

UNITED STATES TRADE REPRESENTATIVE

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301 COMMITTEE

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SECTION 301 TARIFFS PUBLIC HEARING

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MONDAY
AUGUST 27, 2018

+ + + + +

The 301 Committee met in the Hearing Room of the International Trade Commission, 500 E Street, SW, Washington, D.C., at 9:29 a.m., William Busis and Megan Grimball, Co-Chairs, presiding.

PRESENT

WILLIAM BUSIS, Chair, U.S. Trade Representative
MEGAN GRIMBALL, Chair, U.S. Trade Representative
SARAH BONNER, Small Business Administration
MARIA D'ANDREA-YOTHERS, Department of Commerce
WENDY DONG, Department of Commerce
SARAH GILLESKI, U.S. Department of Agriculture
CAROL HENNINGER, Department of State
JULIA HOWE, U.S. Trade Representative
BENJAMIN LEVIN, Department of State
MAUREEN PETTIS, Department of Labor
ADAM SULEWSKI, Department of Homeland Security
TIMOTHY WINELAND, U.S. Trade Representative
AMY ZUCKERMAN, Department of the Treasury

STAFF PRESENT

BILL BISHOP, International Trade Commission

WITNESSES PRESENT

BRAD ALLSHOUSE, Fabrix, LLC

AYMAN AWAD, Trend Intermodal Chassis Leasing,
LLC

SHAWN BAIER, Metabolic Technologies, Inc.

DANIEL BAUM, Hailiang America Corp.

JAY BERKOWITZ, Arnold's Office Furniture

CHRISTINE BLISS, Coalition of Services
Industries

FRANK CARVAJAL, Cali Bamboo, LLC

JAMES CHENEVEY, Earthlite, LLC

CURT CHRISTIAN, Home Furnishings Resources
Group, Inc.

BRIAN COHN, Multi Parts Supply USA, Inc.

KATIE CONOVITZ, twelveNYC

JOHN CROWLEY, National Association of Waterfront
Employers

DAVID FENIGER, American Posts, LLC

CAMILO FERRO, One Earth Packaging

GRANT GAWRONSKI, Gates Corporation

GARY GILBERT, Gilbert & Associates

ART HAMILTON, Hailide America, Inc. and Hamilton
International, LLC and TSI Yarns, LLC

GUY HARARI, Adisseo

RYAN HOLT, Fur Commission USA

GREGORY HUSISIAN, Alps Electric, Inc.

THOMAS KIERNAN, American Wind Energy Association

LARRY KOLB, TSI USA, Inc.

RICARDO LARA, Elite Lighting

STEPHEN LOVELL, US Valve, LLC

ANITA MACHHAR, Art Guild of Philadelphia, Inc.

JAY MALAVE, Diamond Motorz Trailer Sales, Inc.

RALPH MALLOZI, General Tools & Instruments, LLC

JOHN McLEMORE, Masterbuilt Manufacturing, LLC

BRIAN MICHAELSEN, JMF Company

REBECCA MINKOFF, Rebecca Minkoff, LLC

NEIL MOONEY, Orion Group, LLC

CHARLIE MUDD, RC trailer Sales and Service Co.,
Inc. and Total Trailer Co.

MARCIE REA, Fur Information Council of America

SCOTT RUNNELS, Hale Trailer Brake & Wheel, Inc.

NICK SARGENT, SnowSports Industries America

FRANK SONCALA, ILoca Services, Inc.

MIKE STATECZNY, Coalition of Energy Equipment

Manufacturers

JOHN TREE, Valudor Products, LLC

PAUL WELLBORN, Wellborn Cabinet, Inc.

DENSIL WILLIAMS, Climate Engineering Companies

MARK YOKOM, Appvion

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

2 9:29 a.m.

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

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

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

18 On June 20, 2018, USTR published a
19 Federal Register Notice imposing an additional
20 duty of 25 percent on products from China with an
21 annual trade value of approximately \$34 billion
22 effective July 6, 2018. On July 16, 2018, USTR

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

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

12 Accordingly, on July 17, 2018, USTR
13 published a Federal Register Notice seeking
14 public comment on a proposed seeking public
15 comment on a proposed supplemental action to be
16 taken in the investigation. The proposed
17 supplemental action is an additional duty on a
18 list of tariff subheadings covering products from
19 China with an annual trade value of approximately
20 \$200 billion. The proposed rate of duty for the
21 supplemental action was initially 10 percent. On
22 August 7, 2018, USTR published a Federal Register

1 Notice announcing that the Trade Representative
2 was considering a 25 percent rate of additional
3 duty for the supplemental action.

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

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

15 Before we proceed with the rest of the
16 session, I will provide some procedural and
17 administrative instructions. The hearing is
18 scheduled for six days including today, Monday,
19 August 27th. We have 46 panels of witnesses with
20 over 350 individuals scheduled to testify. The
21 provisional schedule has been posted to the USTR
22 website. We have five panels of witnesses

1 scheduled to testify today. We will have a brief
2 break between panels and a 30-minute break for
3 lunch.

4 Each witness appearing at the hearing
5 is limited to five minutes of oral testimony.

6 The light before you will be green when you begin
7 your testimony. Yellow means that you have one
8 minute left, and red means your time has expired.

9 After the testimony from each panel of
10 witnesses, the Section 301 Committee will have an
11 opportunity to ask questions. Committee
12 representatives will generally direct their
13 questions to one of more individuals.

14 As noted, post hearing comments,
15 including any written responses to questions from
16 the Section 301 Committee are due September 6,
17 2018. The rules and procedures for written
18 submissions are set out in the July 17th Federal
19 Register Notice. Given the number of witnesses
20 and the schedule, we request that witnesses,
21 when responding to questions, be as concise as
22 possible.

1 We likewise ask witnesses to be
2 understanding when and if the Chair asks that a
3 witness conclude a response. Witnesses should
4 recall that they have a full opportunity to
5 provide more extensive responses in their post
6 hearing submissions.

7 No cameras or video or audio recording
8 will be allowed during the hearing. A written
9 transcript of this hearing will be posted to the
10 USTR website and on the Federal Register docket
11 as soon as possible after the conclusion of this
12 hearing.

13 We are pleased to have international
14 trade and economic experts from a range of U.S.
15 Government agencies participating on the 301
16 Committee today. If you would introduce
17 yourselves, please?

18 MR. SULEWSKI: Adam Sulewski, U.S.
19 Department of Homeland Security.

20 MS. DONG: Wendy Dong, U.S. Department
21 of Commerce.

22 MS. HOWE: Julia Howe, Office of the

1 U.S. Trade Representative.

2 MR. LEVIN: Ben Levin, Department of
3 State.

4 MS. GILLESKI: Sarah Gilleski, USDA.

5 MS. PETTIS: Maureen Pettis,
6 Department of Labor.

7 MS. BONNER: Sarah Bonner, U.S. Small
8 Business Administration.

9 CHAIR GRIMBALL: And I am Megan
10 Grimball from the Office of the United States
11 Trade Representative.

12 MR. BISHOP: Madam Chairman, our first
13 witness on this panel is Neil Mooney with Orion
14 Group, LLC. Mr. Mooney, you have five minutes.

15 MR. MOONEY: Good morning to the
16 Committee. Thank you for letting me testify this
17 morning on behalf of two small related Ford
18 Lauderdale companies. The Section 301 tariffs
19 have as they're stated purpose remediating
20 improper trade practices by Chinese enterprises
21 related to technology transfer, intellectual
22 property, and innovation. U.S. industry focus is

1 to be on Chinese industrial plans such as Made in
2 China 2025.

3 I will tell you how much the flooring
4 section action -- the flooring Section 301 action
5 threatens to hurt my American clients, its U.S.
6 employees, and other U.S. interests but makes no
7 contribution whatsoever to the above-stated 301
8 purpose.

9 First, the proposed tariffs on
10 flooring will not cure any discriminatory
11 practices of the Chinese government. The
12 manufacturing process for tile and flooring has
13 existed for centuries. No trade secrets,
14 technology, or intellectual property are forcibly
15 shared in this industry. In fact, Chinese
16 manufacturers readily pay patent royalties of 5
17 to 12 percent of their sales to U.S. patent
18 holders, which I might mention is significantly
19 more than what is paid by U.S. or European
20 manufacturers. The only IP violation I've seen
21 alleged by U.S. manufacturers is that, quote,
22 Chines competitors have copied entire product

1 catalogs and have shipped tile in boxes falsely
2 marked as boxes of U.S. producers. Assuming that
3 is true, counterfeiting violations are not
4 remedied with tariffs but by civil enforcement.

5 Second, the existing market has
6 already been carefully federally tariff-adjusted
7 by the United States International Trade
8 Commission and the U.S. Department of Commerce.
9 The proposed 301 tariffs will interfere with
10 those agencies' prior determinations and impair
11 an existing federal remedy on flooring duties.

12 Third, the flooring industry is not
13 one of the 10 sectors of the Made in China 2025
14 program or any other industrial initiative in
15 China. In fact, Chinese laminate flooring is
16 already losing U.S. market share due to rapidly
17 increased Chinese labor costs and Chinese
18 environmental regulation. Competition from
19 Chinese manufacturers in flooring is not a
20 genuine unfair trade concern. Chinese
21 competition has actual benefits to the United
22 States in, for example, the following ways.

1 First, American consumers receive certified
2 environmentally responsible products from China.
3 They are improved every year due to competition
4 among global sources of flooring which the
5 tariffs intend to eliminate. Two, Americans
6 obtain an affordable basic consumer product
7 beneficial to middle and lower income families.
8 And three, American companies owning patents and
9 other intellectual property receive a steady
10 income stream and royalties and certification
11 payments from Chinese flooring manufacturers
12 based on their sales, both of which the proposed
13 tariffs would reduce.

14 The proposed 301 tariffs severely
15 hampering Chinese competition will give a few
16 domestic manufacturers near monopoly power in
17 pricing and will limit consumer choice severely.
18 They would increase home building and
19 refurbishing prices making housing less
20 affordable to the average American. They are a
21 purely gratuitous tax increase which would
22 increase U.S. unemployment and the cost of living

1 without attaining a single one of the stated
2 policy purposes.

3 If the subheadings listed in Exhibit
4 1 -- and that's my Exhibit 1 to my comments which
5 I've submitted to you -- if those subheadings are
6 not excluded entirely, my clients urge the USTR
7 to at least exclude new PVC flooring classified
8 under tariff subheadings 3918.10.10, 3918.10.20,
9 and 3918.90.10 for the following reasons. These
10 products would allow my client to continue to
11 sell approximately 40 percent of its current
12 sales. It would have a shot at remaining in
13 business. Secondly, U.S. and worldwide
14 production other than in China cannot satisfy the
15 U.S. demand in those products. And third, these
16 products are covered by a so-called "one click
17 patent" owned by an American company, Mohawk
18 Flooring, which would maintain its royalty
19 revenues.

20 Thank you very much and I remain
21 available for any questions.

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

1 Our next witness is Brad Allshouse with Fabrix,
2 LLC. Mr. Allshouse, you have five minutes.

3 MR. ALLSHOUSE: Hello and good
4 morning. My name is Brad Allshouse and I
5 appreciate your time and consideration today. My
6 company is Fabrix and we are a U.S. importer and
7 manufacturer in collaboration with innovative
8 construction materials.

9 We are here today to voice our
10 opposition to the proposed 25 percent tariffs on
11 products categorized under HTS 5903.90.3090 and
12 5603.14.3000.

13 We import coated, woven, and non-woven
14 membranes which are categorized under those
15 tariff codes and which are used in residential
16 light commercial construction. These products
17 are specifically used as water-resistant
18 membranes for roofs and exterior walls. Fabrix
19 is a U.S. based company that I started in 2010
20 out of necessity after the severe economic
21 downturn that began in 2008 and lasted well into
22 2011. At this time, a friend and I decided to go

1 into business together to manufacturer and sell
2 these two types of products. I have 30-plus
3 years of experience selling these products in the
4 building industry. My experience and well-
5 established customer relationships, along with my
6 business partner's expertise in manufacturing and
7 product development was a natural conduit to
8 start our own company.

9 As a result, Fabrix formed to be used
10 as the importer of record for the company he
11 started, Innovative Construction materials, which
12 manufactures these membranes in China. We found
13 it necessary to build the manufacturing plant
14 overseas because of the type of equipment that is
15 required to produce these goods. The machinery
16 requires a large footprint, is an extremely
17 expensive and labor -- very labor intensive. In
18 my 30 years of experience in this industry, there
19 have only been a handful of companies that have
20 attempted to manufacture similar products.
21 However, due to the substantial investment of
22 capital that is required and the cost structure

1 versus return on investment, all but one
2 manufacturer shut down operations upon realizing
3 that it is simply not a profitable venture in the
4 U.S.

5 This type of manufacturing is not
6 attractive due to the costs which includes the
7 large number of higher wage employees required
8 and due to the amount of time it takes to
9 manufacturer the coated and non-woven membranes.
10 For example, it can take up to one month just to
11 make one container of wovenscrim raw material for
12 the membrane substrate. To my knowledge, the
13 remaining small U.S. manufacturer that does
14 produce coated woven membranes does not focus his
15 production on these products due to the inability
16 to make the extremely lightweight fabric that is
17 needed, especially at the cost required. So
18 there are simply no options to source this type
19 of product in substantial quantities here in the
20 U.S.

21 In addition, the task of sourcing
22 these particular types of specialized niche

1 membranes in other countries would be very
2 onerous because they are simply not widely
3 available. It would also cost considerable time
4 and money to qualify new suppliers to meet our
5 quality control standards. The U.S. has very
6 stringent testing and building code requirements
7 requiring us to be extremely selective and to
8 conduct extensive testing to ensure compliance
9 with U.S. building codes. For example, it would
10 take upwards of one year to conduct the necessary
11 testing and to obtain the necessary approvals of
12 a new supplier. In addition, it would cost
13 approximately \$100,000.00 to complete the
14 approval and qualification process.

15 Due to these requirements, it quickly
16 became critical to our success that we build our
17 own operation so that we could trust and control
18 the entire process and supply chain. We have
19 also spent vast resources obtaining our own U.S.
20 building code reports that follow ICC-ES
21 evaluation rules and regulations. Our
22 manufacturing facility must undergo rigorous and

1 extensive quality control procedure audits every
2 quarter to meet the necessary approval
3 requirements. A third-party quality control
4 organization, Intertek, visits our plant every
5 three months on an unannounced visit to inspect
6 our manufacturing practices. Intertek's
7 laboratory also performs our independent third-
8 party testing to ensure that we meet all U.S.
9 building code requirements and specifications.

10 I also wish to emphasize that the
11 imposition of the proposed tariffs on these types
12 of products would not be effective to meet the
13 goals of Section 301, which is to pressure China
14 to change its policies and practices with respect
15 to advanced technologies, technology transfer,
16 intellectual property, and innovation. Although
17 we operate a manufacturing plant in China, we
18 have not been required or approached by any
19 entity in China or the Chinese government to
20 share any of our IT or R&D technology. We do
21 support the goals -- general goals of 301 as
22 innovation has been vital to our own success. To

1 differentiate ourselves, we spent considerable
2 time and expense to protect our IP by filing our
3 U.S. patents, two U.S. patents which have been
4 granted. However, we have not been required to
5 disclose this information to any entity in China.

6 Finally, the building products
7 industry has been extremely price-sensitive
8 historically. It is a very commoditized
9 industry. Builders, contractors are extremely
10 price conscious due to the cost of competing and
11 bidding on projects with numerous other
12 competitors all bidding on the same work. The
13 environment gets even worse when housing starts
14 are currently at half today, when economic times
15 are at their peak.

16 As you can see, the proposed 25
17 percent tariff on our products will result in
18 economic harm to our business and o your
19 customers. It would have undoubted ripple
20 effects throughout the U.S. housing and
21 construction industry. Most manufacturers in
22 this industry attempt to reach 40 percent gross

1 margins before any costs are subtracted, which
2 result in single-digit net margins that are
3 extremely common. If you factor in the proposed
4 25 percent tariff on a 40 percent gross margin
5 before any costs are deducted, most companies
6 would be left with negative profit.

7 The additional burden would ultimately
8 have to be passed down through the distribution
9 channel. We are a small independent
10 manufacturer. We, too, would ultimately have to
11 pass this tariff on to our U.S. distributor
12 customers at a price increase by necessity, and
13 they in turn are expected to pass their costs on
14 to retail stores outlets.

15 In a recent publication of the
16 National Association of Homebuilders, NAHB --

17 CHAIR GRIMBALL: Please conclude, Mr.
18 Allshouse.

19 MR. ALLSHOUSE: Okay.

20 CHAIR GRIMBALL: Your time has
21 expired.

22 MR. ALLSHOUSE: Yes, no problem.

1 Thank you.

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

3 Our next witness is Katie Conovitz with
4 twelveNYC. Ms. Conovitz, you have five minutes.

5 MS. CONOVITZ: Hello. Good morning.

6 My name is Katie Conovitz and I am the founder
7 and --

8 MR. BISHOP: Pull your mic a little
9 bit closer, please? Thank you.

10 MS. CONOVITZ: -- I am the founder and
11 CEO of twelveNYC. twelve NYC is a global product
12 development company that collaborates, curates,
13 and creates on-brand, custom and private label
14 merchandise. Originally from the Midwest, I
15 founded twelveNYC in 2005 in Brooklyn with a
16 \$5,000.00 personal investment. My vision was to
17 disrupt and reinvent the promotional and
18 packaging industry. We are proud to be a woman-
19 owned business with a team of more than 30
20 employees and growing. In addition to our office
21 in Brooklyn, we have offices in Austin, London,
22 Hong Kong, and Shenzhen. This year we ranked

1 number 21 of 50 fastest growing women-owned
2 companies.

3 As a mother of four and a daughter of
4 a Vietnam veteran, I am proud of my personal
5 humble beginnings and incredible hard work that I
6 put into growing my business and creating jobs in
7 the United States.

8 We are here today to seek the removal
9 of products classified under 4202.92.45, which
10 includes cosmetic bags and secondary packaging
11 among other items, and 3923.10.90 which relates
12 to packing materials such as plastic and acetate
13 containers that we use to package fragrance. We
14 do not believe that the proposed tariffs on these
15 products will pressure China to change its
16 practices with respect to advanced technologies
17 and innovation, because the production of these
18 products does not involve any level of advanced
19 technology.

20 However, imposing the proposed tariffs
21 on these products would result in severe economic
22 burden to small businesses like my own, our

1 customers and ultimately U.S. consumers as these
2 costs are likely to be passed down.

3 Over the past 13 years, we have
4 established a supplier network in China of
5 reliable, experienced suppliers who enable us to
6 partner with leading brands such as Estee Lauder,
7 Macy's, Kohl's, and SoulCycle. My company works
8 with these brands to create products that tell
9 their story. Our largest category of products is
10 bags such as cosmetic and tote bags. However, we
11 also curate jewelry, stationary, water bottles,
12 and much more. We import products from China
13 because China is the only market where we can
14 source a large variety of materials we require
15 and produce products within realistic time frames
16 and realistic budgets.

