 273:22

279:11 280:13 282:11  
 285:10 331:8 362:16  
 362:19 366:2,15  
 387:9 392:4 442:16  
 443:11  
**USTR's** 54:3 79:13 84:1  
 85:4 114:6 116:12  
 117:21 181:10 253:12  
 320:18 363:17,21  
**usually** 135:16  
**utilities** 157:17  
**utility** 104:15  
**utilization** 105:1  
**utilize** 318:19 342:10  
**utilized** 146:18  
**utilizes** 297:15  
**utmost** 59:21  
**UV** 338:8

---

**V**


---

**valid** 56:8  
**validation** 324:20  
**validity** 333:1  
**valorem** 151:15 153:1  
 154:18 155:10  
**valuable** 37:7 415:17  
**value** 7:18 8:1,15 16:18  
 17:12 18:21 24:6 35:8  
 55:18 69:20 150:18  
 164:17 209:1 216:11  
 289:11 333:22 354:15  
 363:22 414:20 424:19  
 439:14  
**values** 94:12  
**valves** 174:14 186:6  
 188:9,10,11,11,12  
 189:1,7  
**van** 96:3  
**vancomycin** 337:5  
**vanish** 415:21  
**varied** 263:18  
**variety** 33:22 56:2,12  
 58:4 59:12 115:16  
 119:7 204:9 278:21  
**various** 96:10 103:5  
 105:21 121:2 237:2  
 265:7 274:14,21  
 275:18 313:11 332:7  
 368:1 398:22  
**varroa** 415:14  
**vary** 127:9  
**varying** 119:15 122:17  
**vast** 16:11,11,18 17:8,8  
 17:8,8 35:18 59:17  
 109:22 110:16 292:5  
 304:14 358:18 361:1  
 436:21  
**vat** 383:16,21,22 384:2



384:7,10,17,19,21  
 385:2,6,12,18,20  
 386:15,20 387:3,10  
 407:15 408:1  
**vegetable** 337:14  
**vegetables** 443:22  
**vehicle** 53:12 76:1,2  
 78:17,18 79:14 80:4  
 81:5 82:5,8,13 83:22  
 85:22 96:3 113:21  
 114:13,14,15,17  
 115:12,15,17 116:16  
 116:20,22 117:2,16  
 118:6 120:2  
**vehicle's** 80:8  
**vehicles** 51:10 67:10  
 80:12,17 81:19  
 107:16 110:6 114:1  
 116:1,7 119:8 122:22  
 123:10,16,17,19  
 138:13 139:10,18,19  
 139:20,21 142:17  
 316:1  
**vein** 103:16  
**veins** 157:10 349:7  
**vendor** 262:10  
**vendors** 92:11  
**ventures** 224:11  
**verify** 55:10 324:22  
 428:19 448:5  
**Veritas** 219:3  
**Vermont** 220:3  
**versions** 340:15  
**versus** 56:16 141:16  
 247:14 278:14 279:7  
 340:18  
**vertically** 239:19  
**vessels** 13:12  
**veteran** 272:14  
**veterans** 272:9 377:22  
**viability** 149:8 270:4  
**viable** 52:16,22 81:3  
 166:21 271:17 291:5  
 319:14 324:7 335:13  
 350:4 358:7  
**vibrant** 338:5  
**vibration** 427:3  
**vice** 45:18 95:14 113:17  
 151:11 156:11 179:13  
 185:16 202:2 252:18  
 279:22 296:22 372:18  
 382:15 422:17  
**victim** 367:1  
**victims** 302:20  
**Victor** 2:19 6:16 425:22  
**Victorville** 230:17  
**video** 21:9  
**Vietnam** 86:10 98:21