17 In addition, the Chinese factories
18 enable us to manage our costs given our profit
19 margins. Our average price per unit in China is
20 two to three dollars FOB. Being able to control
21 costs is very important to our success because
22 our projects and the products we offer to our

1 customers are based on sales incentive. Our
2 projects are budget-driven and we work on very
3 tight margins, so we do not have the ability to
4 absorb such significant increases in the cost of
5 materials.

6 We have worked with domestics
7 manufacturers in recent past on small runs of
8 cosmetic or canvass tote bags. However, we found
9 their pricing to be too prohibitive. In
10 addition, our domestic options have extremely
11 limited manufacturing capabilities, and the
12 material availability is even more constrained.
13 There are simply no domestic factories with
14 infrastructure and capacity needed to support the
15 type of manufacturing we require. In contrast,
16 the Chinese factories have the capacity to supply
17 a monthly output of 250,000 units. We are
18 unaware of any other supplier network globally
19 with this production capacity. The Chinese
20 manufacturers are able to supply us with a great
21 variety of materials we require in sufficient
22 quantity and this allows us to continue to

1 provide our innovative ideas, products to our
2 clients, and it separates us from our
3 competition.

4 We also source products from China
5 because other countries do not have the level of
6 infrastructure and supplier resources. And
7 importantly, all of our factory partners in China
8 have participated in an extensive and costly
9 audit process. Should tariffs become effective
10 on the products we buy from China, these
11 materials would become prohibitively expensive
12 and we would be forced to seek alternative
13 sources. We would need first to find alternative
14 producers who may be capable of supplying the
15 large variety of materials we require.

16 Even if such sources are identified,
17 we would be forced to spend considerable time and
18 money to conduct extensive testing and auditing
19 in hopes that the new supplier will ultimately
20 qualify. Beyond the immediate harm to my country
21 should the -- my company should the tariffs be
22 imposed on these plastic products, we expect the

1 proposed tariffs would have a ripple effect
2 throughout the supply chain and the economy at
3 large.

4 First, we simply could not absorb a 25
5 percent tariff and continue to do business as
6 usual. We would have to offset our costs by
7 passing them down to our customers and they would
8 likely pass them on to the U.S. consumer. On a
9 more macro level, the level of volume would
10 heavily impact our domestic fulfillment centers,
11 warehouses, and transportation services. We
12 expect the additional tariffs at the proposed 25
13 percent level would lead to a sharp decline in
14 demand and would have a direct impact on the U.S.
15 based entities within the supply chain that play
16 an important role in distribution.

17 Finally, I'd like to reiterate that
18 the proposed tariffs on these products would
19 likely be ineffective because these products are
20 simply not within the realm of advanced
21 technology. The administration announced that
22 the proposed tariffs are intended to pressure

1 China to end their unfair practices with respect
2 to technology transfer, intellectual property,
3 and other discriminatory practices that burden
4 U.S. commerce. Although we support the broad
5 goals of USTR to protect U.S. businesses and
6 intellectual property, we respectfully urge
7 Section 301 Committee to strongly consider
8 whether ours are the types of products that are
9 involved in China's unfair practices. We urge
10 you to consider the unlikelihood of --

11 CHAIR GRIMBALL: Please conclude.

12 MS. CONOVITZ: -- of the proposed
13 tariffs in light of the imminent harm it would
14 result in small to medium business like my own.
15 Thank you.

16 MR. BISHOP: Thank you, Ms. Conovitz.
17 Our next witness is Art Hamilton with Hailide
18 America, Inc., Hamilton International, LLC, and
19 TSI Yarns, LLC. Mr. Hamilton, you have five
20 minutes.

21 MR. HAMILTON: Thank you for this
22 opportunity to represent my companies at this

1 historic hearing. Please know that in the
2 interest of time, I'm summarizing some of my
3 arguments.

4 I support the Administration's
5 objectives of addressing and eliminating China's
6 unfair intellectual property practices. However,
7 imposing an additional tariff in certain inputs
8 to the textile manufacturing industry is unlikely
9 to deter that behavior and will quite possibly
10 have the opposite effect. It is more likely to
11 cause irreparable harm to my companies and my
12 customers. My companies and the manufacturers I
13 sell to are small to medium-size businesses
14 already struggling to compete globally. I
15 request the removal of 10 Harmonized Tariff codes
16 which are included in my written testimony.

17 None of the products for which I seek
18 removal from the list has a nexus to the
19 technology transfer, intellectual property and
20 innovation bases for this Section 301 action.
21 These are commodity products that have been in
22 commercial production for decades. The first

1 category, polyester tow and polypropylene tow;
2 there are no U.S. manufacturers for polyester or
3 polypropylene tow for the flock industry in the
4 U.S. The tow produced in the U.S. is not
5 suitable for use in the production of flock. A
6 temporary tariff of even 25 percent is unlikely
7 to induce any company to undertake the expense of
8 running a separate line just for these two
9 potential customers.

10 China is effectively the only source.
11 Import statistics from OTEXA shows that 96
12 percent of polyester tow is imported from China
13 and 100 percent of polypropylene is imported from
14 China.

15 This proposed tariff will not only
16 increase U.S. manufacturing costs but will
17 incentivize non-U.S. processing. Manufacturers
18 can import raw materials from China and convert
19 into finished goods in Europe. These products
20 are then imported to the U.S. duty free by
21 passing U.S. manufacturers. Our customers in
22 this market have grown their business by

1 competing with European and Asian manufacturers
2 of flock.

3 On Friday, you heard more about this
4 in detail from my customer, Claremont Flock.
5 Although not on the witness list, Andy Honkamp,
6 my customer from Cellusuede, is attending with me
7 today to underscore the seriousness of this
8 issue. He has also submitted comments.

9 The second category is high tenacity
10 polyester industrial yarn. There is insufficient
11 U.S. production to cover the demand for Berry
12 Amendment products let alone the demand for --
13 total demand for product in the U.S. According
14 to the respected resource firm, PCI, there is an
15 estimated 9,000 metric tons of production
16 capacity in the U.S. Estimated demand exceeds
17 165,000 metric tons. These capacity shortages
18 are not likely to provide incentive to invest the
19 money and the two years needed to build a plant,
20 to add capacity and view uncertainty surrounding
21 tariffs.

22 In China, high tenacity yarn is

1 produced on state-of-the-art production equipment
2 which is manufactured in Germany and Japan.

3 Suppliers -- as an example, all polyester airbags
4 produced in the U.S. are manufactured with
5 imported yarn. Airbag fabrics are also produced
6 in Canada, Mexico and Europe, all of which pay a
7 lower duty on yarn. Only imported high tenacity
8 polyester yarn is qualified for the use in
9 leading airbags. As U.S. weavers already pay
10 tariffs on imported yarns, the additional tariff
11 will render U.S. weavers of airbag fabric
12 noncompetitive to offshore producers.

13 Third category, nylon industrial yarn
14 in type six. Type 6 high tenacity nylon is not
15 produced in the U.S., while type 66 is produced
16 here. Although contained in the same HTC code,
17 both products differ chemically. Type 66 has a
18 significantly higher cost and is largely used in
19 different end products. The tariff would not be
20 a sufficient incentive for U.S. producers to
21 establish new facilities for Nylon 6 as
22 production is expensive and economically feasible

1 on a large scale.

2 Fourth category, polyester tire cord
3 fabric. There is insufficient U.S. production to
4 meet domestic demand. Current U.S. demand for
5 polyester tire cord fabric is estimated at
6 120,000 metric tons while current production is
7 estimated at 30,000 metric tons. All is
8 produced with imported yarn.

9 The fifth category is fully drawn
10 polyester yarn and POY polyester yarn. These
11 products are manufactured in the U.S. but
12 domestic manufacturers are mainly focused on more
13 expensive, lower volume specialty uses which
14 require prices that will push our costs higher
15 and force our customers out of these markets.
16 There is no significant unused capacity in the
17 U.S. and a temporary tariff is not sufficient
18 incentive substantial money and the two years to
19 create new capacity.

20 These are price-sensitive markets that
21 cannot handle increases of the magnitude
22 proposed. U.S. manufacturers will be forced to

1 pay higher prices resulting in higher costs and
2 less competitiveness. U.S. manufacturers will
3 lose market shares cost increases driving price
4 because the same increases will not appear in
5 other countries. This will likely adversely --

6 CHAIR GRIMBALL: Please conclude, Mr.
7 Hamilton.

8 MR. HAMILTON: Thank you.

9 MR. BISHOP: Thank you, Mr. Hamilton.
10 Our next witness is Ryan Holt with the Fur
11 Commission USA. Mr. Holt, you have five minutes.

12 MR. HOLT: Good morning. My name is
13 Ryan Holt. I am a mink farmer from Salt Lake
14 County, Utah. I'm here today on behalf of the
15 Fur Commission USA of which I am an officer and a
16 board member. The Fur Commission is a national
17 nonprofit association representing the U.S. mink
18 farmers.

19 I am here today to ask that fur
20 products, or more specifically, the tariff
21 category covering fur apparel and accessories
22 classified under Harmonized Tariff Schedule

1 Number 4303.10 as well as the category covering
2 other fur articles under Harmonized Tariff Number
3 4303.90 be removed from the list of products
4 which the U.S. Trade Representative has proposed
5 an additional 10 to 25 percent duty.

6 The Fur Commission is concerned the
7 additional duty currently proposed on finished
8 fur apparel could put the U.S. mink farmers out
9 of business, in large part because China has
10 retaliated against that duty by imposing a 20
11 percent tariff on U.S. raised mink pelts exported
12 to China. Many farmers rely exclusively on their
13 export markets, and China is overwhelmingly our
14 largest export market. The U.S. mink farming
15 industry is deeply reared in American
16 agricultural history. Most of the mink farms in
17 operation today in the U.S. are third and fourth
18 generation small family farms.

19 My own mink farm was started by my
20 grandfather and father over 50 years ago. We
21 have run that farm as a family business, and I am
22 proud to say that all of my children have worked

1 on that farm. The mink farming community is
2 representative of local agriculture and in our
3 case, virtually of our revenue is derived from
4 exported sales. The U.S. mink farming would be
5 threatened by the proposed tariffs.

6 Garments imported from China
7 containing U.S. raised mink would become
8 uncompetitive. Even more devastating to this
9 sector would be the retaliatory 20 percent tariff
10 that China would impose on the import of mink
11 skins from the United States. China is, by far,
12 our largest export market and I estimate that 80
13 percent of your production is exported to China.

14 Production of fur in the United States
15 is a highly regulated, environmentally
16 sustainable products process that makes large
17 contributions to our country's agricultural
18 economy. National codes of practice and
19 operating guidelines provide an assurance that
20 farm fur-bearing animals are well-cared for.
21 Mink farmers recognize that they have a
22 responsibility to preserve and protect the land

1 which they work and then provide the highest
2 quality care for their livestock.

3 The Fur Commission works in
4 conjunction with other animal welfare groups to
5 ensure that the latest and most up-to-date
6 research on animal health and welfare is
7 available to mink ranchers in a timely fashion.
8 Our country's 245 mink farms are spread across 22
9 states. Last year these farms produced 3.3
10 million pelts at a volume of \$130,000.00, in part
11 because of the healthy and humane conditions of
12 which these furs are grown and the quality of the
13 feed they are given. U.S. grown furs are some of
14 the most sought after by manufacturers of fur
15 garments both domestically and internationally.

16 Production of finished mink products
17 and apparel relies on a global supply chain.
18 While mink are raised here domestically, nearly
19 all of the mink furs raised in the United States
20 are sent to China for manufacture into finished
21 product. There is little or no capacity in the
22 U.S. to manufacturer fur products and apparel,

1 certainly not enough to sustain our farms. If a
2 retail consumer wants to purchase a U.S. fur, it
3 would be purchasing a product that will have some
4 element of Chinese production in its manufacture.

5 Importantly, Chinese shoppers are one
6 of the largest and most rapidly growing consumers
7 of products made from U.S. grown mink. Our
8 industry has spent years developing that market.
9 The proposed U.S. tariffs and resulting
10 retaliatory tariffs threaten a critical export
11 market for U.S. mink farmers of the U.S. grown
12 mink that is sent to China for manufacturing into
13 finished goods. A steadily growing amount, more
14 than half, stays in China to satisfy that
15 market's rapidly growing demand. The imposition
16 of China's retaliatory tariff, however, will
17 virtually end that market and hand it over to our
18 European competitors.

19 The Fur Commission supports the
20 Administration's efforts to eliminate China's
21 intellectual property rights violations and cyber
22 intrusion. However, mink farmers are becoming

1 the inadvertent victims in the ongoing trade
2 dispute. The Chinese government has proposed a
3 20 percent retaliatory tariff on top of the
4 existing 10 percent tariff for importing U.S.
5 mink skins. This puts U.S. produced mink at 20
6 percent competitive disadvantage to European-
7 grown mink. We are a small sector. We account
8 for only five percent of the global mink
9 capacity. Our products could fully be replaced
10 with mink skins from Europe if the Chinese
11 retaliatory tariffs are imposed.

12 Even if the tariffs are only
13 temporary, that breeding process is complex and
14 goes on for generations. Once a farmer pelts out
15 of his business, there is no middle ground.
16 Meanwhile, the U.S. proposed -- the proposed U.S.
17 tariffs combined with the Chinese tariffs make
18 U.S. grown mink prohibitively expensive for
19 competition in the domestic market. An American
20 consumer who wants to purchase an item from U.S.
21 grown mink would not be able to do so at a
22 competitive rate in the face of the new tariffs

1 from both United States and China.

2 The Administration must create a most
3 appropriate Section 301 list that avoids harm to
4 domestic agricultural exports and supports
5 American family farms.

6 MR. BISHOP: Thank you, Mr. Holt. Our
7 next witness is Marcie Rea with the Fur
8 Information Council of America. Ms. Rae, you
9 have five minutes.

10 MS. REA: Good morning. My name is
11 Marcie Rae and I'm a fur retailer from Amarillo,
12 Texas. I'm here today on behalf of the Fur
13 Information Council of America, or FICA, of which
14 I'm the current Chairperson. FICA is the largest
15 fur industry association in the United States and
16 represents fur retailers and manufacturers across
17 the country who account for over 80 percent of
18 fur trade sale -- excuse me -- U.S. fur sales.
19 FICA provides the public with information on the
20 fur industry, wildlife conservation, and
21 responsible animal care to which the fur industry
22 is committed.

1 I'm here today to ask that fur
2 products, or more specifically the tariff
3 category covering fur apparel and accessories
4 classified under Harmonized Tariff Schedule
5 Number 4303.1000 as well as the category covering
6 other fur articles under Harmonized Tariff Number
7 4303.9000 be removed from the recent list of
8 products for which the U.S. Trade Representative
9 has proposed an additional 10 to 25 percent duty.
10 Imposing these tariffs will harm fur retailers
11 and make fur apparel, including apparel made from
12 U.S. grown furs, noncompetitive in the U.S.
13 market.

14 FICA is concerned that the current
15 proposed tariffs will harm its members, most of
16 whom are small business owners like myself. Of
17 the approximately 1,100 fur retailer in the
18 United States, the vast majority, approximately
19 85 percent, are small family-run businesses that
20 have been passed down through the generations. I
21 am the proud owner of one such small business,
22 Marcella Furs and Leather, which I started 15

1 years ago. I founded this business out of the
2 love for our product, and I am immensely proud of
3 my business, my employees, and the products that
4 we provide to our customers.

5 The fur industry has a long history in
6 the United States dating back to our forefathers.
7 Fur-bearing animals have been raised on mink
8 farms across North America since shortly after
9 the Civil War. These days the production of fur
10 products is highly dependent on a well-
11 established global supply chain, however. As Mr.
12 Holt has testified, production of fur in the
13 United States is a highly-regulated, humane and
14 environmentally sustainable agricultural process.
15 As a retailer, I can honestly say that American
16 mink is the finest in the world, and it is highly
17 sought after by Americans, worldwide consumers,
18 and especially China.

19 However, while the U.S. has extensive
20 fur farming capabilities, nearly all of the mink
21 bred and raised in the United States are sent to
22 China for dressing and manufacture into finished

1 products. There is virtually no capability in
2 the U.S. to manufacture fur products and apparel
3 to meet the growing demand. As a fur retailer,
4 our products have evolved dramatically since the
5 classic full-length mink coat. Fur, and
6 particularly mink, is used in the production of
7 outerwear, hats, shoes and apparel. Fur may be
8 dyed, sheared, and cut to adorn every kind of
9 garment. Fur remains a dominant presence on the
10 fashion runways as well.

11 If an American consumer wants to
12 purchase a fur product, it will likely have some
13 element of Chinese production in its manufacture,
14 even if the mink is originated from a U.S. fur
15 farm. Because of the global nature of the supply
16 and production chain, imposing an additional duty
17 on fur garments manufactured in China would place
18 fur garments, particularly those produced with
19 American mink, at a distinctive competitive
20 disadvantage in the U.S. and global market.

21 As you have already heard from Mr.
22 Holt, American mink has been proposed for a

1 retaliatory tariff by the Chinese government. We
2 believe this is a direct response to the decision
3 to include fur garments on the U.S. list. Thus,
4 a fur garment containing American mink will
5 double -- will face double liability, a 20
6 percent Chinese tariff on the value of the mink,
7 a 10 to 25 percent on the value of the garment
8 returning to the U.S. This is a threat to the
9 livelihood of the mink farmer as well as the
10 family-owned furrier.

11 With over \$1.5 billion in retail
12 sales, the fur industry makes a substantial
13 contribution to the U.S. economy. The fur
14 industry in the U.S. provides full-time
15 employment for over 32,000 workers and seasonal
16 or part-time employment for more than 150,000
17 additional workers in farming, wildlife
18 management, manufacturing, and retail sectors.
19 The proposed tariff would substantially harm
20 small fur retailers like myself. Sixty-two
21 percent of all fur garments imported into the
22 United States over the last five years came from

1 China. Many of those garments were produced with
2 American fur.

3 For the cost of our products to
4 increase by 10 to 25 percent in addition to the
5 higher cost of the Chinese retaliation, it's a
6 terrifying prospect. Our businesses cannot
7 support these cost increases. FICA remains
8 supportive of the Administration's efforts to
9 confront and eliminate China's intellectual
10 property rights violations and cyber intrusions.
11 However, there is no nexus between fur products
12 grown in the United States and finished in China
13 and the problem at hand. These tariffs will harm
14 our members who import fur apparel in the absence
15 of domestic manufacturing capabilities.

16 In conclusion, FICA respectfully urges
17 the Administration to remove fur apparel and
18 clothing accessories from the list of items
19 proposed for increased tariffs. The harm will be
20 felt disproportionately by American retailers and
21 fur farms and will not create the desired
22 leverage to encourage China to modify its unfair

1 trade practices. Thank you for your attention.
2 I'm happy to answer any questions.