127:12,22 130:9  
 131:15 132:11 135:13  
 141:5 200:19 243:1  
 286:14 291:12,14  
 311:17 345:15 351:5  
 414:10 450:3 452:1  
 457:13 459:2,17  
**view** 14:21 27:5 242:2  
 246:1 391:22  
**views** 31:12 101:11  
 263:2 321:3 382:13  
 392:4 441:6 450:13  
**vigorous** 449:13  
**vintages** 232:4  
**vinyl** 322:5,6 323:12  
 350:10 360:21 392:18  
 451:6,17,20  
**violating** 420:1  
**violations** 149:18  
**virtually** 51:7 146:21  
 189:10 315:7 327:19  
 342:12 358:16  
**virtuous** 308:8  
**vis** 29:9  
**vis-á-** 29:8  
**vis-a-vis** 318:18  
**visible** 299:19 385:14  
**visits** 154:13  
**vital** 169:2 170:1 175:2  
 422:4  
**vitality** 170:17 375:10  
 376:9  
**vitamin** 338:13,14  
 340:15,18,19,20,21  
**voice** 75:19 78:12  
 179:21  
**voices** 274:2  
**void** 165:22 182:5  
 435:15  
**volume** 12:1 25:3 56:1  
 66:7 94:7 129:8,14  
 132:9 171:9 191:14  
 201:7 225:1 271:11  
 290:16,21,21 293:17  
 314:18 322:20 323:2  
 333:21 335:3,19  
 344:15 345:18 355:15  
 369:13,18 372:7  
 384:13 389:9 411:20  
 434:8 440:3  
**volumes** 52:18 148:5  
 406:15 413:16,21  
**vote** 86:1 328:3  
**vulnerable** 35:17 86:21  
 320:11

---

**W**


---

**wage** 51:14

**wages** 29:18 174:22  
 423:9 434:19  
**waiting** 70:9 145:2  
 248:3 356:2  
**Walker** 3:11 4:12 95:10  
 95:11,12,13 101:4  
 130:3,7 131:22  
**walkers** 204:14  
**Walmart** 89:16 207:20  
 220:8 274:16 309:6  
**Walmart's** 310:5  
**Wang** 3:16 5:11 279:16  
 279:22  
**wanted** 229:16 237:17  
 291:15 348:19 357:22  
 401:10 403:11 404:3  
 410:13 455:2  
**wants** 260:13 451:12  
 452:16  
**war** 72:18 254:4 363:5  
**warehouse** 249:22  
 332:8 453:16  
**warnings** 340:2  
**warp** 243:4  
**warrants** 112:7  
**wash** 174:13 363:13  
 370:1  
**washers** 149:22  
**Washington** 1:10 87:9  
 138:5 218:1 309:17  
 436:16 439:8  
**wasn't** 399:7  
**waste** 378:6,21 380:7  
 381:4 444:7  
**watched** 15:6 68:18  
**water** 23:14,14,19  
 25:11 26:4,10 56:6  
 169:16 174:8 186:2,6  
 188:8,14,15,21,22  
 189:2,13,20 330:20  
 370:1,1 377:10,16,17  
 378:1,2,7 379:8 381:4  
 381:5  
**waterfowl** 275:17  
**Waterloo** 297:5,14  
**waters** 13:10,18 14:18  
 17:4 19:1 328:12  
**way** 39:19 72:12 94:15  
 112:22 129:3 132:1  
 145:12 150:5 152:19  
 213:19 222:10 236:18  
 236:19 237:3,8 254:2  
 262:11 266:17 270:5  
 271:17 287:22 352:15  
 366:3 378:8 385:16  
 395:18 406:21 418:4  
 447:9  
**ways** 15:3 68:15 103:9