3 MR. BISHOP: Thank you, Ms. Rae. Our
4 next witness is Nick Sargent with Snowsports
5 Industries America. Mr. Sargent, you have five
6 minutes.

7 MR. SARGENT: Good morning. My name
8 is Nick Sargent, President of SnowSports Industry
9 of America based in Park City, Utah. SIA is the
10 trade association for the U.S. winter sports
11 industry representing manufacturers, suppliers,
12 retailers of winter sports product. Our industry
13 generates \$73 billion in consumer spending
14 annually and last winter season, between August
15 2017 through March 2018, the specific goods in
16 question generated over \$779 million in retail
17 sales.

18 The USTR has specifically asked for
19 comments on whether imposing additional duties on
20 particular products would cause disproportionate
21 harm to the U.S. economic interest including
22 small and medium size business and consumers. I

1 can say with absolutely certainty that this will
2 be the case for ski gloves, hats, headgear,
3 safety helmets, and sports bags included on the
4 proposed tariff -- 301 tariff list. I've spent
5 the last weeks talking to our members in gauging
6 potential impact of their business. In every
7 single case, from large manufacturers to local
8 retailers, I heard a great deal of concerns.
9 These products are their livelihoods and I'm here
10 on their behalf of communicate this concern to
11 you.

12 We are industry selling widely-
13 recognized outdoor brands through specialty and
14 community-based retail shops, and they are the
15 backbone of our industry. Our economic vitality
16 depends on the tight margins throughout our
17 supply chain in selling our products at a fair
18 price to consumers each season.

19 With even a slight increase in price,
20 the sustainability of our industry is in jeopardy
21 because of the price increase to consumers is
22 fully expected to drive a decline in spending,

1 which will ripple across local communities and
2 tourist-dependent resort towns throughout the
3 United States. A 25 percent or even 10 percent
4 increase in price on these products would
5 certainly challenge even the most determined
6 participant.

7 Like many of our members, I live in a
8 mountain community, Park City Utah, and I also
9 grew up in a similar mountain community in Stowe,
10 Vermont. Both of these communities, in large
11 part, are dependent on winter tourism and dollars
12 that winter vacationers spend each season
13 supporting our local economies, specifically the
14 small business that depends on a strong sale
15 through each very short season that bridges them
16 to the next season.

17 These seasonal dollars support the
18 families behind these small businesses for their
19 entire year. However, with these tariffs and the
20 increased price that will certainly follow, I'm
21 afraid the small business and jobs in these
22 communities will be in jeopardy.

1 Furthermore, there is no U.S.
2 production of these products of interest. Thus,
3 removing these products from the USTR list would
4 not boost U.S. productivity and jobs and
5 effectively reach your intended outcome.
6 Additionally, manufacturers in these industries,
7 such as The North Face, Burton Snowboards, Giro
8 helmets, which were here last week, are
9 consistently assessing their supply chains,
10 trimming costs to price these goods for retailers
11 and consumers across the country. If there was
12 an alternative to China, they would be using it
13 already.

14 Finally, it is my understanding that
15 the proposed additional duties are intended to
16 pressure the Chinese government to eliminate
17 certain acts, policies, and practices that the
18 United States have determined to be harmful to
19 economic interests. Examples are industrial
20 policies in support of China's efforts to rely
21 exclusively on high tech goods manufactured in
22 China, theft of intellectual property for U.S.

1 companies, and related acts, policies and
2 practices.

3 The products of interest to SIA are
4 not the type of products that are the target of
5 Chinese acts, policies or practices. Thus, the
6 imposition of additional duties of these products
7 would not aid the goal of China eliminating such
8 acts, policies and practices.

9 Snowsports Industries of America and
10 our members strongly oppose a tariff on ski
11 gloves, hats, headgear, safety headgear, helmets,
12 and sports bags. All the HTS codes are in my
13 exhibit as well. And we urge you to remove these
14 products from the USTR list. Doing so will
15 protect U.S. business and jobs. Thank you for
16 your time this morning.

17 MR. BISHOP: Thank you, Mr. Sargent.
18 Our final witness on this panel is Anita Machhar
19 with the Art Guild of Philadelphia, Inc. Ms.
20 Machhar, you have five minutes.

21 MS. MACHHAR: Thank you. Good
22 morning. My name is Anita Machhar. I am the

1 Director of Legal Affairs and part owner at Art
2 Guild. Art Guild is a provider of retail display
3 fixtures in the U.S., particularly in the U.S.
4 flooring industry. Headquartered in New Jersey,
5 we have additional locations in Nevada, Delaware
6 and New York. Our retail displays are imported
7 under HTS Number 9403.20.00, which is in the,
8 quote, other, category under the general tariff
9 classification for furniture. Retail display
10 fixtures, however, are actually not furniture
11 item but rather are custom display units that are
12 used by companies to showcase and launch their
13 products.

14 I am here today to provide testimony
15 about why imports of retail display fixtures
16 should not be targeted for additional duties. By
17 way of background, Art Guild was incorporated in
18 Pennsylvania in 1965 after having been in
19 business for several decades prior. We employ
20 about 260 people, all of whom are based in the
21 United States. We are approximately \$90 million
22 in sales in 2017, with 40 percent of that revenue

1 coming from our retail display fixtures division.
2 All of these clients are based in the United
3 States.

4 We are a concept-to-completion
5 business, which means that our clients rely on us
6 to design, engineer, and produce the display
7 units they require in order to present their
8 products to the public. We work with our
9 clients' specific needs and specifications to
10 design and engineer a display, create a
11 prototype, and then once approved, mass produce
12 the final product. We hire vendors both in the
13 United States and in China to mass produce the
14 custom components for the display. Many of our
15 displays are produced domestically when possible
16 but production capability in the United States is
17 decreasing. For this reason and others which I
18 am about to discuss, we often have no choice but
19 to rely on vendors in China to best serve our
20 customers.

21 First, while our ultimate product is
22 custom-made, the production numbers of displays

1 our customers need could range from hundreds to
2 thousands. The manufacturing of the thousands of
3 displays that Art Guild may need in a relatively
4 short period of time is simply beyond the
5 capacity of U.S. manufacturers, especially at
6 peak periods like Christmas or Easter.

7 Conversely, when Art Guild's clients require a
8 relatively small run, say for a realtor or a test
9 run, U.S. manufacturers, which are moving towards
10 automation, cannot fulfill those smaller request
11 cost effectively without increasing the price of
12 each unit by two or three times.

13 The Chinese companies we work with
14 invest in the making of a special tool
15 specifically designed for the unique display that
16 Art Guild has designed and engineered. Once this
17 tool is created, thousands of consistently high-
18 quality products can then be produced quickly and
19 cost-effectively. U.S. manufacturers often
20 cannot handle the capacity that a company like
21 Art Guild requires on a consistent basis at a
22 consistent price point and a consistent quality.

1 Consistency and reliability are essential for our
2 business in order to contract with and fulfill
3 our clients' needs.

4 For instance, just in the past year or
5 two, Art Guild, which is constantly seeking new
6 domestic vendors, contracted with a U.S.
7 manufacturer to provide custom fixtures for a
8 very large retailer for about 2,500 units. These
9 were supposed to have been delivered this coming
10 October but has now been delayed until at least
11 March of next year. Accordingly, Art Guild is
12 faced with paying the large retailer significant
13 penalties under our contract.

14 In another situation, Art Guild's
15 client was in need a very short run -- very short
16 turnaround on his product and willing to pay
17 almost double per display in order to meet his
18 deadline. But the domestic manufacturer was
19 completely unable to meet the production
20 requirements as it had promised and what it did
21 produce was not of the quality Art Guild and its
22 clients require.

1 As is evident from these two examples,
2 building a reliable network of vendors does not
3 happen overnight, and we do not have the luxury
4 of instantly hiring new vendors in countries
5 other than China. We have established
6 relationships with four Chinese companies over a
7 decade. These companies understand our needs
8 with regard to quality of work and timeframe. We
9 have also been able to contract with them for
10 consistent pricing so that no matter how large or
11 small the run, the price per display remains the
12 same plus they already have the tools created
13 that we would need for our reorder business and
14 know how to use those tools. Many times they
15 also have custom patterns and materials that are
16 of significant value to us and our clients.

17 In order to replicate the kind of
18 years-long business relationships we have with
19 these Chinese vendors, Art Guild would need to
20 invest several more years with other foreign
21 entities. We are not a startup company but in
22 order to suddenly move our business to another

1 country would essentially force us to incur
2 significant startup-type costs and time and cause
3 us to lose much of our current business and
4 opportunities for future sales in the meantime.
5 This is simply not feasible and could cause Art
6 Guild's division to simply collapse, forcing us
7 to close down, incur significant costs -- layoffs
8 and cause a ripple effect for our entire company.

9 The proposed tariffs at either 10 or
10 25 percent will have a serious impact on the
11 bottom line of our company. We have prices in
12 place that are guaranteed with our clients for at
13 least the next year or two that have been based
14 on our estimated costs. With the imposition of a
15 tariff, cost of production increases
16 significantly and our business would be
17 unsustainable as a result. Given that the cost
18 of our material that we use in the U.S. has also
19 gone up -- it's our understanding that steel is
20 up about 30 percent, aluminum up 90 percent, the
21 timing of this tariff is even more problematic.

22 Based on all of these reasons, Art

1 Guild respectfully requests that imports of
2 retail display fixtures are not targeted for
3 additional tariffs. Thank you for your time and
4 attention to my testimony. I am happy to answer
5 any questions.

6 MR. BISHOP: Thank you, Ms. Machhar.
7 Madam Chairman, that concludes direct testimony
8 from this panel.

9 CHAIR GRIMBALL: We'll begin with
10 questions in a few moments.

11 MS. GILLESKI: Mr. Mooney, could the
12 products that your companies work with be sourced
13 in the U.S. or in other third countries?

14 MR. MOONEY: No. As a general rule,
15 no -- no, they cannot. The reason for that is
16 that there is a very -- the very limited number
17 of machines capable of producing the footwear --
18 the flooring at issue, and those machines are all
19 located either in the U.S. where they are used to
20 make a standardized pattern or in China where
21 they are used to make custom patterns. And my
22 client is a manufacturer of custom flooring so

1 its own patterns will not be produced in the
2 United States due to a lack of machinery, and
3 that machinery is not available for purchase at
4 this time worldwide.

5 MS. GILLESKI: Thank you.

6 MR. SULEWSKI: Hello. This question
7 is for Ms. Allshouse. You had testified that
8 Fabrix has a production facility in Florida. Do
9 you sell the imported coated, woven, and non-
10 woven membranes directly or use them as input in
11 products you manufacturer in Florida, and are
12 there comparable or substitute products you could
13 use?

14 MR. ALLSHOUSE: I don't believe I
15 stated that we have a facility in Florida. We
16 have building code approvals for Miami-Dade
17 County in the State of Florida but we do not have
18 an operation in Florida.

19 MS. BONNER: This question is for Ms.
20 Conovitz. You testified that non-Chinese
21 suppliers such as those in Vietnam do not have
22 the capacity to produce and deliver for your

1 company competitively at this time. In your
2 view, could those -- these non-Chinese suppliers
3 increase their capacity to meet your demand? If
4 so, how long would it take for them to adjust?

5 MS. CONOVITZ: I think that's a two-
6 fold question. Our business is we handle
7 everything from ideation to the point of
8 delivery, and every single project we do is
9 custom and we start from scratch. So, you know,
10 our -- the -- we go in with a different variable
11 and different parameters to each new opportunity.
12 And, you know, we have -- we are -- I will be in
13 India in October, you know, pursuing, you know,
14 additional resources. We have started the
15 process of, you know, looking within, you know,
16 Vietnam, as I mentioned, and we do, you know,
17 always look for resources within the U.S. to help
18 with very specific needs.

19 But the reality of 98 percent of our
20 business is not just about the actual labor and
21 about the actual facility for manufacturing.
22 It's really also about all of the extraneous

1 details that go into it, so whether its materials
2 or trims or threads or cartons or all of the
3 extraneous infrastructure that goes into rolling
4 up one of our projects. So I think that you're
5 looking at, you know, really from an
6 infrastructure standpoint, three to five years.

7 Also, you know, it's an -- it would be
8 an incredible cost -- investment from a cost
9 standpoint and also from a time standpoint. We
10 are -- we have had relationships that, you know,
11 exceed 10 years at this point with suppliers that
12 are incredibly reliable and allow us to really be
13 incredible responsive to what the retail world is
14 expecting now, which is turnaround times that are
15 just incredibly -- you know, we're talking 30 to
16 50 days from concept to counter and, you know,
17 our Chinese partners are really the only people
18 that allow us the opportunity to be competitive
19 and continue to be creative but also have a
20 deliverable within the incredibly tight
21 feasibilities that we're handed.

22 MS. DONG: Mr. Hamilton, you testified

1 that China is the major, if not only, supplier
2 for many of the products that you import. Do
3 suppliers from other countries have the capacity
4 to increase production?

5 MR. HAMILTON: Could you repeat that
6 last part? I'm sorry.

7 MS. DONG: Sure. So do suppliers
8 outside of China have the capacity to increase
9 their production?

10 MR. HAMILTON: Do they have the
11 capacity to increase their production?

12 MS. DONG: yes.

13 MR. HAMILTON: Most of the product --
14 in the case of, say, polyester and polypropylene
15 tow, it is such a small industry that nobody
16 really is interested in making it outside of
17 China. In the case of high tenacity polyester
18 industrial yarn, there is capacity outside of
19 China, but China is over 70 percent of the
20 world's production, and they're over 80 percent
21 of the imported product into China. So the time
22 it would take to ramp up that production would be

1 over two years, and the loss to the U.S. industry
2 would be quite great. So the short answer is
3 yes, but when you look at the details, it would
4 do incredible harm to the -- to my customers and
5 to the market.

6 MS. DONG: Thank you.

7 MR. LEVIN: This question is for Mr.
8 Holt and Ms. Rae. Actually, I have two
9 questions. First, just a clarifying question.
10 In both of your statements, you referenced some
11 concern about Chinese tariffs. Am I correct in
12 understanding you were referring to anticipated
13 tariffs in the future?

14 MR. HOLT: They've announced a
15 retaliatory tariff on mink pelts going into
16 China.

17 MR. LEVIN: Oh. My other question is
18 you both testified that the U.S. mink farmers
19 export the vast majority of their products in
20 China. Could you please elaborate why you
21 believe mink cannot be processed in the U.S.?

22 MR. HOLT: There is no capability in

1 the U.S. for manufacturing these products.
2 There's very small manufacturer in New York
3 that's left. All of these manufacturing
4 facilities have been moved overseas because of
5 the consumption in the country. We are not able
6 to compete manufacturing in the United States and
7 import into China because of the capabilities of
8 the Chinese to produce. The labor, costs as well
9 as the other manufacturing costs that happen in
10 China are so disproportionate to anything that
11 the U.S. has been able to manufacturer. This
12 goes back well over 40 years as the fur industry
13 moved out of the United States because of labor
14 as well as restrictions on abilities to
15 manufacture in the United States. So that -- for
16 that reason, the bulk of the manufacturing has
17 moved into China as well as the overwhelming bulk
18 of consumption of North American goods, the U.S.
19 goods specifically have achieved substantial
20 monetary advances over other domestic products in
21 the same realm. We participate in an auction
22 system where there's no ability for us to

1 regulate any kind of additional pass-through back
2 to any supplier, because we're are the origin.
3 We grow the product. We have to deal with the
4 ability of the auction house to get us our
5 premium, the problem being that if, as our
6 statement said, that -- the U.S. only produces
7 five percent of the global supply, so for China,
8 our main consuming market to ignore the U.S.
9 supply would not even come into play in their
10 system, because they would go to Copenhagen or
11 Helsinki to purchase their raw product and bypass
12 our market completely which would, in essence,
13 because of the nature of farming -- it's an
14 annual business; it's not something we can adjust
15 to monthly -- it would -- in essence, it would
16 put the farming community out of business. There
17 would be no more production in the United States
18 if this was to occur.

19 MS. REA: On the manufacturing end,
20 too, if I might add, there are, as he said, very
21 few manufacturers here in the United States.
22 This would, in essence, probably put them out of

1 business as well, and that would go down the
2 supply chain all the way to the retailer.

3 MR. LEVIN: Thank you.

4 MS. PETTIS: Mr. Sargent, I have a
5 question regarding sourcing. You had said that
6 there's no production at all of all these
7 different products of interest that you have
8 named regarding bags and the headgear and all
9 that.

10 MR. SARGENT: In the United States,
11 that's correct.

12 MS. PETTIS: There's absolutely none.
13 And so -- and there's no possibility of any other
14 types of sourcing other than China at all?

15 MR. SARGENT: No, unfortunately, not.
16 The cost of manufacturing the material is
17 prohibitive here in the U.S. and due to the fact
18 that there is no manufacturing that would be
19 competitive if there was. And again, as I
20 mentioned, the margins are so small, we have to
21 source in Asia, specifically in China, and that's
22 due to the ability to turn around design for

1 products. It's a one turn commerce cycle here in
2 the U.S. It's dependent on the winter so that's
3 why, again, it's a -- those tight margins and the
4 tight turnaround on manufacturing.

5 MS. PETTIS: So basically, all of the
6 inputs themselves are all from China. Is the
7 design also from China or is that something
8 that's done in the United States?

9 MR. SARGENT: There's plenty of design
10 here in the United States but all the finish work
11 is in Asia and in China.

12 MS. PETTIS: Okay.

13 MR. SARGENT: And then that
14 manufacturing for samples and fitting and so on
15 and so forth happens in China as well.

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

18 MR. SARGENT: Thank you.

19 CHAIR GRIMBALL: Ms. Machhar, I have
20 a few questions for you. You mentioned in your
21 testimony that there were a handful of U.S.
22 vendors that could provide the services that your

1 company requires. About how many vendors are
2 there in the United States?

3 MS. MACHHAR: Unfortunately, I don't
4 have that specific number. I could get that to
5 you in post-hearing submissions if you'd like.

6 I know that we, ourselves, we do have
7 at least about 15 or 20 vendors domestically.

8 What happens is that, those vendors
9 themselves have limited equipment themselves or
10 limited employees and they themselves may just
11 get overwhelmed with the variety of requests they
12 get for manufacturing different materials that we
13 might need. Whether its metal, wood, plastic,
14 aluminum, something like that.

15 For instance, one of those two
16 examples I gave, what had happened was, the
17 second example, the product was actually simple,
18 it's just that they had been completely over-
19 committed. And that's why they failed to produce
20 what we needed, the quality we needed and on
21 time.

22 CHAIR GRIMBALL: Has your, for

1 particularly large orders, has your company ever
2 considered, I guess, dividing those orders
3 between different vendors in the United States to
4 see if that would increase the timing of the
5 manufacturer process, perhaps giving a thousand,
6 putting in an order for a thousand to this
7 vendor, a thousand to another vendor instead of -
8 -

9 MS. MACHHAR: Well, it -- I'm sorry,
10 did you finish your question?

11 CHAIR GRIMBALL: Yes.

12 MS. MACHHAR: Okay, sorry.

13 CHAIR GRIMBALL: Go ahead.

14 MS. MACHHAR: The thing is, our
15 products are not -- they're not just these mass-
16 produced products, they're --- every product is
17 different. Every requirement that the client
18 might have might be different.

19 To launch one product they might need
20 five different materials, to launch another
21 product they might need three different
22 materials.

1 And so, it's all custom. We engineer
2 it here, we design it here. So, and sometimes we
3 do, the tool might be created in China but the
4 production is here.

5 Sometimes the tool is created here but
6 the production is in China. It really just
7 depends on when it's happening, what is being
8 produced, what is being done.

9 So we definitely try to work as much
10 as we can, with as many domestic manufacturers as
11 we can. But at least 60 percent of our business,
12 I mean, our manufacturing portion of the
13 business, has come from China, simply because
14 we've had relationships that we've establish over
15 ten years with four companies that we can rely
16 on. We know that they know us, we know the
17 product they're going to produce and we know the
18 costs they're going to produce it at.

19 And then those manufacturers
20 themselves may have tools. So the tools can be a
21 big thing. So investment of time and tools.

22 Especially for our reorder part of the

1 business, which is about 50 percent of the sales
2 that we generate a year. Because once you have
3 that tool, that's when you can produce it
4 quickly.

5 And to invest time and money to make
6 another tool, because we can't necessarily get
7 those out of the Chinese -- out of China, because
8 of, one, the government, or two, that they might
9 own the tools. And that could be the problem.

10 So we work, we do try to do what
11 you're saying as much as we can, but you can't
12 always divide the actual manufacturing itself.
13 It usually goes to one or another because of
14 considerations or tools or things like that.

15 CHAIR GRIMBALL: And just to clarify,
16 this special tool that you are speaking about,
17 and the one that you spoke about in your
18 testimony, this intellectual property is often
19 times owned by that particular manufacturing
20 plant so it's not something that can be
21 transferred --

22 MS. MACHHAR: No, no, no. The

1 intellectual -- so, in the U.S., we design, I'm
2 sorry if I misspoke, we design the product, we
3 engineer the product.

4 The tool may or may not need to be
5 created, depending on what the product is. What
6 a tool does is if, basically, if you have
7 component parts, imagine a display, like, you go
8 to a Home Depot and you see tiles on a rack, that
9 display could be freestanding, it could be
10 attached to a wall.

11 Those component parts, we need to
12 design, engineer. And actually, we assembly it
13 all back in the U.S. too. They come to us either
14 partially or fully disassembled. And then we put
15 it together here, we install it here.

16 And so, those component parts, that
17 might need a tool. So, if this one wall panel
18 might need a special tool that can crank it out,
19 that tool we invest in China.

20 And I could get back to you on whether
21 they own that tool. I think sometimes, when --
22 sometimes they do. They put their own investment

1 money in making that tool, but I think it's still
2 leased back to us. But I can find out more
3 details if you want, on that question.

4 CHAIR GRIMBALL: That would be good to
5 know to clarify that point. Thank you.

6 MS. MACHHAR: Okay, thank you.

7 MR. BISHOP: We release this Panel
8 with our many thanks and we invite the members of
9 Panel 42 to please come forward and be seated.

10 CHAIR BUSIS: So, we're rotating our
11 U.S. -- our Chairs. My name is Bill Busis, I'm
12 the Chair of the Section 301 Committee. Mr.
13 Bishop, you may call the first witness.

14 MR. BISHOP: Mr. Chairman, our first
15 witness on this Panel is David Feniger with
16 American Posts, LLC. Mr. Feniger, you have five
17 minutes.

18 MR. FENIGER: Good morning, Chairman
19 and distinguished members of Section 301
20 Committee. My name is David Feniger, president
21 of American Posts in Toledo, Ohio.

22 I once again appreciate the

1 opportunity to testify before you today and
2 respectfully request that HTS Subheading
3 7326.90.86 remain on the updated Section 301
4 tariff list and that a 25 percent tariff does ---
5 be imposed.

6 My testimony today, supported by the
7 information provided in my business confidential
8 comments, aims to demonstrate that a 25 percent
9 duty is not only appropriate, but necessary to
10 address China's unfair trade practices and will
11 not cause disproportionate economic harm to the
12 U.S. consumers.

13 For years, my company has tried to
14 fight unfair Chinese manufacturing, labor and
15 trade practices while that has systematically put
16 out three of my remaining U.S. competitors and
17 left me the only last standing u-post
18 manufacturer in the U.S. And struggling to stay
19 in business with only 15 percent of the U.S.
20 market share.

21 The fact is that 85 percent of steel
22 u-posts used by American gardeners and farmers,

1 has regrettably been lost to our only competitor,
2 the Chinese. And we have been able to
3 increasingly leverage -- who have been able to
4 increasingly leverage unfair trade practices.

5 Unfortunately, this competitive
6 disadvantage was what we faced before the rise in
7 U.S. steel prices. Since enactment of Section
8 232 our situation has become even more
9 complicated.

10 We proudly use one hundred percent
11 American-made steel in the manufacturing of our
12 steel u-posts, and we support the 232 tariffs.
13 However, while we're starting to see steel prices
14 level off, the fact remains that since January,
15 U.S. hot roll prices have increased by more than
16 35 percent, yet our Chinese competitors' costs
17 have remained the same.

18 This is because our Chinese
19 competitors are able to circumvent the steel
20 tariff by shipping a Chinese-made steel u-post as
21 a finished steel product, not subject to the
22 tariff, even though over 70 percent of its

1 contents and value are attributed to a steel mill
2 article that is subject to the tariff.

3 The catch-22 can be resolved if we
4 ensure downstream finished steel products, like
5 this, are subject to the same 25 percent tariff
6 as the underlying steel used. Again, with only
7 15 percent of the current market and operations
8 running at only 35 percent capacity, we simply
9 won't be able to continue to compete in the
10 market dynamics unless conforming measures, like
11 this, are promptly and strictly implemented.

12 And this action would be very timely,
13 as the buying season is currently taking place
14 for this kind of a product.

15 But I firmly believe that the
16 administration stands strong with decisive
17 implementation of the 25 percent tariff on steel
18 u-posts. We will start receiving orders from
19 U.S. retailers, giving American farmers and
20 gardeners a choice between buying Chinese or
21 spending an additional ten to twenty cents to buy
22 steel posts proudly bearing the American flag.

1 We are already starting to see
2 promising signs, but the U.S. must follow through
3 with -- on these actions.

4 In anticipation of this, American
5 Posts has a detailed plan to ramp production
6 quickly to meet new U.S. ordered demands, if the
7 duty is imposed. While we don't believe U.S.
8 retailers will stop buying Chinese products
9 altogether, we do believe there will be an
10 increase in orders.

11 We are positioned to quickly hire our
12 current workforce of temporary employees that
13 already know our machinery and get our capacity
14 up to at least 90 percent quickly. We also have
15 a plan to put into place new equipment in the
16 next six to nine months and add an additional 50
17 to 60 workers to increase our capacity even more.

18 In closing, while I deeply respect
19 that many companies have come before you over the
20 last six days explaining how this tariff may harm
21 American jobs, I am here to submit that not
22 taking action is what has already led to hundreds

1 of thousands of high-quality American jobs
2 leaving our country.

3 To say that my employees and I were
4 relieved that the USTR expanded Section 301 lists
5 includes our HTS, is an understatement. A 25
6 percent duty must be applied to us, to make it
7 where we are more competitive in this industry.

8 If the Committee is interested in
9 taking a more targeted approach, we respectfully
10 request a 25 percent tariff on our ten-digit HTS
11 Code, 7326.90.8635, which covers our fence posts
12 directly.

13 And if for some reason no Section 301
14 duties are imposed on HTS, we strongly request
15 that the administration take other actions to
16 equalize the treatment of downstream fabricated
17 steel products made with raw steel, subject to
18 Section 232 tariffs.

19 On behalf of my employees and our
20 wonderful suppliers, and other companies that
21 were in support of Section 301 who all join me in
22 calling for a 25 percent tariff on the HTS code,

1 I once again thank you for your time and
2 consideration of this request.

3 CHAIR BUSIS: Mr. Bishop, before we go
4 to the next witness, just some sort of book
5 keeping here. So, the next six witnesses, as I
6 understand, are all going to testify on trailers,
7 and so they will present their testimony and then
8 we will have some combined questions for the
9 trailer group of witnesses.

10 We also have a change in testifiers
11 and Mr. Mudd is Witness 6 and Witness 8. I would
12 ask that Mr. Mudd, when he testifies, go from 6
13 and then follow up with his further testimony.
14 And I'd also ask him to keep in mind to try and
15 combine the testimony as much as possible, given
16 that it's the same witness who's on the Panel
17 talking about the same thing.

18 Mr. Mudd, could you clarify how it is
19 that you are both Witness Number 6 and Witness
20 Number 8?

21 MR. MUDD: The dealers --

22 CHAIR BUSIS: Turn --

1 MR. MUDD: The dealers that are --

2 MR. BISHOP: Wait. Wait one second,
3 you're not on.

4 MR. MUDD: Okay. The two companies
5 that I am testifying for are dealers for Vanguard
6 National Trailer Corp., and I'm president and CEO
7 of Vanguard National Trailer.

8 They were scheduled tentatively to
9 come last week, and when the schedule changed to
10 today, neither of them were able to make it
11 today. These are small businesses, and their
12 schedules didn't allow them to be here and so I
13 offered to testify on both of their behalf.

14 CHAIR BUSIS: So are you -- so you're
15 Vanguard, which is a company which sells
16 trailers?

17 MR. MUDD: We manufacture the
18 trailers, and RC Trailer and Total Trailer are
19 independent dealers that exclusively sell our
20 equipment.

21 CHAIR BUSIS: Okay. Where do you
22 manufacture the equipment?

1 MR. MUDD: In Monon, Indiana and
2 Trenton, Georgia.

3 CHAIR BUSIS: Okay. Okay, I got it.
4 All right, let's proceed as we stated. Thank
5 you.

6 MR. BISHOP: Mr. Chairman, our next
7 witness is Ayman Awad with Trend Intermodal
8 Chassis Leasing, LLC. Mr. Awad, you have five
9 minutes.

10 MR. AWAD: Thank you. My name is
11 Ayman Awad and I am president of Trend Intermodal
12 Chassis Leasing, LLC.

13 I'm here speaking on behalf of Trend
14 Intermodal Chassis Leasing, LLC. The company was
15 formed in 2013 and is located in Kearney, New
16 Jersey.

17 We're engaged in leasing intermodal
18 chassis to transportation companies on the east
19 coast. I'm here to urge the administration to
20 remove chassis classified under HTSUS 8716.39.00
21 which would list our proposed products subject to
22 the 25 percent tariff.

1 Intermodal chassis represent inland
2 equivalent to shipping vessels handling imports
3 or exports, and are critical to this countries
4 transportation industry.

5 The impact of limiting the sourcing of
6 chassis will have extreme financial consequences
7 on our company as well as our end users, which
8 consist of other small businesses.

9 Trend relies on imports from China
10 because there are insufficient U.S. producers and
11 third-country suppliers to meet our demand.

12 There are four U.S. manufacturers supplying the
13 U.S. market and only three are within the east
14 coast geographical range: Cheetah Chassis,
15 Hercules Industries and Pro-Haul. The fourth is
16 Hyundai in Tijuana, Mexico.

17 Trend has been procuring chassis from
18 Hercules since the inception of our company, but
19 the production space availability is limited due
20 to their commitment to a few large clients.

21 Cheetah was not a viable option as the
22 positioning of the chassis to our Newark, New

1 Jersey facility was an issue.

2 The three U.S.-based manufacturers
3 only have a total annual capacity of
4 approximately 16,000 units for both marine and
5 domestic 53-foot chassis. This represents less
6 than one third of the annual demand for chassis.

7 Hyundai's Mexico facility is not a
8 viable option for our northeast market, due to
9 the prohibitive trucking cost of the chassis.
10 The impact of the proposed tariff on Trend would
11 cause severe economic harm.

12 We purchased over 700 chassis in 2017
13 with most of them from CIMC, which imports from
14 China and a small portion from Hercules in New
15 Jersey.

16 If the 25 percent tariff is imposed,
17 we will for sure have to limit our procurement
18 program and raise rates on our lessees, which in
19 turn will have to be reflected in the trucking
20 rates offered to shippers.

21 Furthermore, this Panel respectfully
22 did not evaluate safety considerations when they

1 included chassis in the list of products -- to
2 include in the list of imports, subject to the
3 tariffs.

4 CIMC's production is essential for the
5 upgrading of the chassis fleet operating on our
6 streets and highways. The chassis industry went
7 through a crucial change in logistics and
8 operations at the beginning of this century.

9 It was initiated by the ocean shipping
10 lines, which additionally were the suppliers of
11 the chassis to their shippers and consignees.

12 From 2006 onward, they declared that
13 they would no longer supply chassis and trucking
14 companies would have to provide the chassis, with
15 the tractors, to the shippers. That transitioned
16 resulted in a few years of instability and
17 reluctance to order and replace existing chassis
18 fleets.

19 It was not until 2011/2012 that the
20 trucking companies started to recognize that they
21 would prefer to upgrade the chassis fleet to
22 avoid the inefficiencies of the existing aging

1 fleet, such as single mode loading chassis, five
2 spoke wheels, antiquated tube type bias tires,
3 manual slack adjusters, non-ABS and lack of LED
4 lights and automatic tire inflation systems.

5 The current pace of replacement of the
6 older chassis will require an output of 50,000
7 units for marine chassis and 15,000 to 20,000 for
8 domestic 53-foot chassis.

9 Without CIMC's production, this will
10 cause a major setback and force us to continue to
11 rely on the aging and worn out fleet, which in my
12 view raises the risk on our highways to our
13 overall transportation system.

14 We also need to consider the chain
15 reaction of having a limited supply of chassis
16 that will increase the potential bottleneck
17 effect on our marine terminals, and could pose
18 constraints on our overall review and processing
19 of loads by the TSA.

20 I sincerely urge you to reconsider
21 imposing any duty on chassis as the impact of
22 limiting sourcing of chassis could cause massive

1 inefficiencies in the flow of cargo, which will
2 result in longer transit times and backlog at
3 terminals and rear ramps. Thus, for the
4 foregoing reasons, Trend respectfully requests
5 that USTR remove chassis under HTSUS 8716.39.00,
6 from the list of products subject to the proposed
7 25 percent tariff.

8 I will be glad to answer any of your
9 questions. Thank you.

10 MR. BISHOP: Thank you, Mr. Awad. Our
11 next witness is Scott Runnels with Hale Trailer
12 Brake & Wheel, Incorporated. Mr. Runnels, you
13 have five minutes.

14 MR. RUNNELS: Good morning, Committee.
15 My name is Scott Runnels. I am the Delmar,
16 Delaware branch manager speaking on behalf of
17 Hale Trailer Brake & Wheel.

18 Hale Trailer is a full service semi-
19 trailer dealership headquartered in Voorhees, New
20 Jersey. We have over 375 employees working out
21 of 12 branches up and down the east coast, from
22 Maine to Florida.

1 Hale Trailer has a full range of semi-
2 trailers for sale. In addition, we maintain an
3 extensive fleet for rental on either a short- or
4 long-term basis.

5 We also have facilities in each of our
6 branches providing trailer and truck servicing,
7 as well as retail parts business.

8 I am here to urge the administration
9 to remove chassis, trailers and trailers parts
10 classified under HTSUS, Subheading 8716 and 8708
11 from the list of proposed products subject to 25
12 percent tariff.

13 A principal concern of ours is the
14 tariff on a particular type of trailer, the
15 intermodal chassis. Chassis are a critical
16 component in the transportation industry,
17 allowing for the transport of ocean containers
18 from ports over U.S. roads to their final
19 destination.

20 In recent years there have been
21 concerted effort to increase the safety of
22 intermodal chassis fleets in the U.S. in order

1 that our highways be safer.

2 Hale Trailer relies on purchasing
3 intermodal chassis from CIMC Intermodal
4 Equipment, which is manufactured in China. CIMC
5 is the leading provider of intermodal equipment
6 in the United States, supplying a large portion
7 of the market.

8 While there are a few smaller
9 manufacturers, there is only one other major
10 provider of chassis in the U.S., and those
11 chassis are built in Mexico. Delivering that
12 product to the east coast is cost-prohibitive.

13 It is only CIMC that delivers directly
14 to the east coast ports in significant numbers.
15 If tariffs increase the cost of chassis from
16 China by 25 percent, there will be insufficient
17 U.S. producers and third-country suppliers to
18 meet our demand without drastic price increases.

19 The impact of the proposed tariffs on
20 Hale Trailer would cause severe economic harm.
21 The proposed tariffs would result in a
22 substantial increase in the price of new chassis,

1 which could significantly negatively impact our
2 sale on new chassis to our customers.

3 In addition, we would be unable to add
4 new chassis to our rental fleet in large numbers
5 if the price increases dramatically. As a
6 result, the growth of our business could be
7 negatively impacted.

8 More importantly, perhaps, as the cost
9 of chassis increases, intermodal chassis fleets
10 traveling over U.S. roads age. As the fleets
11 age, they are more expensive to maintain, or
12 worse, safety is compromised.

13 Finally, Hale Trailer believes in free
14 and fair trade, however, we do not believe that
15 imposing tariffs on chassis, trailers and trailer
16 parts will achieve those goals. Hale Trailer
17 respectfully requests that USTR remove these
18 products from the list of products subject to the
19 proposed 25 percent tariff.

20 I would be glad to answer any of your
21 questions. Thank you.

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

1 Our next witness is Jay Malave with Diamond
2 Motorz Trailer Sales, Incorporated. Mr. Malave,
3 you have five minutes.

4 MR. MALAVE: Thank you so much. Good
5 morning, thank you for having me.

6 My name is Jay Malave, I am the
7 president and CEO of Diamond Motorz Trailer
8 Sales. I am here speaking on behalf of the
9 Diamond Group of companies.

10 We are a family owned and operated
11 semi-trailer dealership serving the southeast
12 since 2002. Our corporate headquarters are
13 located in Greenville, South Carolina.

14 We currently have 27 families working
15 with us, as we like to refer to our team of
16 employees. Most of them have been with us over
17 ten years and we continue adding families to our
18 family.

19 I am here to urge the administration
20 to remove trailers and trailer parts, classified
21 under HTSUS 8716.39.00.90 and .50, 8708.70.45,
22 and 8708.30.50, from the list of proposed

1 products subject to the 25 percent tariff.

2 The transportation industry is always
3 under constant overhaul, as you all know. Let us
4 not forget that America runs on trucks.