137:7 154:15 373:14  
**weakening** 118:8  
**weakens** 240:20  
**wear** 80:9 299:17 427:1  
**weather-** 236:5  
**weathering** 46:22  
**weave** 284:2  
**weaving** 250:9  
**web** 20:4 21:12 270:8  
**website** 87:10 92:15  
 207:21 236:14 244:21  
**wedged** 218:9  
**week** 72:19 260:5  
 295:11  
**week's** 254:1  
**weekly** 68:18 386:8  
**weeks** 104:7,9 195:19  
 287:22  
**weighing** 183:5  
**weight** 170:8,14 210:21  
 247:14,16  
**weighting** 162:11  
 170:13  
**weights** 236:21  
**welcome** 7:3 28:1 36:8  
 54:21 113:9 182:4  
 228:18 422:8 429:19  
**welcoming** 9:12  
**welded** 225:15  
**well-** 49:4  
**well-being** 230:9  
 341:12  
**well-established** 76:8  
 79:2  
**well-received** 437:9  
**wells** 162:15 163:4  
**Wendy's** 452:14  
**went** 76:20 97:21  
 296:14 312:16 354:2  
 399:6 402:20 454:11  
 461:14  
**weren't** 98:1 292:8  
**Werthaiser** 3:11 5:10  
 273:18,20,21 274:3  
 279:15 294:3,7  
**West** 295:6  
**Western** 360:11 374:1  
**westernized** 410:13  
**whack** 241:16  
**whatsoever** 40:6  
**wheat** 456:1,4,11,13,16  
**wheel** 96:1,4 97:21 98:4  
 98:7,14 100:2,7 136:7  
**wheeled** 204:13  
**wheels** 96:4,13,14  
 97:16 99:7 100:11,12  
 100:20 104:14 105:4  
 105:5,12 106:2,14

134:5 354:20  
**wherewithal** 73:20  
**white** 279:3 410:14  
**Wholefoods** 438:6  
**wholesale** 79:20 83:12  
**wholesalers** 175:10  
 259:16 311:13  
**wholesales** 176:13  
**wholly** 84:11 168:17  
**wide** 37:7 56:2,12 58:4  
 59:12 114:20 117:16  
 119:7 137:6 213:9  
 223:8 224:21 258:11  
 278:21 288:8 304:13  
 413:8 424:8  
**widely** 100:14 212:19  
 363:9  
**wider** 55:16  
**wife** 212:13  
**wild** 13:8 15:9  
**Wilderness** 3:2 5:18  
 325:20 326:3  
**Wilkins** 3:12 6:19  
 440:22 441:2,3,4  
 445:3 460:15,20  
**William** 1:11,13 2:2  
 4:16 145:11,15  
**Williams** 146:12  
**willing** 149:6 193:11  
**Wilson** 3:13 4:14  
 113:11,12,14,16  
 118:13 136:14,14  
 137:4  
**win** 453:17  
**windfall** 369:6  
**windshield** 363:13  
**winners** 330:12,13  
**Winowski** 118:14,16,18  
 125:4  
**wiped** 440:3  
**wipes** 155:10 322:5  
**wire** 223:1,12 317:1  
**Wisconsin** 186:1  
 230:16 297:6,14  
**wish** 38:13 45:19  
 240:17 417:6 459:7  
**wishes** 33:5  
**Wisnoski** 3:15 4:15  
 118:17 124:18 142:9  
 142:13  
**withdrawal** 378:11  
 379:3  
**witness** 9:13 20:8 21:5  
 22:16,16,18 26:17  
 31:15 36:10 41:15  
 45:14 50:5 70:13  
 75:14 83:1 88:9 95:10  
 101:5 106:20 113:11

118:14 145:11 151:4  
 156:1 162:4 168:8  
 173:12 179:7 185:12  
 201:16,19 207:5  
 211:18 216:18 222:16  
 228:20 249:15 252:13  
 259:7 264:6 268:13  
 273:18 279:16 296:17  
 302:4 308:19 313:18  
 321:6 325:19 331:16  
 336:19 356:5 362:5  
 366:18 372:12 377:1  
 382:8 387:14 392:8  
 412:7 416:7 422:13  
 425:22 429:22 436:10  
 440:21  
**witnessed** 31:1  
**witnesses** 2:1 20:2,5,14  
 20:17 21:1,2,4,6 68:5  
 248:14 258:13 286:21  
**woman-owned** 367:6  
**women** 18:9 264:15  
 267:12 387:6  
**women-owned** 95:15  
**wondered** 68:8  
**wonderful** 248:8  
**wondering** 130:5  
 136:22 140:20 291:6  
 347:3  
**wood** 91:6 207:15  
 208:13 209:14 210:6  
 210:13,16 211:3,4  
 236:22 237:10,10  
 240:10,12,13,15,20  
 241:1 246:22  
**wood's** 209:22  
**wooden** 208:13,14  
 209:16  
**woods** 144:17  
**words** 108:9 389:11  
**work** 9:17,21 10:15  
 15:4 17:22 65:8,20  
 71:1 95:19 129:4  
 155:9 178:16 242:14  
 245:19 260:20 264:13  
 264:17 274:12 296:22  
 300:2 303:8 311:14  
 313:2 379:20,22  
 410:14 434:4  
**worked** 10:4,7,14 31:22  
 81:13 92:10 107:5  
 265:20 267:15 307:3  
 392:13  
**worker** 180:14 444:6  
**workers** 11:4 24:7 31:8  
 49:1 50:21 51:17  
 98:10,13 101:11  
 105:9 117:12 147:12

154:20 155:4 176:12  
 178:4 179:1 185:5  
 187:19 214:20 253:20  
 259:5 262:12 290:11  
 303:1,14 369:12  
 383:12 386:4,14  
 387:1 390:18  
**workforce** 76:6 78:22  
 112:20 117:8 121:6  
 124:8 307:5 387:7  
 423:4  
**workhorse** 319:21  
**working** 12:13 31:3  
 71:4 89:17 105:7  
 115:3 149:13 152:15  
 152:17 178:21 185:8  
 226:11 230:17 253:7  
 260:4 268:10 283:16  
 297:5 342:18  
**works** 163:8  
**workshops** 265:7  
**world** 13:6 15:8 43:3  
 58:19 73:13 135:11  
 136:4 141:17 142:2  
 165:5,17 170:19  
 172:4 183:12 210:5  
 236:10 242:22 250:15  
 250:19 271:14 274:22  
 275:19,21 276:6,7  
 283:19 335:5 342:13  
 343:4 350:8 351:21  
 373:12 374:1 376:4  
 377:14 384:6,14  
 388:21 391:10 404:20  
 446:14 455:8  
**world's** 253:1 276:1  
 315:4,5 363:9 365:5  
 379:13 441:9  
**worldwide** 2:13 5:13  
 62:22 108:5,12 135:8  
 180:10,20 181:15  
 252:11 297:8 302:5  
 302:10,12 305:22  
 306:7 307:18 343:8  
 343:20 439:20  
**worn** 259:18  
**worrisome** 105:17  
**worry** 311:13  
**worse** 53:9 62:3 93:12  
 220:22 258:19 454:9  
**worst** 166:8  
**worth** 14:10 71:16  
 100:17 173:20 177:5  
 249:22 284:13 307:11  
**wouldn't** 62:15 98:1  
 167:18 246:15 293:16  
 447:8  
**wounded** 304:2

**wrap** 124:16  
**writing** 134:15 145:20  
 155:21  
**written** 9:3,7 20:19,21  
 21:11 31:10 38:12  
 41:8 65:8,21 117:19  
 117:20 120:10 121:16  
 127:20 134:2 136:18  
 162:1 183:22 184:5  
 208:11 211:14 231:2  
 238:14,18 256:13  
 301:22 357:21 373:3  
 398:8,21  
**wrong** 232:18 455:2  
**wrongly** 14:21  
**WTB** 326:4,4,10 328:18  
 329:5,13 330:4  
**WTB's** 327:15 328:21  
 330:4  
**Wylie** 3:2 6:6 382:8,14

---

**X**


---



---

**Y**


---

**Yao** 1:20 77:18,18  
 126:9 198:7 200:4,10  
**yards** 33:17 34:17  
 88:21 140:19 229:8  
 230:22 235:17 271:13  
 292:18  
**yarn** 272:1 359:3  
**yarns** 250:9,20 280:5  
 283:17,18,20 284:1  
**year** 28:22 33:3 37:10  
 37:14 51:1,17 72:3  
 81:5 87:5 103:22  
 104:4 144:15 164:21  
 177:14 186:17 190:10  
 193:14 199:20 210:11  
 216:13 218:14 229:12  
 231:16,18 245:17  
 255:6,11 263:1  
 292:18 298:15 317:7  
 332:18 353:6 364:9  
 364:11,19 368:16  
 370:5 373:5,6 394:17  
 413:7,8 414:16 418:9  
 421:13 424:10  
**yellow** 20:11 319:12  
**yellows** 319:11,21  
**yielding** 146:1 444:18  
**York** 43:1 88:16 89:8  
 219:22 309:9 387:20  
 392:17,18  
**young** 231:5,14 410:13  
**younger** 309:17  
**Yu** 3:16 5:11 279:17,19  
 279:20,22 283:2