5 We have been successful at keeping our
6 customers on the road to success because we can
7 be relevant to the industry. An added tariff
8 will only trickle down to our end users which
9 will ultimately pass it on to the millions of
10 American families that work as hard as we do.

11 The trailers that I am here to
12 advocate for are fully assembled in the U.S. with
13 American employees like myself, and the ones that
14 I employ. We are proud of what we do and proud
15 of being able to serve our customers and local
16 communities that ultimately transport and enjoy
17 these goods.

18 The Diamond Group of companies relies
19 on import of trailer components from China. The
20 trailer industry is already operating at capacity
21 to try to keep up with the demand.

22 These tariffs will impact the

1 industry, resulting in the creation of a deficit
2 in equipment availability. Furthermore, it could
3 also help to create monopoly in the industry.

4 It is important to note that as a
5 trailer distributor, we are bound by geographic
6 limitation and exclusive areas of responsibility.
7 There are no available U.S. manufacturers or even
8 third country manufacturers for us to represent.

9 The sale of the trailer is based on
10 quality, specificity and availability of the
11 product. We have suffered significant price
12 increase due to aluminum and steel tariffs
13 recently imposed, making our products, at times,
14 higher than our competitors'. Therefore, we must
15 find our niche in order to stay relevant.

16 The impact of the proposed tariffs on
17 the Diamond Group of companies would cause severe
18 economic harm to our local community and our
19 families. We would no longer be relevant nor
20 competitive within our industry.

21 Furthermore, we would have to downsize
22 approximately 43 percent of our workforce. Every

1 department from sales, parts, and service, every
2 aspect of our organization would be directly
3 impacted by this.

4 Finally, there is no silver bullet
5 solution here. The proposed tariffs would not
6 achieve the administration's policy objectives.

7 Trailers and trailer parts are not
8 high-technology products or industry that the
9 USTR identifies as being of concern in its
10 investigation.

11 The Diamond Group of companies
12 believes in free and fair trade. However, the
13 imposition of these tariffs will not achieve
14 those goals.

15 As you probably already know, the
16 transportation industry is very delicate. It's
17 affected by many variables worldwide. Changes
18 should be made in small course corrections and
19 not through massive disruptions.

20 That's the forgoing reasons the
21 Diamond Group of companies respectfully request
22 that the USTR removes trailer parts from the list

1 of products subject to the proposed 25 percent
2 tariff. I'll be glad to answer any questions
3 that you may have. Thank you.

4 MR. BISHOP: Thank you, Mr. Malave.
5 Our next witness is Densil Williams with Climate
6 Engineering Companies. Mr. Williams, you have
7 five minutes.

8 MR. WILLIAMS: Good morning. My name
9 is Densil Williams, I am the Chief Operating
10 Officer of CIMC USA. I am here to speak on
11 behalf of Climate Engineering Companies who was
12 unable to attend today.

13 CIMC USA is a holding company for
14 Vanguard National Trailer, CIMC Reefer Trailer
15 and CIMC Intermodal Equipment.

16 Climate Engineering is a dealer who
17 operates one of 93 dealer locations across the
18 country and purchases refrigerated trailers for
19 resale from Vanguard Trailer.

20 We will all be dramatically affected
21 by the proposed tariffs on trailers and trailer
22 parts. Climate Engineering and CIMC USA are

1 American companies whose primary business are the
2 sales and manufacturing of dry van highway
3 trailers, container chassis, and temperature-
4 controlled van trailers.

5 On behalf of Climate Engineering, I
6 urge the administration to remove trailer and
7 trailer parts classified as 8716 and 8708 from
8 the list of proposed products subject to the 25
9 percent tariff.

10 These products are vital to the United
11 States economy for the highway and intermodal
12 transportation of goods from soup to ice cream,
13 clothing to cars, and houses to the furniture
14 used in this room.

15 The CIMC USA companies, which serve
16 small businesses such as Climate Engineering,
17 rely on imports from China because there are no
18 other sources of supply available to us for the
19 parts we must have to build the chassis, dry van
20 trailers and temperature-controlled trailers.
21 I'd like to emphasize that point, there are no
22 other sources of supply for us.

1 Further, there is simply not enough
2 capacity to produce and supply container chassis,
3 dry van trailers and temperature-controlled van
4 trailers in the United States, to meet current
5 and projected future demand. In fact, the current
6 lead time for our products exceed 12 months for
7 delivery from date of order, and these are
8 stretching out.

9 Customers are forced to run older,
10 less efficient equipment. The trailers produced
11 by CIMC companies and purchased for resale by
12 Climate Engineering are not high technology, it's
13 a very mature product.

14 Climate Engineering has current orders
15 that cannot survive a substantial increase in
16 cost, nor can Climate Engineering survive without
17 recouping a substantial cost increase.

18 CIMC USA has no other sources but
19 China. This puts both Climate Engineering and
20 CIMC USA in a no-win situation.

21 This is due to the structure of the
22 trailer manufacturing industry and the dealership

1 networks with which they work. First, trailer
2 manufacturers are vertically integrated from
3 component manufacturing to assembly.

4 CIMC USA is not able to source
5 components from other trailer manufacturers
6 because the components other manufacturers
7 produce are used for their own products.

8 Second, many trailer components are
9 specialized designs made specifically for each
10 manufacturer's trailer. A trailer door made by
11 another manufacturer won't work in a Vanguard
12 door. It has to be a custom door.

13 The industry is simply not structured
14 to allow Climate Engineering and CIMC USA to
15 source parts from other manufacturers.

16 Furthermore, dealers such Climate Engineering
17 cannot source trailers from other manufacturers
18 because they're a dealer for Vanguard.

19 Other manufacturers already have
20 dealer networks in place for their trailers and
21 would not sell to a competitor's dealer. As an
22 illustration, it would be like having a Ford

1 dealership selling Buicks.

2 If companies such as Climate
3 Engineering are unable to purchase trailers from
4 Vanguard, they would not be able to source them
5 elsewhere and would lose business. Thus, the
6 impact of the proposed tariffs would cause severe
7 harm, not only to our companies but also to the
8 many dealers, such as Climate Engineering, that
9 rely on our supply.

10 Our end customers would also suffer
11 economic harm. Our companies and dealers could
12 also lose their businesses entirely.

13 Finally, the proposed tariffs would
14 not achieve the administration's policy
15 objectives. Trailer and trailer parts are not
16 high-technology products or industry.

17 Climate Engineering and CIMC USA
18 believe in fair and free trade, however, imposing
19 tariffs on these products will not achieve these
20 goals.

21 We ask that you take these facts into
22 consideration and remove these products under

1 8716 and 8708 from the list of products subject
2 to the tariff. I'll be very happy to answer your
3 questions, and thank you very much.

4 CHAIR BUSIS: So, before Mr. Mudd
5 starts, we will give him time to speak for both
6 those companies. I would say that, the witness
7 who just spoke testified that Vanguard and CIMC
8 are related, they're all a Chinese company.

9 You're speaking on behalf of Vanguard,
10 which are Chinese companies -- it just sounds to
11 me like this is a bunch of witnesses on behalf of
12 a single Chinese company, so you may want to
13 consider addressing that as you go through your
14 testimony. Thank you.

15 MR. BISHOP: Thank you, Mr. Williams.
16 Our next witness is Charlie Mudd on behalf of RC
17 Trailer Sales and Service Company, Incorporated
18 and Total Trailer Company. Mr. Mudd, you have a
19 total of ten minutes.

20 MR. MUDD: Again, my name is Charlie
21 Mudd, I'm president and CEO of Vanguard National
22 Trailer Corp. Vanguard National Corp is an

1 American company.

2 I am here to speak on behalf of RC
3 Trailer, who was unable to attend the hearing
4 today due to the schedule change from last week.
5 RC Trailer is a dealer who exclusively purchases
6 trailers from Vanguard, and as a result, will be
7 significantly impacted by the proposed tariffs on
8 trailer and trailer parts.

9 Vanguard National Trailer Corp. is a
10 manufacturer of semi-trailers for the United
11 States freight transportation industry. From
12 headquarters in Monon, Indiana, Vanguard operates
13 factories in Monon, Indiana and Trenton, Georgia.

14 We are the largest employer in both
15 White County, Indiana and Dade County, Georgia,
16 with over 700 United State citizen employees
17 whose jobs didn't exist before Vanguard was
18 started in 2003.

19 Vanguard is one company in the global
20 network of trailer manufacturers in the CIMC
21 Vehicle Group that serves customers and dealers
22 such as RC Trailer. On behalf of RC Trailer, I'm

1 here to urge the administration to remove
2 trailers and trailer parts classified under HTSUS
3 8716 and 8708 from the list of proposed products
4 subject to the 25 percent tariff.

5 Vanguard National Trailer Corp. is
6 structured to source certain specifically,
7 specially fabricated trailer parts and components
8 from CIMC Vehicle Group's sister companies in
9 China. These are specifically-designed rear
10 frames, bumpers, couplers and structural parts.

11 This is how the CIMC Vehicle Group is
12 structured globally. Vanguard was established in
13 2003, set up to source in this way and without
14 the capability to fabricate these trailer parts
15 locally.

16 Vanguard has worked with its Chinese
17 sister companies for more than 15 years to
18 perfect the design and structural integrity of
19 these parts. These parts are necessary components
20 for the assembly of our semi-trailers.

21 Their design is proprietary to
22 Vanguard and their structural integrity is

1 essential to the safety and utility of the
2 trailers for the freight transportation industry
3 and customers such as RC Trailer.

4 As a dealer for Vanguard, RC Trailer
5 relies on imports from China because there are
6 insufficient U.S. producers and third country
7 suppliers to meet Vanguard's specific demand.
8 There are no United States-based suppliers for
9 the specific components that Vanguard sources
10 from its Chinese sister companies.

11 Other semi-trailer manufacturers are
12 structured to fabricate the same parts for their
13 own products. They do not sell these components
14 to other semi-trailer manufacturers, and
15 especially not the proprietary design components
16 required by any other manufacturer.

17 Vanguard really operates in the same
18 way, except our fabrication department is not in
19 the next building, it's in China. And that
20 fabrication department provides components for
21 other CIMC Vehicle companies globally.

22 Vanguard National Trailer Corp. sells

1 its products directly to high -- or to larger
2 national private and for-hire trucking fleets in
3 the United States and to regional, local, and
4 private and for-hire trucking fleets through a
5 network for independent dealers such as RC
6 Trailer.

7 The Vanguard website lists 93 dealer
8 locations across the country. The impact of the
9 proposed tariffs on RC Trailer and its supplier
10 Vanguard National Trailer Corp. would cause
11 severe economic harm to RC Trailer, Vanguard,
12 Vanguard's direct private and for-hire national
13 trucking fleet customers, as well as the Vanguard
14 network of independent trailer dealers and the
15 hundreds of smaller trucking fleets in every
16 corner of the United States that rely on our
17 dealers for their equipment.

18 The implementation of a 25 percent
19 tariff on trailer parts will raise the cost of
20 Vanguard's semi-trailers far above the market
21 pricing. RC Trailer, Vanguard and Vanguard's
22 other dealers cannot continue operations

1 absorbing the cost increase.

2 Vanguard's customers and Vanguard's
3 dealer customers cannot operate equipment at a
4 price that is too high for their cost structures.
5 Vanguard currently has an order backlog scheduled
6 into November of 2019.

7 The entire U.S. semi-trailer industry
8 is booked into at least the third quarter of next
9 year. If the 25 percent tariff is implemented on
10 trailer parts for Vanguard customers and dealers,
11 they will not be able to source equipment from
12 any other supplier for quite some time, causing
13 great economic hardship.

14 While all Vanguard customers will be
15 impacted, the most severely affected companies
16 will be the Vanguard dealers, such as RC Trailer,
17 and the hundreds of smaller U.S. trucking
18 companies that rely on our semi-trailers to
19 operate. Vanguard's 700 jobs and thousands of
20 jobs across the country with smaller companies
21 will be impacted.

22 Also, any impact on the freight

1 transportation industry in the U.S. --

2 CHAIR BUSIS: Excuse me, I just have
3 to interrupt.

4 MR. MUDD: -- impacts the larger
5 economy ---

6 CHAIR BUSIS: I have to interrupt for
7 one second. You just talked about Vanguard's 700
8 jobs? I thought you were testifying on behalf of
9 the small dealer.

10 MR. MUDD: I am. I was using the
11 global Vanguard's jobs, the dealer's jobs, the
12 dealer's customers' jobs will all be impacted by
13 this.

14 CHAIR BUSIS: Okay. Okay, it's
15 gratifying to hear the dealer cares about other
16 companies' jobs. Go ahead.

17 MR. MUDD: Finally, the proposed
18 tariffs on trailers will not achieve the
19 administration's policy objectives regarding
20 intellectual property.

21 RC Trailer and Vanguard National
22 Trailer believe in free and fair trade, however,

1 these tariffs will not achieve those goals and
2 will only result in significant harm to U.S.
3 companies, employees and consumers.

4 In conclusion, we ask that the USTR
5 remove products under HTSUS 8716 and 8708 from
6 the list of products subject to the proposed 25
7 percent tariff. I'll be glad to answer your
8 questions.

9 In consideration of your request to
10 avoid reputation, on behalf of Total Trailer,
11 another dealer for Vanguard, I'd simply emphasize
12 that the radiated effect of the tariffs on the
13 supplier, the manufacturer, Vanguard Trailer,
14 will have impact on our dealer network and the
15 hundreds of trucking companies that our dealer
16 network serves across the country. Thank you.

17 CHAIR BUSIS: Okay, so our next
18 witness is Mr. Soncala. Am I saying that right?

19 MR. SONCALA: Yes.

20 CHAIR BUSIS: So your testimony also
21 has a big CIMC on the top, so are you also
22 associated with the big Chinese company CIMC?

1 MR. SONCALA: Yes. I am CIMC's CEO
2 and President of their CIMC Intermodal Equipment,
3 manufacturers of intermodal chassis and
4 distributors of intermodal chassis throughout
5 North America.

6 CHAIR BUSIS: Okay. All right, so
7 more CIMC. Okay. Go ahead.

8 MR. SONCALA: My name is Frank Soncala
9 and I am President and CEO of CIMC Intermodal
10 Equipment. I am here speaking on behalf of ILoca
11 Services, Incorporated, who was unable to attend
12 the hearing today.

13 CIMC Intermodal Equipment provides
14 chassis and trailers to ILoca Services, one of
15 our premier chassis dealerships in the Chicago
16 marketplace, servicing railroads, marine
17 container haulers and over the road for-hire and
18 private trucking companies.

19 On behalf of ILoca Services, we urge
20 the administration to remove chassis and trailer
21 parts classified under HTSUS 8716 and 8708 from
22 the list of products subject to the proposed 25

1 percent tariff.

2 Chassis and trailers are critical
3 components of our transportation networks, moving
4 goods from U.S. ports to U.S. customers.

5 To illustrate, I have included images
6 of chassis and the role they play in our economy.
7 ILoca Services relies on imports from China
8 because there are insufficient U.S. producers and
9 third-country suppliers to meet U.S. demand.

10 In particular, U.S. demand for chassis
11 has been increasing in the recent years because
12 of the need to update fleets and meet new
13 regulatory requirements. But U.S. production of
14 chassis is already at capacity, with no excess
15 capacity to absorb the growing demand.

16 Moreover, supply from third-country
17 sources is limited. For example, a producer of
18 chassis in Mexico recently announced that it did
19 not intend to increase its capacity.

20 Thus, imports from China are necessary
21 to serve the U.S. market. The cost of expansion
22 to over -- to cover 40,000 chassis of both

1 domestic and marine would cause a great delay
2 over the next 18 months and beyond.

3 Other trailer type original equipment
4 manufacturers are already sold out into the
5 second quarter of 2019, and they are producing
6 higher value trailers at a much higher profit
7 margin than that of a marine or domestic 53-foot
8 chassis.

9 I have included a chart with my
10 testimony that shows CIMC Intermodal Equipment's
11 estimate of U.S. demand for chassis to illustrate
12 the gap between U.S. demand and supply from U.S.
13 producers and third-country sources.

14 As you can see, the majority of
15 chassis come from China. There is simply not
16 enough capacity for U.S. producers and third-
17 country suppliers to meet this high demand for
18 the U.S. chassis.

19 The impact of the proposed tariffs on
20 customers such as ILoca and us would cause severe
21 economic harm. The estimated cost of 25 percent
22 tariffs on CIMC's projected sales of chassis from

1 fourth quarter 2018 through the end of 2019 would
2 amount to millions of dollars, which could be
3 passed on to customers such as ILoca.

4 This would be U.S. dollars that will
5 not be used for salaries, bonuses or capital
6 improvements. This is because the companies
7 affected by these tariffs, ILoca and CIMC
8 Intermodal Equipment, are U.S. companies. U.S.
9 companies.

10 And they are managed and they are
11 operated by U.S. employees. We are a consumer-
12 oriented -- and every consumer-oriented company
13 in the United States that is being taxed and
14 damaged by this tariff.

15 Prices in the United States will rise,
16 the cost of doing business will soar. Finally,
17 crisis in chassis and trailers are not high-
18 technology products that USTR identified as being
19 of concern in its investigation.

20 We understand that one company has
21 made certain allegations about U.S. chassis
22 production and CIMC. The allegations are without

1 merit and will be addressed in our written
2 comments.

3 ILoca Services and CIMC Intermodal
4 Equipment believes in free and fair trade.
5 However, imposing tariffs on these products will
6 not achieve those goals. Instead, it will cause
7 massive delays at our ports leading to efficiency
8 and safety concerns when the containers cannot be
9 moved properly due to a grave shortage of
10 chassis.

11 The administration correctly excluded
12 intermodal containers from the list of products
13 subject to tariffs in List 2. The same reasons
14 for excluding those containers apply to chassis
15 and trailer parts.

16 In conclusion, we respectfully request
17 that USTR remove chassis and trailer parts under
18 HTSUS 8716 and 8708 from the list of products
19 subject to 25 percent tariff. I will be glad to
20 answer any of your questions. Thank you very
21 much for this opportunity to address you.

22 MR. BISHOP: Thank you Mr. Soncala.

1 Mr. Chairman, that concludes direct testimony
2 from this Panel.

3 MS. DONG: Thank you. My question is
4 for Mr. Feniger.

5 In your testimony, you indicate that
6 the 232 tariffs have made domestically-produced
7 downstream products, such as steel posts, less
8 competitive in the U.S. market. You also stated
9 that imports from China of U.S. -- I'm sorry, of
10 u-steel posts account for 85 percent of the U.S.
11 market.

12 Since the 232 tariffs were imposed,
13 have you seen an increase in imports of u-steel
14 ports from China?

15 MR. FENIGER: I would have to -- I
16 don't know that answer off the top of my head, I
17 would have to give that to you in a post-hearing
18 submission.

19 And it was in the mid-season when all
20 this was going on. I would know more going into
21 next season, after the buying season ends in
22 September.