295:10,16  
**Yuhuang** 400:2

---

**Z**

**Zelniker** 3:18 6:8 392:9  
 392:10,11,12 397:1  
 409:8,13,18 410:7  
**zero** 12:1 312:13 313:5  
 336:13 399:9,16  
**Zhejiang** 3:9 5:20  
 336:20 337:3  
**ZMC** 337:20  
**Zurn** 2:4 4:22 185:13,17  
 185:19,22 186:4,9,13  
 186:15 187:17 189:10  
 190:7,12,15,19,22  
 191:9,10,17

---

**0**

**0.5** 323:16 331:10  
**0301.11.00** 419:14  
**0301.19.00** 419:14  
**0504.00.00** 42:3  
**0505.10.00** 275:8  
 279:12

---

**1**

**1,000** 42:22 206:9 423:5  
**1,019** 280:14  
**1,200** 266:3  
**1,500** 380:13  
**1,600** 298:3 301:12  
**1,800** 377:21  
**1.2** 73:16 255:11 276:14  
**1.3** 276:14 416:20  
**1:05** 76:21  
**10** 8:17 14:8,8 33:2  
 37:13,17 42:6 44:7  
 45:7 48:5,11 49:17  
 50:20 53:5 57:2 61:4  
 61:8 62:3,19 63:7  
 64:12 66:4,12,13  
 176:4 190:11 193:14  
 202:16 205:13 206:21  
 208:18 209:12 212:3  
 213:22 214:13 217:2  
 217:9 220:18 221:12  
 225:19 227:17 228:7  
 230:21 262:16 283:16  
 288:22 297:17 301:18  
 312:11,13 316:2,17  
 318:20 322:12 355:14  
 357:6 367:7,17 370:5  
 374:14 384:16 422:2  
 426:11 439:13  
**10:49** 76:20  
**100** 71:3 73:12 108:17  
 146:10 213:15 214:19

228:6 241:12 274:6  
 329:8 335:20 373:9  
 407:19 409:20 423:2  
 424:9 439:7

**100-plus** 74:16  
**100-year-old** 202:6  
**100,000** 378:21 412:14  
 428:14  
**107** 96:17  
**108** 266:4  
**11** 126:20 180:6 335:16  
 377:22 441:17  
**112** 269:7  
**12** 172:1 193:14 213:6  
 257:18 276:8 364:21  
 370:5 407:15  
**12,000** 280:3  
**125** 335:20 336:1  
**126** 332:5  
**128** 44:3  
**13** 284:9 340:10  
**13,000** 124:14 321:18  
**130** 207:22  
**13783** 167:11  
**14** 144:15  
**14.4** 276:6  
**14.6** 332:18  
**140** 216:13  
**145** 4:16  
**15** 57:2 74:21 96:19  
 104:4 125:20 145:20  
 236:1 319:9 355:15  
 423:9 432:17 452:19  
**15,000** 402:20  
**15.5** 370:9  
**15.7** 332:17  
**150** 119:19 146:8 174:6  
**150,000** 75:21 78:15  
**153** 177:1  
**153-year** 360:4  
**153-year-old** 356:11  
**16** 7:20 8:1 17:18 71:15  
 201:4 221:18 441:15  
**16.4** 276:4,17  
**160** 413:5  
**167** 310:15  
**16th** 337:5  
**17** 8:9 9:3 20:22 259:22  
 267:3 311:4 333:12  
**170** 27:12 58:5  
**173** 44:2  
**17th** 36:20  
**18** 7:12 60:5 172:1  
 293:13  
**18,000** 175:8  
**1892** 332:4  
**19** 370:9  
**19,000** 364:22

**1906** 309:9  
**1920s** 100:15  
**1925** 392:17  
**1939** 107:9  
**1958** 309:12  
**1960** 250:8 283:14  
**1960s** 100:16  
**1968** 89:8  
**1970** 163:10  
**1970s** 292:6 326:9  
**1972** 70:22 309:15  
**1976** 297:4  
**1977** 212:7  
**1979** 309:22  
**1980s** 326:10  
**1985** 96:17 118:21  
**1990** 218:10 314:12  
 346:14,14  
**1991** 310:4  
**1993** 424:2 446:21  
**1994** 223:3 424:7  
**1995** 314:2 342:18  
**1996** 328:3,7  
**1998** 392:15

---

**2**

**2** 4:4,11,17 5:2,7,13 6:2  
 6:13 60:5 159:2 216:2  
 276:8,8 311:22  
 327:14 328:18 351:19  
 367:12 404:14  
**2-bedroom** 212:8  
**2,000** 304:10 334:18  
**2,600** 50:21 54:8 81:1  
 269:8 297:7 301:11  
**2,800** 266:3  
**2.1** 441:13  
**2.25** 364:8  
**2.4** 12:4 13:1  
**2.5** 315:4 364:11  
**2.6** 146:11 253:8 424:14  
**20** 7:15 25:19,21 31:21  
 143:14 250:10 251:5  
 278:7 281:13 322:7  
 334:7 342:15 351:11  
 408:3  
**20,000** 406:16  
**200** 8:15 14:9 17:18  
 86:12 131:16 132:21  
 173:19 177:4 267:8  
 331:10 332:4,7 335:9  
 364:1  
**200,000** 321:13  
**2000** 328:2  
**2001** 157:19 250:14  
 367:10 413:19 424:15  
**2003** 97:21  
**2005** 302:11

**2006** 328:8  
**2008** 218:10 415:9  
**2009** 371:20  
**201** 5:1  
**2011** 218:7  
**2012** 251:2 264:14  
**2013** 310:5  
**2014** 266:16 310:11,13  
 424:15  
**2015** 102:19 218:1  
 219:9 353:21 364:9  
**2016** 219:5 311:3  
 353:21 368:15 379:6  
 389:3 402:18  
**2017** 7:12 12:3 24:20  
 43:22 71:15 80:19  
 171:21 180:6 185:6  
 276:3,18 280:20  
 311:4,22 312:12,17  
 411:9  
**2018** 1:7 7:15,19 9:6  
 20:20 37:10 314:13  
 317:16 327:12 332:14  
 411:9  
**2018-0005** 109:17  
**2019** 307:2 323:18  
**2020** 364:20 380:2  
 390:17 404:2  
**2021** 380:3  
**2025** 30:14 40:19 45:8  
 71:20 84:10,12  
 100:10,12 121:12  
 150:15 160:14 191:13  
 205:11,14 213:20  
 216:5 224:5 272:7  
 301:7 323:1 361:16  
 367:14 386:18  
**20th** 305:6  
**21** 4:3 50:12  
**21,000** 269:1  
**21.5** 208:19  
**210** 146:12  
**22** 86:12 327:12  
**225** 157:19  
**22nd** 327:7  
**23** 1:7 8:2  
**232** 148:21 428:1  
**24** 348:8 378:3  
**240** 28:18  
**248** 5:6  
**24th** 281:11  
**25,000** 231:18 406:17  
**250** 418:19  
**2511.10.10** 168:22  
 183:11  
**2511.10.50** 168:22  
 183:11  
**258,000** 439:4

26 4:10 70:6 174:21  
**260** 115:20 139:10  
**27** 4:16 19:22 70:8  
 144:22  
**28** 5:1 145:1 201:13  
 332:19  
**280** 81:22  
**2823.00.00** 427:15  
**2824.90.90** 427:11  
**2825.20.00** 427:14  
**2826.90.90** 52:2  
**2833.27.00** 168:22  
**2841.90.50** 427:13  
**29** 5:6 201:15 248:1  
**2903.39.20** 388:13  
**2905.11.10** 362:17  
 366:13  
**2905.11.20** 362:17  
 366:13  
**2920.90.51** 52:2  
**2923.90.01** 378:13  
**2930.90.91** 49:22  
**2930.99.91** 46:5  
**2933.21.00** 23:8 55:15  
**296** 5:12