1 MS. DONG: Thank you. And then also,
2 as a follow-up, if tariffs were imposed on u-
3 steel posts, will you be able to increase
4 production to meet the current demand?

5 MR. FENIGER: Yes. As stated in my,
6 I think I read it correctly, is that we would be
7 able to immediately take on 40 percent of the
8 U.S. market share right away, and then in the
9 next six to nine months after -- we already have
10 a detailed plan in place, we would be able to
11 take on 80 to 90 percent of the U.S. market
12 share.

13 CHAIR BUSIS: We will now have --
14 thank you, Mr. Feniger, we'll now have some
15 combined questions for the chassis witnesses.

16 MR. SULEWSKI: Hello, this question is
17 for Trend Intermodal Chassis Leasing, Mr. Awad.
18 You testified that alternative sourcing for the
19 53-foot chassis is limited due to the limited
20 domestic capacity and high trucking costs for
21 chassis produced in Mexico.

22 Can you please elaborate why you

1 believe that U.S. producers could not increase
2 production?

3 MR. AWAD: The production facilities
4 that are available right now, which are Cheetah,
5 Hercules, have been existing for a very long
6 time, and the production assembly lines have been
7 set and have not been upgraded.

8 And I understand so because the
9 investment to increase production and put an
10 additional assembly line is very expensive. From
11 paint booths, from glass booth, from all the jigs
12 required and the space, and the facility needed.

13 And they see the risk and the
14 feasibility on actually putting the investment in
15 such production line, okay, while they have no
16 assurance of market space. So that resulted over
17 the years, okay, of shortage of production space
18 that is not available for us currently.

19 Combined all the three manufacturers
20 that supply us in the northeast, which are
21 Hercules and Cheetah, are running at full
22 capacity right now and cannot meet the demand.

1 CHAIR BUSIS: I think we're interested
2 in all the chassis witnesses on the same
3 question, instead of asking them separately. If
4 they have anything to add to that.

5 I'll ask a follow-up then. Is it --
6 one of the witnesses testified that these are not
7 a high-technology product. Basically, it's I
8 guess a steel frame with some wheels and so on.

9 Does it require complex machinery to
10 increase a production line?

11 MR. SONCALA: I can answer that. To
12 increase a production line in any of our
13 competitors' facilities, they also are
14 manufacturing, in their same buildings, the
15 trailers that go over the road.

16 With their long lead times now going
17 out into the future of almost the third quarter
18 of 2019, and a trailer product is a lot higher
19 value as far as the cost goes and their margins
20 are better on it, they're not paying any
21 attention to increasing a chassis line. So, the
22 chassis lines are having --- to capacity.

1 And if you at the trailer body
2 builders' reports for the last five years, they
3 report how many chassis each and every one of
4 these companies have made. And every one of them
5 bottom out or top out.

6 Let's say they top out at a specific
7 number, right within each other, for every one of
8 those years. They are not reinvesting into their
9 equipment, they are not putting more plants into
10 phases.

11 CIMC Intermodal Equipment has a plant
12 in Southgate, Florida, and we also have a plant
13 in Emporia, Virginia, one of the highest
14 unemployment areas in the United States.

15 And at this moment we are over 100
16 employees in Emporia, Virginia, putting together
17 chassis for the Norfolk Southern Railroad. Fifty
18 three-foot chassis being assembled, 5,551. No
19 one else in the United States can do that, both
20 by the amount of property they need to put
21 together and about the manpower. You cannot get
22 more manpower unless you go into places where you

1 have to put up a new building and do an
2 investment in communities, like we have been
3 doing.

4 And we're doing that with American
5 money made from American railroads, American
6 trucking companies, America's shippers and
7 haulers across the United States.

8 We also have built into our product a
9 ten-year warranty that no one has because we do
10 KTL coating instead of painting. And the reason
11 we do that is because our entire factory is zero
12 emissions, something that we want to bring to the
13 United States in the very near future.

14 Twenty-five percent put on a company
15 that is looking to -- that is the world leader in
16 trailers, chassis and heavy-duty vehicles. The
17 world leader. Seventeen different countries we
18 manufacture in. We cannot let America not have
19 more manufacturing of this high caliber and zero
20 emission factories being built here.

21 MR. MUDD: May I add to that?

22 CHAIR BUSIS: Wait. Before you get to

1 that, just so I'm clear, because it's confusing.

2 So, the witnesses seem to be wanting
3 to import complete chassis from China without
4 additional duties, but CIMC produces complete
5 chassis in the United States, is that right?

6 So why would duties on complete
7 chassis harm --

8 MR. SONCALA: No. We produce complete
9 chassis in the -- the marine chassis type. In
10 the domestic chassis in the United States they
11 all come in at 53-foot lengths. So we do
12 assembly here of those. They come in in parts.

13 CHAIR BUSIS: So what is the assembly?
14 How much value added is done by the assembly?

15 MR. SONCALA: Well, there's two values
16 added. Everything that comes in on a marine
17 chassis we inspect and do all the finishing
18 touches because coming across on the water, in an
19 open container, which they call a flat rack,
20 there is a lot of damage and a lot of materials
21 that get hurt. So we redo those materials when
22 they get into our factories in the United States.

1 On the other hand, the 53-foot chassis
2 come over in the same condition, but we have to
3 assemble them right here in the country. So it's
4 two different types of manufacturing, but it all
5 ends up that we have to inspect and re-certify
6 everything that comes off of the boat.

7 CHAIR BUSIS: Mr. Mudd, go ahead.
8 Please.

9 MR. MUDD: So the -- I wanted to
10 address your question with regard to the
11 machinery required for it.

12 With both the semi-trailer equipment
13 and the chassis equipment, the number one concern
14 is the safety of these vehicles running up and
15 down the highway. The precision that we have to
16 work with to make sure that the parts that we
17 import are of the safety quality that we need is
18 assisted by the quality of the machinery used,
19 the robotic welding that's done on the chassis
20 frames. When you have 40, 45, 50,000 pounds of
21 product going down the highway on a semi-trailer
22 and you're driving in your car, you want that

1 piece of equipment to be safe.

2 So, CIMC has invested heavily in
3 robotic welding equipment and KTL painting
4 processes to have the precision necessary to
5 assure the safety of the equipment here.

6 So, the answer to your question is,
7 there is significant investment that's required
8 in specialized machinery to assure the safety and
9 quality of the trailers and chassis that we do
10 the final assembly of here in the United States
11 for our networks of dealers and customers.

12 CHAIR BUSIS: I'm going to press you
13 a little bit further on this manufacturing. As
14 you all know, we've been told that the chassis
15 are 90 percent steel.

16 China has, as you know, massive over-
17 capacity in steel, massively low prices that's
18 being addressed now through the Section 232
19 action. But that puts manufacturers like Mr.
20 Feniger who use steel at a disadvantage, because
21 they have a higher steel cost where the Chinese
22 competitors do not.

1 What are the policy implications of
2 not imposing duties on the steel on the chassis
3 when it comes across the border as a chassis,
4 when the U.S. producer would have to pay duties
5 on that steel?

6 MR. SONCALA: Well, I for one can tell
7 you, since the majority of our product is steel,
8 in China, in the past two years, 20 percent of
9 their steel mills have been shut down due to
10 pollution and the move to having the cleaner
11 environment and air.

12 So, the prices of steel and the
13 availability of steel has gone up very much. The
14 availability has gone down and the prices have
15 gone up.

16 Just like it did in the United States
17 when we closed our steel mills because they
18 couldn't put the cost of cleaning up. Now we
19 have specialty steel mills in the United States
20 making specialty steel, not making the steel that
21 we use particularly in chassis or some of the
22 other areas in our trailers or chassis.

1 So I think the cost very, very -- is
2 very, very -- isn't the issue here. My sales
3 people go out there and they lose bids all the
4 time to the competitors when it's in the
5 competitive market to a U.S., American-built
6 product, because we cost more.

7 We cost more because we have more
8 shipping costs coming in from across the ocean.
9 We have more preparation costs putting it
10 together. We're paying for materials that are
11 also going up in price.

12 And putting another 25 percent on top
13 of that is going to start to have the customer,
14 who wants this product, who knows this product,
15 who buys it because of its quality and its
16 assurance of safety, to go, I can't afford to buy
17 another -- a 25 percent price on a chassis, so I
18 can buy only three chassis now instead of four,
19 or only two chassis now instead of five.

20 It all depends on the consumer and how
21 they're going to look at it. And I really truly
22 believe that we're doing ourselves a disservice

1 in this country for a lot of jobs, for all these
2 companies that depend on transportation.

3 And we'll address all of that in our
4 written comments as we go forward to the
5 September 6th deadline.

6 CHAIR BUSIS: Okay. Do you have
7 anything? All right, I think we've -- we're done
8 with this Panel. Thank you so much --

9 MR. SONCALA: Thank you.

10 CHAIR BUSIS: -- and I understand,
11 please don't take my questions as hostile, I'm
12 just trying to understand --

13 MR. SONCALA: No, don't take my tone
14 as hostile, I'm passionate. I'm passionate.
15 I've got families, I've got people with
16 mortgages, I've got people that are Americans
17 that are living a better life because our company
18 has made it better for them in many, many ways.

19 So, I appreciate the chance to be able
20 to be in this forum and please take into
21 consideration that this is a necessary product.
22 It's not high-tech, and it's something that

1 should be taken off. Thank you very much.

2 CHAIR BUSIS: Thank you.

3 MR. BISHOP: We release this Panel
4 with our many thanks and invite the members of
5 Panel 43 to come forward and be seated.

6 MR. BISHOP: Madam Chairman, our first
7 witness on this panel is Shawn Baier with
8 Metabolic Technologies, Incorporated.

9 Mr. Baier, you have five minutes.

10 MR. BAIER: Thank you very much for
11 your time today, I appreciate it.

12 My name is Shawn Baier and I'm the
13 Chief Operating Officer of Metabolic
14 Technologies, also known as MTI. I am also an
15 owner of the company.

16 MTI supports this administration's
17 objective to rectify the unfair acts, policies,
18 and practices found by the USTR to discriminate
19 and burden U.S. commerce, in particular, the
20 forced or pressured transfer of technology and
21 the intellectual property rights from the U.S. to
22 Chinese companies. MTI supports the objective of

1 ensuring a level playing field in global trade.

2 MTI, nonetheless, urges the U.S. Trade
3 Representative to not include HTSUS Subheading
4 2918.19.90 on the listing of subheadings for
5 which additional tariffs may be imposed pursuant
6 to Section 301 of the Trade Act.

7 MTI's most valuable product falls
8 under this subheading. It is the product beta-
9 hydroxy beta-methylbutyrate. From here on out, I
10 will call it the initials HMB so I don't have to
11 say that mouthful.

12 From a standpoint of what it is and
13 how it falls under this category -- subcategory,
14 it is a carboxylic acid that is used as an
15 ingredient in the subsequent U.S. manufacture of
16 dietary supplements that are primarily used for
17 nutritional support of muscle health. HMB is not
18 associated with the four categories of China's
19 acts, policies, and practices that the USTR found
20 to be unreasonable or discriminatory. In
21 addition, HMB is not within one of the ten
22 strategic industries that the USTR concluded

1 benefit from China's Made in 2025 industrial
2 policy. Subsequently, imposition of duties will
3 not be particular or effective -- I'm sorry --
4 practicable or effective in eliminating the four
5 Chinese acts, policies, and practices.

6 As a bit of background, MTI is a
7 research-driven company, an American company
8 found in 1990 by two university professors. It
9 is the typical tech transfer and entrepreneurial
10 story that we have a lot of times in the
11 university setting. In other words, it is a
12 classic example of American ingenuity and its
13 successful commercialization.

14 The research of these two professors
15 led to the discovery of HMB and its uses in
16 dietary supplements around the world. MTI, of
17 necessity, outsources manufacturing of its HMB in
18 a factory in China and that China manufacturer is
19 actually a U.S. -- that facility is actually
20 U.S.-owned by two individuals, one of which is
21 Mr. Larry Kolb on the panel here with me today.

22 As this is the manufacturing location

1 for this particular product, where the company's
2 high standards, affordability, and capacity can
3 be met, subsequent to its manufacture, HMB is
4 sold to U.S. supplement brands through patent and
5 trademark licenses by MTI and the U.S. companies
6 further manufacture the imported HMB into
7 finished dosage capsules and flavored powdered
8 drink mixes. Over 30 supplement brands of the
9 product exist in the United States, which benefit
10 millions of U.S. consumers and also add to the
11 profit of the U.S. supplement manufacturers.

12 This setup in the dietary supplement
13 industry is typical and it supports the existence
14 of hundreds of U.S. dietary supplement
15 manufacturers, as well as their employees, that
16 purchase raw ingredients from around the world,
17 including China, and subsequently manufacture by
18 blending and otherwise combining them into
19 finished products for consumer use.

20 MTI owns the IP rights to this
21 technology. MTI's IP has never been the target
22 of acquisition attempts by Chinese companies or

1 cyber theft. As the focus of this Section 301
2 proceedings is the forced or pressured transfer
3 of U.S. technology from U.S. companies and the
4 acquisition by Chinese companies of cutting edge
5 technologies and intellectual property through
6 the acquisition of U.S. companies, it is critical
7 to note that there is no connection between MTI's
8 product and the harms that the USTR needs to
9 remedy. This is the primary criteria for
10 determining whether tariffs should be implemented
11 on HMB manufactured in China and in this
12 industry, the harmful acts, policies, and
13 practices of China do not occur.

14 There is nothing to be gained by
15 imposing Section 301 duties on this product and
16 it will clearly cause disproportionate harm to
17 U.S. economic interests.

18 MTI supplies approximately 95 percent
19 of all HMB imported into the United States for
20 use, specifically in the dietary supplements.
21 The economic impact of a 10 percent, let alone a
22 25 percent additional cost would be passed on

1 directly to the consumer. In addition, the U.S.
2 dietary supplement manufacturing companies,
3 particularly those that highly depend on this
4 ingredient, will suffer most likely with cutting
5 backs of jobs or even ceasing to offer the
6 product altogether.

7 MTI cannot readily find alternative
8 sources to manufacturing HMB if tariffs were
9 imposed. There is not significant, if any,
10 source of HMB in the United States. Even if MTI
11 were to begin exploring its manufacture in the
12 United States, a process that would take an
13 extremely long period of time, the cost of
14 production would easily be double that of our
15 current manufacturing costs and, thus,
16 economically infeasible. This would be well
17 beyond that 25 percent tariff.

18 MTI is primarily a research-driven
19 development company and it employs individuals in
20 the United States in that capacity. They are not
21 low-paying jobs but, rather, high-end research
22 jobs. Also, they are jobs that deal with

1 marketing, supply chain, product planning,
2 finance, and sales. These jobs that represent
3 the realities of the current framework in
4 international trade in the dietary supplement
5 industry has evolved over decades.

6 By imposing tariffs on MTI's products,
7 which happen to be manufactured in China because
8 no other supplier can handle the company's
9 required capacity, the United States runs the
10 risk of causing the very long-term damage it
11 seeks to avoid: we alienate ourselves from the
12 very international trade system we created which
13 benefit advanced American industries such as the
14 dietary supplement industry.

15 I, therefore, urge you to make the
16 right choice and eliminate this tariff category
17 from the scope of the proposed additional tariffs
18 and, if not the category, the individual product
19 HMB.

20 Thank you. I sincerely appreciate
21 your time today.

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

1 Our next witness is Christine Bliss
2 with the Coalition of Services Industries.

3 Ms. Bliss, you have five minutes.

4 MS. BLISS: My name is Christine Bliss
5 and I am the President of the Coalition of
6 Services Industries. I appreciate the
7 opportunity to testify before the Section 301
8 Committee on the additional 10 to 25 percent duty
9 on up to \$200 billion worth of U.S. imports from
10 China, pursuant to the Section 301 Investigation
11 against China.

12 CSI is the leading industry
13 association devoted exclusively to helping
14 America's services businesses, including
15 digitally-enabled services to compete
16 internationally. CSI represents a broad spectrum
17 of U.S. service sector, including distribution,
18 express delivery, financial services, media and
19 entertainment, telecommunications, and
20 information and communication technology
21 services.

22 When considering the impact of tariffs

1 on goods and goods producers, it is critically
2 important to also take into account the impact of
3 those tariffs that may occur on services.

4 Services, including digitally-enabled services
5 are a part of and enable manufacturing,
6 agriculture, and nearly every sector across the
7 economy. Services are also a key part of supply
8 chains that also run the gamut across most every
9 sector in the U.S. economy.

10 Services allow all businesses to be
11 more productive, reach more customers in more
12 foreign markets, and ultimately support a better
13 livelihood through higher wages and greater
14 opportunities.

15 China is a hugely important market to
16 services. It was the second largest services
17 export market in 2017, with a \$56 billion total
18 in U.S. services exports and a \$38 billion in
19 services trade surplus. China has, thus, become
20 one of the fastest growing markets for U.S.
21 services.

22 But despite this growth in services,

1 widespread barriers continue to impede U.S.
2 services providers' operations to China,
3 including discriminatory regulations in areas
4 such as data flows, cloud computing,
5 telecommunications, and also equity cap
6 limitations or investment bans, and licensing
7 restrictions. The overall level of services
8 trade and investment in China could be far
9 greater if these barriers were removed.

10 And that's why we want to make clear
11 that CSI absolutely recognizes the importance of
12 the U.S. effort to eliminate the barriers that
13 are the target of the Section 301 investigation,
14 including technology transfer requirements, and
15 we also see this effort as part of a broader
16 effort to remove barriers in services investment,
17 which is critically important. But we are
18 concerned that the escalation in use of tariffs
19 pursuant to Section 301 could undermine, rather
20 than promote, services, trade, and investment in
21 China and also undermine existing efforts to
22 eliminate trade barriers overall.

1 U.S. services providers are already
2 experiencing adverse Chinese actions in response
3 to the actual imposition of U.S. tariffs and the
4 threat of escalation of those tariffs.

5 Increasing U.S. tariffs on Chinese
6 imports is also adversely affecting the services
7 providers as they act as key players within
8 global supply chains that are impacted by these
9 tariffs. CSI understands that the administration
10 drafted List 3 with the assumption that products
11 could be sourced elsewhere outside of the United
12 States but the idea that component supply lines
13 can be shifted overnight simply is not realistic.

14 The List 3 product lines of concerns
15 to CSI, we have highlighted roughly 87 different
16 lines of products and these are significant
17 imports to service suppliers who offer things
18 such as cloud computing services and use data
19 centers at facilities across the United States.
20 There are also items of inputs for items used for
21 everyday household use and in connected home
22 systems. There are items used for writers and

1 building app network systems, and there are many
2 other integral components.

3 Tariffs on these products would raise
4 supplier's costs, raise services providers'
5 costs, and costs to American businesses and
6 consumers. We, therefore, urge the
7 administration to refrain from imposing an
8 additional 10 to 25 percent duty on these
9 products.