---

**3**

**3** 4:5,11,17 5:2,8,14 6:3  
 6:15 17:17 28:21  
 37:14 48:14 51:10  
 76:6 216:4 252:22  
 254:6 256:8 275:5  
 279:12 293:14 326:18  
 351:19 362:15 364:3  
 367:12 373:1 375:8  
 442:17,22 443:11,12  
 443:16 460:16  
**3-year** 219:19  
**3,000** 75:20 78:14  
**3,800** 24:19  
**3.2** 146:9  
**3.3** 146:13 276:16  
**3.5** 311:7  
**3.8** 172:2  
**30** 5:12 25:5 48:9  
 121:15 143:14 155:9  
 164:9 196:6 248:2  
 250:10 298:14 316:2  
 354:1 379:1 384:8  
 436:17  
**30-minute** 20:7  
**30-plus** 10:3  
**30,000** 119:13 441:14  
**30,000-** 379:20  
**300** 218:14  
**300,000** 328:9  
**301** 1:3,5,9 7:6,7 9:6,8  
 20:14,20 21:17 22:14

27:22 30:9,11 41:19  
 45:20 52:15 53:3 54:3  
 54:13,20 71:7 72:2  
 79:13 84:2,17 101:13  
 102:5 104:16 106:2,7  
 107:2 109:16 114:7  
 148:18 149:5,19  
 150:21 169:1 178:13  
 179:11 191:7 202:22  
 206:18 213:22 215:16  
 215:22 216:10 223:15  
 248:7 252:17 253:12  
 258:10 259:11 260:17  
 268:20 272:4 273:10  
 282:12 284:12 297:18  
 300:8 301:3 312:10  
 312:20 313:10 314:7  
 318:10 320:15,18  
 321:3 322:3,13  
 325:12,16 329:18  
 330:11 337:7,13  
 341:16 356:22 360:15  
 361:11 362:14 369:16  
 372:17 393:13 396:14  
 412:21 416:5 441:8  
 442:10

---

**302** 162:17

**31** 6:1 355:22  
**32** 6:10 181:2 224:9  
 356:2  
**320** 204:16  
**3203.00.80** 337:15  
**3204.19.35** 337:17  
**3204.20.80** 372:4  
**33** 440:2  
**34** 7:18  
**35** 37:10  
**35-year-old** 274:5  
**35,000** 139:21  
**350** 20:2 180:5 185:5  
**356** 6:1  
**36** 326:10  
**36.3** 280:18  
**37** 356:15 389:13  
**38** 51:3 152:2  
**392** 75:19 78:12  
**393** 413:2 416:2  
**3D** 307:7 343:20 344:1  
 344:5,10

---

**4**

**4** 4:6,12,18 5:3,8,16 6:4  
 6:16 28:19 221:19,22  
 293:14 328:18 331:5  
**4,000** 336:8  
**4.5** 90:9  
**4.6** 71:14 76:5 78:21  
 172:2 255:6

**4:30** 249:5  
**4:47** 296:14  
**4:57** 296:15  
**40** 83:9 213:13 229:6  
 246:10 271:12 277:3  
 292:18 297:2 299:1  
 424:20  
**400** 71:14 81:22  
**400,000** 368:15  
**401(k)** 306:17  
**4011.20** 96:11,12  
**40s** 163:11  
**40th** 373:6  
**41** 206:3  
**412** 6:10  
**42** 171:21 253:7 261:8  
 261:10 267:22 389:14  
**42,000** 85:14 128:10  
**44** 413:3  
**45** 107:6 165:18 167:21  
 392:14

---

**45,000** 101:11

**450** 256:19  
**46** 20:1 261:8  
**460** 146:6  
**4629** 389:3  
**464** 174:21  
**47** 37:1 267:22 310:14  
**475** 43:5  
**48** 119:4 269:18  
**480** 365:2  
**49** 269:2 377:21

---

**5**

**5** 4:7,13,19 5:4,9,17 6:5  
 6:17 328:21 331:5  
 390:4  
**5,000** 364:22 390:12  
**5,700** 356:14  
**50** 29:12 34:12 57:14  
 104:11 113:2 114:4,8  
 128:13 144:16 147:5  
 174:10 203:18 256:2  
 271:8 298:10 312:4  
 317:3 338:15 339:10  
 355:10 380:22 413:3  
 452:20  
**50,000** 231:16  
**500** 1:10 128:15 269:9  
 298:2 335:22 390:11  
 421:13  
**530** 219:2  
**535,000** 71:12  
**549** 424:16  
**55-60** 452:20  
**550** 119:18 123:21  
**56,000** 85:12,14  
**57** 393:2

---

**6**

**6** 4:7,13,19 5:4,10,18  
 6:6,18 7:19 9:5 20:20  
 107:15 257:18 326:18  
**6,000** 29:3 363:17  
**6.5** 24:13 418:8  
**6:00** 249:2  
**60** 11:21 47:9 51:13  
 230:6 283:15 352:17  
 401:10  
**60,000** 11:17  
**600** 274:11 393:11  
**625,000** 312:2  
**65** 261:7 314:19 382:21  
**65,000** 51:15 85:12  
 128:10 208:5  
**650** 230:14  
**67** 24:12  
**68** 313:11 416:22

---

**7**

**7** 4:2,8,14,20 5:5,10,19  
 6:7,19 8:17 9:3  
 107:15 278:7 319:10  
 329:12 353:21  
**7,000** 390:17  
**7.4** 280:15  
**7.5** 37:16 364:10  
**7:39** 461:14  
**70** 4:10 10:21 124:19  
 166:9 195:8 198:5  
 236:11 401:10 407:17  
 407:21  
**70-75** 452:18  
**700,000** 332:8 342:19  
**70s** 383:6  
**72** 80:19  
**730,000** 11:19  
**7307.92.30** 157:2  
 158:20 161:19  
**7318.23** 109:14  
**7324.90.00** 186:9  
**7326.90.86** 186:10  
 393:15 396:12  
**75** 269:2 348:6 440:4  
**75,000** 208:5  
**76** 37:2 439:9  
**78** 80:21 126:18  
**79-plus-year** 111:16

---

**8**

**8** 4:9,15,22 5:5,11,20  
 6:8 107:15 225:19  
**8-digit** 319:7  
**8,000** 120:12 370:4  
 371:4  
**8.4** 24:20  
**8.5** 208:17

**8:00** 248:19 249:2,7  
 296:11  
**80** 47:9 71:5 74:22  
 112:14 125:21 134:6  
 204:20 234:6 276:1  
 277:1 333:6 398:19  
**80-90** 283:20  
**800** 313:13  
**80s** 163:17 164:2,10  
**82** 86:6,7 128:21  
**830** 86:11 131:15  
**8302.50.00** 393:15  
 396:12  
**8441.10.0000** 238:19  
**8481.80** 189:6  
**8481.90** 189:6  
**85** 335:18 421:1 439:8  
**8511.30.00** 120:17  
**8511.40.00** 120:17  
**8511.50.00** 120:17  
**8511.80.60** 120:17  
**8511.90.60** 120:18  
**86** 439:1  
**87** 114:18  
**870** 269:1  
**8708** 114:16  
**8708.70** 96:11,13  
**8708.93.30** 110:11  
**8708.93.60** 110:12  
**8708.93.75** 109:13  
**871,000** 114:4  
**8712** 301:20  
**8714** 301:20  
**8714.91** 312:9  
**8714.92** 312:9  
**8714.93** 312:10  
**8716.90** 96:11,13  
**88** 276:6  
**89-year-old** 382:18

---

**9**


---

**9,900** 218:8  
**9:29** 7:2  
**9:30** 1:10 461:12  
**90** 32:22 141:19 174:4  
 204:20 233:1 350:11  
 414:14 439:8  
**90-some** 136:3  
**900** 14:17 18:20 50:19  
**9023.00.0000** 308:13  
**93** 298:21 332:18 353:5  
 357:17 361:20  
**9401.80.20** 203:17  
**9401.80.60** 203:15  
**9401.90.50** 203:16  
**9403.20.00** 393:16  
 396:12  
**9403.90.60** 217:6 222:7

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In the matter of: Section 301 Tariffs Public Hearings

Before: USTR 301 Committee

Date: 08-23-18

Place: Washington, DC

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