10 In conclusion, CSI and its members
11 stand ready to work with USTR and the
12 administration in crafting a comprehensive and
13 transparent approach to ensure that the full
14 spectrum of Chinese market access barriers are
15 addressed in a manner that demands broad systemic
16 change, as well as addressing near-term problems.
17 Close cooperation with our international partners
18 is also an essential element for success.

19 We appreciate the opportunity to
20 present our views. Thank you.

21 MR. BISHOP: Thank you, Ms. Bliss.

22 Our next witness is James Chenevey

1 with Earthlite, LLC.

2 Mr. Chenevey, you have five minutes.

3 MR. CHENEVEY: Members of the Section
4 301 Committee, thank you for the opportunity to
5 testify today.

6 MR. BISHOP: Pull your mike a little
7 bit closer for me, please.

8 MR. CHENEVEY: My name is Jim
9 Chenevey. I am the President and CEO of
10 Earthlite.

11 Founded in 1987 and headquartered in
12 Vista, California, Earthlite has been producing
13 professional massage therapy tables and other
14 massage equipment for more than 30 years.
15 Indeed, after decades of building up the company,
16 I'm proud to be able to say that Earthlite is the
17 number one brand in massage and the largest
18 manufacturer in the United States in our
19 industry.

20 The proposed Section 301 tariffs put
21 all that hard work at risk. The tariffs would
22 really hurt our small company, a company built

1 and owned by hardworking Americans. Indeed for
2 us, these tariffs may lead to layoffs.

3 While Earthlite supports the
4 administration's effort to strengthen the
5 protection of intellectual property, I am here to
6 testify that the inclusion of massage therapy
7 tables, massage therapy chairs, and their parts
8 and accessories on USTR's Section 301 List 3
9 would have the unintended effect of harming a
10 U.S. company, would do nothing to protect U.S.
11 manufacturing jobs, and will not be an effective
12 way to influence Chinese high tech policies.

13 Massage therapy products that
14 Earthlite sources are classifiable under various
15 tariff subheadings under HTS Headings 9403, 9401,
16 and 5903. We will provide the committee a
17 complete list of the affected subheadings in
18 Earthlite's written comments.

19 I am here to request the removal of
20 massage therapy tables, massage therapy chairs,
21 and their parts and accessories from the proposed
22 Section 301 List for several reasons.

1 First, as I noted at the outset and
2 cannot stress enough, tariffs on massage tables,
3 chairs, and their parts, and accessories would be
4 devastating to the company that I have worked
5 hard to build over many years and to our 150 U.S.
6 employees.

7 We estimate that the proposed Section
8 301 tariffs would cost us in excess of \$1.5
9 million per year. We don't have that kind of
10 money just laying around. Indeed, that amount of
11 money is significant enough that it could cost --
12 it could seriously compromise the financial
13 health and viability of our business and the jobs
14 of our U.S. workers.

15 There is no viable U.S. supplier of
16 these products and limited supply outside of
17 China. It is also worth noting that we depend
18 upon our China supply chain to re-export value-
19 added products into more than 100 countries
20 around the world. Our industry is very
21 competitive and a 25 percent tariff will make our
22 products more costly versus our European and

1 South Asian competitors. It will force us to
2 move more of our manufacturing offshore for these
3 markets, in order to avoid the tariffs.

4 We export about 20 percent of our
5 total production and this is a high growth area
6 of our business.

7 Second, increased costs for massage
8 therapy equipment would harm individuals
9 receiving the benefit of massage therapy. The
10 health benefits of massage therapy, an effective
11 alternative to traditional medical care are
12 proven. Studies of the benefits of massage
13 demonstrate that it is an effective treatment for
14 reducing stress, pain, and muscle tension.
15 Additionally, studies have found massage therapy
16 to be helpful for anxiety, digestive disorders,
17 headaches, insomnia, and certain injuries.

18 The cost of health care in the United
19 States is already high compared to the cost of
20 health care around the rest of the world.
21 Americans spend twice the per capita of other
22 developed nations on health care. The unintended

1 impact of these Section 301 tariffs, as proposed,
2 would be to add financial strain on average
3 Americans who are simply seeking certain health
4 benefits.

5 Third, and I realize that I am stating
6 the obvious, massage tables and their parts and
7 accessories are not high tech items. They are
8 not the sort of products that benefit from
9 China's high tech ambitions. They are not part
10 of the Belt and Road Initiative. In fact, we
11 think that imposing tariffs on such things as
12 massage tables runs counter to the
13 administration's objectives. It would only
14 encourage Chinese companies to migrate to
15 manufacture more expensive higher tech products,
16 the sort of products USTR is attempting to target
17 with the 301 Investigation.

18 Earthlite respectfully submits that
19 massage therapy tables and chairs like those
20 imported by Earthlite are not medical devices and
21 are not those high technology products in
22 strategic sectors related to the Made in China

1 2025 plan.

2 For these reasons, Earthlite
3 respectfully asks the administration to remove
4 the tariff subheadings covering massage therapy
5 tables, massage therapy chairs, and their parts
6 and accessories from its proposed list of
7 products subject to Section 301.

8 Thank you again for the opportunity to
9 testify today. We will supplement this
10 testimony, as necessary, with the submission of
11 post-hearing comments.

12 And I look forward to answering any
13 questions that you have.

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

15 Our next witness is Curt Christian
16 with Home Furnishing Resources Group,
17 Incorporated.

18 Mr. Christian, you have five minutes.

19 MR. CHRISTIAN: Thank you.

20 Good morning. My name is Curt
21 Christian. I am the founder and the CEO of Home
22 Furnishings Resource Group located in Nashville,

1 Tennessee.

2 Thank you for the opportunity to
3 appear before you and tell you how this Section
4 301 action will hurt my company, my family, and
5 my employees as well.

6 I am here to oppose the proposed 10 to
7 25 percent additional tariff on essentially home
8 furnishings and student housing furnishings. The
9 HTSUS Subheadings are listed in my request for
10 hearing as there are too many to enumerate here.

11 My company's core business is
12 designing, manufacturing, and supplying custom
13 furniture for student housing dorms, classrooms,
14 common spaces, and cafeterias. We have several
15 warehouses across the United States. We have
16 design, engineering, warehousing, purchasing,
17 accounting, administrative, and customer service,
18 and installation department all located in the
19 United States.

20 Our design team works closely with
21 universities and university housing providers to
22 develop custom furnishings for students. We

1 outsource the production from reliable
2 manufacturers in China and also in other
3 countries in Asia due to the affordable price and
4 high quality workmanship, fast production, and
5 speedy shipments. We then contract with hundreds
6 of installers around the United States to install
7 the furniture into these dormitories and
8 universities.

9 I've been in the furniture business
10 since 1992 and all my manufacturing was done here
11 in the United States. I started with six
12 employees and bootstrapped my business, ended up
13 with 250 employees, and we were a family --
14 almost no turnover ever and all of my employees,
15 by the way, were documented workers paying taxes.
16 And because our government allowed the Chinese
17 furniture imports without any type of regulation,
18 I was forced out of business in 2005 and lost
19 basically everything.

20 I had to close my manufacturing in the
21 United States. I had to scrap several million
22 dollars' worth of manufacturing equipment and lay

1 off 250 people. And I could have also filed
2 personal bankruptcy and saved and kept a few
3 million bucks in my pocket but I chose to do what
4 I believed to be the right thing and I paid
5 everybody off, my vendors, my bank loans,
6 everything.

7 Since then, I had to learn how to
8 source primarily in China because that's where
9 the infrastructure was for the types of products
10 I do and I had to be able to compete to survive
11 in this industry in Asia, specifically China. It
12 took me 13 years to recover from that complete
13 loss and regain my commercial success.

14 Today, my company employs 35 full-time
15 employees in Nashville and contracts with over
16 250 subcontractors throughout the United States
17 to supply over 200 different colleges and
18 universities in the United States.

19 We have three warehouses in the United
20 States that I, personally, guarantee. And if my
21 government is going to impose an additional 25
22 percent tariff on furniture products, my

1 government is going to put me out of business for
2 the second time.

3 It is not possible to create another
4 manufacturing company here in the United States
5 in such a short time and certainly with the price
6 constraints that there are in manufacturing here.
7 In other words it isn't possible to just switch
8 to other countries and suppliers so quickly. It
9 takes years to develop this supply chain and I
10 couldn't do it that quickly.

11 My business has also many contracts
12 already for next year because we operate a year
13 ahead and I've got guaranteed pricing to these
14 universities and colleges and these proposed
15 tariffs would certainly put my company out of
16 business at 25 percent, specifically. And of
17 course, it would mean putting about 285 hard-
18 working Americans out of their jobs.

19 The proposed tariff will also harm our
20 higher education system as a result of increased
21 tariffs on campus furniture and student housing
22 furniture. Universities will have to pay more,

1 obviously. The tariff will also lead to higher
2 tuition costs, higher room and board costs, and
3 consequently, the cost of education will be
4 raised and increased, which affects all of us, in
5 my opinion.

6 There is no intellectual property
7 involved in the manufacturing of furniture, our
8 furniture, specifically. The products we import
9 from China are not covered by any patents. The
10 copyrights and design, if any, are owned by us
11 and the knowhow, and design, and customized
12 operation are performed in the U.S. The
13 furniture industry is not one of the ten sectors
14 of the Made in China 2025 program or any other --

15 CHAIR GRIMBALL: Mr. Christian, I
16 think you have a ways to go but please conclude
17 shortly.

18 MR. CHRISTIAN: Okay. I just request
19 that USTR exclude furniture products with HTSUS
20 Subheadings listed in our request from the
21 Section 301 list.

22 However, I would like to say this: If

1 that cannot be done, I propose that it would be
2 wise to just at least do a tiered tariff, three
3 to five percent a year for maybe five years.
4 That would allow all of us manufacturers to react
5 and essentially accomplish your stated goal.

6 MR. BISHOP: Thank you, Mr. Christian.
7 Our next witness is John Tree with Valudor
8 Products, LLC.

9 Mr. Tree, you have five minutes.

10 MR. TREE: Thank you.

11 Ladies and gentlemen of the committee,
12 I am happy to come here before you today in my
13 civilian capacity as the CEO of Valudor Products,
14 LLC, which is referred to as Valudor. We are
15 located in San Diego, California and we are
16 distributor of specialty chemicals.

17 I say in my civilian capacity because
18 I also serve in the Air Force Reserve in the rank
19 of brigadier general and have, for over 28 years,
20 worn a uniform. And I have worked with many
21 members of your colleagues in what we refer to as
22 the interagency. It is part of the Government

1 departments.

2 So in my civilian capacity, I would
3 like to tell you that we are a supplier of dry
4 water-soluble chemicals used by American farmers
5 and by domestic U.S. fertilizer manufacturers who
6 produce fertilizers for American farmers and for
7 export to other countries. It is important to
8 note that the chemicals listed under this HDS
9 codes are not manufactured in the USA or are
10 manufactured in substantially smaller quantities
11 than required for domestic U.S. consumption.

12 The simple fact is that these non-
13 Chinese origin imports of the above-listed
14 specialty chemicals are not sufficient to supply
15 the U.S. fertilizer industry. Accordingly, the
16 proposed 25 percent tariffs would be fully paid
17 by American fertilizer manufacturers and American
18 farmers, and furthermore, American water-soluble
19 fertilizer exporters would be placed at a
20 competitive disadvantage by having to pay higher
21 prices for raw materials than their overseas
22 competitors.

1 For example, Valudor imports Chinese
2 monohydrate salts of manganese, zinc, and iron
3 sulfate to farmers and fertilizer manufacturers
4 in California, Florida, Alabama, Georgia,
5 Minnesota, and other states. Manganese sulfate
6 monohydrate granular is not manufactured in the
7 United States at all and is only produced by two
8 countries in the world, China and Mexico. The
9 Mexico factory is sold out and cannot supply any
10 additional volume. This means that sugarcane
11 growers in Florida and bean growers in California
12 will have no other choice but to bear the full
13 impact of tariffs on manganese sulfate classified
14 under HTS 2833.29.5100.

15 Zinc sulfate powder is made by one
16 factory in the United States and one factory in
17 Mexico. In the past, Valudor has reached out to
18 both non-Chinese factories in order to source
19 zinc sulfate for our clients and for our own
20 production needs in California. Last year, the
21 Mexican factory could not supply any quantities,
22 due to lack of inventory but the U.S. factory

1 helped us out and supplied sizable quantities of
2 domestically-manufactured zinc sulfate.

3 However, in 2018, the U.S. factory
4 informed Valudor that they are sold out of zinc
5 sulfate powder and do not expect to be able to
6 supply it into the foreseeable future. The
7 Mexican factory also cannot supply any product,
8 due to lack of available production capacity.

9 Accordingly, we have no other choice
10 but to continue to source zinc sulfate in China
11 and to charge California almond growers and Iowa
12 soybean growers whatever tariffs are applied to
13 HTS 2833.29.4500, further adding to their
14 financial difficulties as the result of Chinese
15 retaliatory tariffs on their crops.

16 Ferrous sulfate monohydrate classified
17 under HTS 2833.29.2000 is also not manufactured
18 in the United States. In the past, we contacted
19 manufacturers in Malaysia and the Czech Republic
20 to source their ferrous sulfate monohydrate for
21 our customers. Malaysian manufacturers could not
22 supply due to lack of supply but the Czech

1 factory agreed to supply one truckload per month.
2 We agreed to take it, even though it is not
3 sufficient for our customers. They supplied for
4 two months and then stopped due to lack of
5 available production capacity. Now we have no
6 other supply worldwide, other than from China and
7 we would have no other choice but to pass along
8 whatever tariffs are applied for these American
9 farmers.

10 We also supply water-soluble
11 phosphates to American fertilizer manufacturers
12 and farmers: monoammonium phosphate, which is
13 HTS 31.40.0010; diammonium phosphate, which is
14 HTS 2105.30.0000; and monopotassium phosphate,
15 which is HTS 2835.24.0000. There is no water-
16 soluble phosphate production for fertilizer use
17 in the U.S.

18 In the past, Valudor also sourced
19 these products from Russia but the Russian
20 manufacturer ceased operations in 2017 and is not
21 expected to restart production in the foreseeable
22 future.

1 Our Israeli competitors faced severe
2 production disruption in 2017 and 2018 due to the
3 shutting down supply of one of their main
4 ingredients, anhydrous ammonia, based on the
5 Israeli national security concerns. I understand
6 they partially resumed their operation at a
7 limited capacity, while the anhydrous ammonia
8 supply situation is not expected to be resolved
9 for years to come.

10 Our Mexican and Belgian competitors
11 also faced limited production capacity and could
12 not satisfy U.S. demand in the absence of Chinese
13 water-soluble phosphate supply.

14 As a result, our customers, including
15 California greenhouse tomato growers would have
16 to pay a 25 percent tariff on their water-soluble
17 phosphate ingredients, putting them at a
18 disadvantage to their Canadian competitors
19 exporting greenhouse tomatoes to the U.S. market
20 and paying much lower prices for their Chinese
21 water-soluble phosphates that they source from
22 Canadian importers.

1 CHAIR GRIMBALL: Mr. Tree, your time
2 has expired. Conclude shortly.

3 MR. TREE: Yes, I've just got the last
4 part.

5 The bottom line is that the proposed
6 Section 301 duties on products our company
7 imports from China would have harmful impacts on
8 the domestic fertilizer industry that will be
9 disproportionately borne by small and medium
10 businesses, as well as by consumers. These
11 chemical compounds have been known and available
12 for more than 80 years and none of them are
13 included in the Made in China 2025 program.

14 The implementation of Section 301
15 duties on the above-listed chemical products
16 would only harm American companies, harm American
17 exports, and further hurt American farmers who
18 are already suffering from the retaliatory
19 tariffs on their crops.

20 Thank you.

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

22 Our next witness is Larry Kolb with

1 TSI USA, Incorporated.

2 Mr. Kolb, you have five minutes.

3 MR. KOLB: Thank you.

4 My name is Larry Kolb and I am the
5 Cofounder and President of TSI USA. TSI supports
6 the administration's objective of rectifying the
7 unfair acts, policies, practices found by the
8 USTR to discriminate and burden U.S. commerce, in
9 particular, the forced or pressured transfer of
10 technology and intellectual property rights from
11 the U.S. to Chinese companies.

12 TSI supports the objective of ensuring
13 a level playing field in global trade. TSI,
14 nonetheless, urges the U.S. Trade Representative
15 not to include Subheading 2932.99.90 on the list
16 of subheadings for which additional tariffs may
17 be imposed, pursuant to Section 301 of the Trade
18 Act.

19 One of TSI's main products is
20 glucosamine, which falls under Subheading
21 2932.99.90. Glucosamine is amino sugar naturally
22 present in the shells of shellfish. It is used

1 as a single ingredient or as part of a multi-
2 ingredient dietary supplement by approximately
3 8.5 million U.S. consumers. In many instances,
4 it is the first line of anti-inflammatory or pain
5 relief in joint health category.

6 Sales in the United States market at
7 the retail level are approximately \$900 million.
8 Common U.S. brands that contain glucosamine are
9 such brands as Osteo Bi-Flex, Move Free, Triple
10 Flex, along with mass retail market and club
11 store brands such as Walgreens, CVS, Walmart,
12 Costco, and Sam's Club.

13 Subheading 2932.99.90 HTSUS has two
14 statistical breakouts, one of which is
15 2932.99.9010, which specifically provides for
16 glucosamine, its salts and esters. Glucosamine
17 is furthermore listed on the pharmaceutical
18 appendix to the HTSUS in recognition of its
19 important health benefits for U.S. consumers.

20 U.S. trade statistics show that over
21 the last five years the majority of goods
22 imported under 2932.99.90 from China consist of

1 glucosamine, which is 2932.99.9010. Thus, the
2 inclusion of 2932.99.90 on the 301 list will
3 primarily impact glucosamine.

4 Glucosamine is not associated with the
5 four categories of China's acts, policies, and
6 practices that the USTR found to be unreasonable
7 or discriminatory. In addition, glucosamine is
8 not within one of the ten strategic industries
9 that the USTR concluded would benefit from
10 China's Made in China 2025 industrial policy.
11 Consequently, imposition of the duties would not
12 be practical or effective in eliminating the four
13 acts, policies, and practices.

14 As a bit of background, TSI is an
15 American-owned company founded in 1996
16 specializing in the formulation, manufacture, and
17 distribution in the U.S. of innovative and
18 functional health products' ingredients which are
19 subsequently manufactured in the United States
20 into dietary supplements for U.S. consumers.

21 TSI has transformed itself into a
22 thriving company with overseas offices and

1 distribution in 20 countries around the world.
2 TSI sells ingredients to many of the small and
3 mid-sized U.S. tablet/capsule manufacturers who,
4 in turn, employ thousands of U.S. workers for the
5 manufacture of these very important dietary
6 supplements for health benefits.

7 Glucosamine production involves
8 processing of the chitin from the shells to
9 shellfish to remove and purify the glucosamine
10 molecule and TSI, out of absolute necessity,
11 outsources its manufacture to China. Production
12 of that ingredient actually began in China in the
13 early '90s, using a relatively old crude chemical
14 extraction and synthesis process developed by the
15 Chinese, solely. And therefore, there has been
16 no theft of any U.S. IP or any technologies as a
17 part of this glucosamine process. Apart from
18 being cost-prohibitive in the United States, this
19 production process also creates a tremendous
20 amount of waste water that requires treatment and
21 removal and any attempt to replicate this supply
22 chain in the United States, we believe, would

1 violate our environmental policies and very, very
2 difficult to recreate.

3 Although a newer production process
4 has recently been developed and used in a limited
5 fashion, TSI owns the patents to this, along with
6 our Chinese partner, and again, there has been no
7 theft of U.S. IP or technology. TSI jointly owns
8 one of its glucosamine manufacturing plants in
9 China and wholly owns a second manufacturing
10 plant also in China. It regularly exercises its
11 ownership rights and encounters absolutely no
12 restrictions, pressure, cyber threat or any other
13 stated concerns with regard to intellectual
14 property.

15 Other market sources for glucosamine
16 outside of China are limited and cannot satisfy the
17 demand of U.S. producers for glucosamine-based
18 products. There is nothing to be gained by
19 imposing 301 duties on this product and it will
20 clearly cause disproportionate harm to U.S.
21 economic interests. The economic impact of these
22 tariffs will be passed on directly to the

1 American consumer. In addition, the U.S. dietary
2 supplement manufacturing companies, particularly
3 those that are highly dependent on this
4 ingredient will suffer, most likely cutting back
5 on jobs or even discontinuing the product
6 altogether.

7 I, therefore, urge you to make the
8 right choice and eliminate this tariff category
9 from the scope of these proposed additional
10 duties.

11 Thank you very much for your time and
12 I'll answer any questions after this session.

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

14 Our final witness on this panel is
15 Paul Wellborn with the Kitchen Cabinet
16 Manufacturing Association.

17 Mr. Wellborn, you have five minutes.

18 MR. WELLBORN: I would like to say
19 thank you for letting me come and speak to you
20 today. I would also like to thank President
21 Trump and Mr. Lighthizer for their leadership in
22 this issue, and my friend, Mr. Perry Hooper, who

1 was Chairman of the Trump Victory Fund in
2 Alabama.

3 I asked you to keep us on the 301
4 schedule and level the playing field with China
5 by increasing our duties to 160 percent.

6 My name is Paul Wellborn. Our
7 industry codes are 9403.40.90.60, number two is
8 9403.60.80.81, 9403.90.70.80. I'm President of
9 Wellborn Cabinet in Ashland, Alabama. I've been
10 building cabinets for 60 years. My father
11 started building homes in the 1930s. My brother
12 and I built our first kitchen in 1958. We
13 continued building kitchens as long as he was
14 building homes. My wife and all five of our
15 children, and some of their husbands and wives,
16 work in our company, and many of our
17 grandchildren. We have a total of 1,500
18 employees. We go from saw mill all the way
19 through to delivering cabinets coast-to-coast on
20 our own trucks, one kitchen or trailer load at a
21 time.

22 For 30 years, I've watched China

1 decimate the textile and furniture industry, as
2 spelled in John Bassett's book, and anyone is
3 welcome to read it, I'm sure you may have Bassett
4 furniture here. We need to know our history or
5 we will -- we are doomed to repeat it.

6 Eighty-nine of the furniture
7 manufacturing is gone; 120 to 140 plants have
8 been closed. Entire communities have been
9 devastated and lives shattered -- bankruptcy,
10 government subsidies increase. Some of these
11 folks had worked in these plants all their life.

12 Just a few weeks ago, a cabinet plant
13 near us in Auburn, Alabama had to close their
14 doors; 445 people told to go home at 10:00 in the
15 morning. The plant had been there approximately
16 20 years.

17 The exact same thing is happening to
18 our industry. First, they want to make your
19 labor-intensive parts for less than your labor
20 and material costs. Once they're in the door,
21 they will take your designs, work methods, and
22 start building your product for you for much less

1 than you can make it for. At this point, you are
2 becoming a distributor for China furniture or
3 cabinetry.

4 Lastly, they build warehouses in the
5 U.S. and bypass some of the American
6 manufacturers and distributors. I have a letter
7 with me that's wanting us to distribute China
8 cabinets. I don't have anything against Chinese
9 people but I'm here to save American jobs.

10 Our customers report getting 40 to 45
11 percent beat in their price in the field now
12 since the warehouses have been put up in the
13 northeast of Chinese cabinets. Every week we are
14 asked to cut prices and to keep some of the
15 business. We've never had this like this before.
16 Many of our customers are having to pick up
17 imports just to compete.

18 Recently, the Department of Commerce
19 found China dumping and subsidizing hardwood and
20 plywood. Duties were set at 200 percent. A lot
21 of plywood is used in China-imported cabinets but
22 this tariff is circumvented when they put the

1 plywood into an RTA cabinet, also known as a flat
2 pack.

3 We've always competed with domestic
4 manufacturers and we are not against imports but
5 research shows China dumping at 140 percent and
6 subsidizing at 20 percent. Please consider
7 increasing duties to 160 percent to level the
8 playing field so our domestic manufacturers can
9 continue to compete fairly.

10 China currently owns about 25 percent
11 of our industry. At the rate Chinese imports are
12 growing, 45 percent in the last two years, our
13 industry would be devastated within the next
14 three to five years. I'm not here for myself so
15 much, even I'll be all right. My family will be
16 all right. But what about those people that work
17 in those factories, if they are closed down? I'm
18 sure the CEOs --

19 CHAIR GRIMBALL: Mr. Wellborn, please
20 conclude. Please conclude.

21 MR. WELLBORN: Okay -- CEOs and
22 attorneys will be all right that oppose our plan.

1 But I would like you to please
2 strongly consider our request and help us keep
3 America first. Thank you.

4 MR. BURNS: Thank you, Mr. Wellborn.

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

7 MS. BONNER: Mr. Baier, are there any
8 comparable or substitute products for HMB out
9 there?

10 MR. BAIER: Comparable in terms of
11 like other manufacturing or --

12 MS. BONNER: That you could use in the
13 manufacturing of your products, like substitutes?

14 MR. BAIER: No, beta-hydroxy beta-
15 methylbutyrate is an actual synthesized compound.
16 So there is no replacement other than the actual
17 product.

18 We have done manufacturing in the
19 United States as well as in Europe but,
20 unfortunately, the volumes that we need and the
21 quality and the specifications that we need
22 cannot be met in either the U.S. or Europe.

1 That's why we work with this U.S.-owned Chinese
2 manufacturing to hit those marks and hit that
3 capacity.

4 MS. BONNER: And is any of this class
5 issues or importation caused by the subject of
6 FDA regulations or other issues with imports or
7 is it just production capacity?

8 MR. BAIER: It is a quality issue for
9 sure. And we are -- not to be too long here, but
10 in the supplement industry we also have the
11 ability to do what's called a self-affirmed GRAS.
12 It is a safety margin that is set. It basically
13 means that it's generally regarded as safe.
14 That's what the initials stand for. But what's
15 important about that is that it's based off the
16 manufacturing of the specific product they do
17 safety testing. So any residual solvent or
18 anything in that compound itself is tested and
19 vetted by a third party panel of toxicologists
20 and experts in the field.

21 And what we've done is work with our
22 manufacturer to make sure that our manufacturing

1 specifications and the certificate of analysis on
2 each lot matches what is required. And if we
3 were to pick up and move to say the U.S. or
4 another country in manufacture, we would have to
5 start that regulatory process all over, which
6 just the safety studies alone could take three to
7 five years.

8 So it really isn't easy to make that
9 shift over and it's a very specific and safe
10 product that we manufacture with our partner,
11 TSI.

12 MS. BONNER: Okay, thank you.

13 MR. BAIER: Thank you.

14 CHAIR GRIMBALL: I have a follow-up
15 question.

16 So your company's decision to
17 manufacture in China, is that based on the
18 manufacturing process being done efficiently in
19 China or is it the actual raw materials that go
20 into your supplement? Because I think that you
21 mentioned in your testimony that raw ingredients
22 are available from several other countries

1 throughout the world.

2 MR. BAIER: That's correct.

3 CHAIR GRIMBALL: So could you explain?

4 One, I guess, could you identify those other
5 countries? And then two, answer my question
6 about manufacturing in China versus the
7 ingredients being available.

8 MR. BAIER: The raw inputs are readily
9 available. The issue is is when you put those
10 together, the actual process of manufacturing is
11 very specific to the technology that we use and
12 that we have. But then, again, it's related to
13 -- the technology isn't related to IP or
14 technology transfer. What it relates to is the
15 safety and quality that our specifications set.
16 So our specification is what requires that
17 specific manufacturer to make it which, again, is
18 a U.S. company that owns that that manufactures
19 and has the facility in China.

20 I hope I answered your question.

21 CHAIR GRIMBALL: Thank you, you did.

22 MR. BAIER: Okay, thank you.

1 CHAIR GRIMBALL: Well actually, I
2 don't think you spoke about the other countries
3 where your raw ingredients are sourced from.

4 MR. BAIER: They are available
5 worldwide, the raw ingredient. The actual inputs
6 are available worldwide. It is the manufacturing
7 that is very specific to that manufacturing
8 facility.

9 CHAIR GRIMBALL: Thank you.

10 MR. BAIER: Thank you.

11 MS. BONNER: This question is for Ms.
12 Bliss.

13 CSI has requested the removal of more
14 than 75 HTS tariffs lines from the proposed list.
15 What is the basis for CSI's position that U.S. or
16 third-country suppliers could not supply a
17 significant portion of U.S. demand for the
18 products in these tariff lines?

19 MS. BLISS: Thank you. Actually by my
20 count, I think we've listed maybe 87 product
21 lines, just to be clear. And maybe just for the
22 sake of brevity, since there are so many products

1 on our list, perhaps two of the most important
2 lines on the list are 8473.30, which pertains to
3 circuit boards, and 8517.62.00.

4 And on the one hand, the circuit
5 boards are a core part of data centers, which are
6 critical to the operation of most any internet
7 services that are being provided by service
8 suppliers, by internet services companies, and
9 used by companies across the spectrum. And so in
10 that area, those circuit boards are also heavily
11 basically commoditized low-end products at this
12 point. They are not critical to China's 2025
13 list.

14 But to get to your question about are
15 they -- is it possible to turn to an alternative
16 U.S. supplier, the answer that I've gotten from
17 my member companies is no. They say that there
18 are a few companies in the U.S. but they
19 primarily do very small volume runs and they say
20 that would tend to happen if a high duty were
21 imposed on circuit boards that are coming in from
22 China would be the manufacturers would then turn

1 around and finish them in the United States would
2 be likely to move their operations outside of the
3 United States so that they would not be subject
4 to the 25 percent duty, rather than staying in
5 the United States and absorbing the additional
6 cost.

7 But anyway, the bottom line, the
8 answer to your question is no, there would not be
9 sufficient supply in the United States.

10 Turning to the other critical product
11 line, product lines, 8517, 8517.62, my members
12 have also told me that in that regard there would
13 also not be a sufficient alternative supply in
14 the United States, that their primary suppliers
15 are in China or are located in China. And they
16 explained that what tends to happen with these
17 transmission devices is that they are often
18 adjusted to be very specialized and to be
19 inoperable with other kinds of products that
20 companies are competing against. And so they say
21 that it would be very, very difficult to shift
22 production and, if they were required to do that,

1 to shift to alternative suppliers, that it would
2 be a fairly lengthy process, taking at least a
3 year or more to accomplish.

4 So I'm just taking those as two
5 examples out of the 87 product lines but they did
6 make the overall comment that, by and large, they
7 are not able to turn to a U.S. supplier as an
8 alternative that is really commercially feasible,
9 certainly not in the short-term.

10 MS. BONNER: Okay, thank you. If you
11 have further, you can submit a post-hearing
12 comment regarding -- you specifically talked
13 about U.S. -- if there was third-country
14 suppliers. Thank you.

15 MR. LEVIN: Mr. Chenevey, I have two
16 questions for you.

17 Your third high-level point in your
18 statement was that tariffs would cause Chinese
19 companies to shift manufacturing to other
20 products. I'm wondering how dependent currently
21 on U.S. imports is the Chinese manufacturing
22 industry?

1 MR. CHENEVEY: I'm sorry. Maybe you
2 could clarify the question because I'm not sure I
3 understood.

4 So you asked me how dependent Chinese
5 imports into the U.S. are -- I'm sorry. Could
6 you --

7 MR. LEVIN: Yes, not a problem.

8 The Chinese manufacturing industry
9 that you suggested would shift to producing
10 different products, how dependent on U.S. imports
11 is that industry?

12 MR. CHENEVEY: Not very at all and
13 thank you for the question.

14 So you know to try to explain it, that
15 point, it's really about the -- our company sells
16 products that range from \$100 to \$10,000. And
17 obviously, as you go up in price of our products,
18 our treatment tables and chairs, they become more
19 sophisticated. What we're really talking about
20 here and what impacts my industry and my
21 particular company is that the lower end, the
22 very highly-competed products that are more

1 commodity-like.

2 So the way that it hurts us is you
3 know with higher tariffs on these products, the
4 lower end products, we use certain components as
5 in puts into the higher value-added ones. And to
6 make those less competitive on a global basis
7 invites my European competitors into the
8 marketplace even greater, as they have their own
9 supply chain that is set up in Europe, and in
10 Africa, and in Russia.

11 MR. LEVIN: Thank you. And that
12 actually leads me just to my second question
13 which is you directly sell the massage therapy
14 products that you import from China or do you
15 incorporate them into other products?

16 MR. CHENEVEY: Both. So we have
17 components of assemblies that come in and then we
18 have completed product that we sell. The
19 completed product are mostly at the lower price
20 points that we compete directly against other
21 China manufacturers.

22 MR. LEVIN: Thank you.

1 CHAIR GRIMBALL: And just a follow-up
2 question. Did you say that your European and
3 South Asian competitors they are importing fully
4 assembled products or components from other
5 countries in Europe, Africa, and Russia?

6 MR. CHENEVEY: They are importing
7 fully completed products but they also have a
8 supply chain. Like many of use subassemblies,
9 steel frames and subassemblies things in the
10 higher value-added products, the more expensive
11 treatment tables that we might supply to a
12 healthcare facility or to a hotel.

13 And then they will -- so what happens
14 is if my tariffs go up by 25 percent on those
15 components that are categorized under accessories
16 in 7403 -- I'm sorry -- 5903 and 9403, my
17 competitors aren't facing that tariff. And they
18 are able then to import into the U.S. without
19 that negative affect and they effectively become
20 more price competitive with us.

21 CHAIR GRIMBALL: So is it the case
22 that these facilities in these other countries

1 are owned by your competitors such that you could
2 not tap into them yourself?

3 MR. CHENEVEY: Correct.

4 CHAIR GRIMBALL: Okay.

5 MR. CHENEVEY: So one of my major
6 competitors is in Germany. He has a factory in
7 Tunisia, where he does a lot of the welding and
8 some of the more labor-intensive tasks on his
9 products. And then I have an Italian competitor
10 who is very effective who is importing steel
11 parts components from Poland and they have their
12 own.

13 And it's geographic location, as well,
14 as they have the control of the inputs that
15 challenge us.

16 CHAIR GRIMBALL: It would be helpful
17 if in your post-hearing submission if you could
18 give us some detail about whether your company
19 would be able to move production to some other
20 third country that is able to either assemble
21 components or completely assemble the product,
22 what obstacles may or may not be faced by your

1 company.

2 MR. CHENEVEY: We'll gladly do that.

3 In short, there is some opportunity, as the
4 manufacturer. We have looked in countries in the
5 past to try to see if we can put together a
6 supply chain to decrease our dependence on China.
7 And to this date, we haven't been but we'll
8 address it in our post comments.

9 Thank you.

10 MS. DONG: My question is for Mr.
11 Christian.

12 So in your testimony you had reference
13 to outsourcing production to manufacturers in
14 Asia, including China. I was wondering if you
15 could please elaborate on what other
16 manufacturers in Asia that you outsource from.

17 MR. CHRISTIAN: Well I have imported
18 from Indonesia, Malaysia, and Vietnam.
19 Currently, we still import probably 20 percent
20 from Vietnam, specifically, any wooden product,
21 bedroom product but most of our manufacturing is
22 in China because the nature of our products is

1 primarily metal, actually, and we spent many,
2 many years teaching them how to make it to the
3 quality. And there's just not the infrastructure
4 -- believe me, I would love to do more business
5 in Vietnam and Malaysia. It's a much more
6 pleasant place to go for me but they just don't
7 have the infrastructure of the raw materials that
8 China has. So that's why we're primarily in
9 China.

10 MS. DONG: Thank you. And then as a
11 follow-up question, you mentioned doing the
12 tiered tariffs over the next five years. Is that
13 five-year timeframe kind of what would be needed
14 if you were to look at altering your supply chain
15 to Asia or back to the U.S.?

16 MR. CHRISTIAN: That's a great
17 question.

18 I think we could probably do it within
19 a couple years. Certainly, three I think we
20 could move to other countries. But it would
21 certainly take at least two years to three years
22 just because there is a lot of engineering

1 involved, and training, and also finding the
2 right factories, which there are very few
3 currently in those other countries because we're
4 constantly looking.

5 MS. DONG: Thank you.

6 MR. CHRISTIAN: Certainly.

7 CHAIR GRIMBALL: Mr. Tree, you
8 testified that domestic and non-Chinese suppliers
9 that you have contacted have faced supply
10 shortages and are unable to meet U.S. demand. Is
11 there a global shortage for the chemicals that
12 you mentioned in your testimony and do the
13 Chinese suppliers face a similar shortage?

14 MR. TREE: Yes, ma'am. To answer your
15 question, there is not a global shortage when you
16 take China's capacity into the equation. When
17 you remove China from the equation or if you add
18 25 percent duty onto their exports into the U.S.
19 market, then yes, there is a dramatic shortage.

20 So that's why it's important to note
21 in my testimony I only called out nine HTS codes.
22 So we import over 200 HTS codes and we have gone

1 through enough for the last two months and
2 systematically reviewed every single one to see
3 what other source of supply, what substitutable
4 things can we do around the globe. So as opposed
5 to coming in here and giving you all 200 things,
6 we're trying to ask for Chapter 28 and 29 to just
7 be taken off the list.

8 We gave you our top nine. These are
9 like rifle shots, like sniper shots of the things
10 that are the most critical to import for the U.S.
11 fertilizer and farmers that don't have any other
12 solution globally.

13 That's why in my testimony I
14 identified we've gone out and looked at Russia,
15 and Israel, Mexico, the little Asian countries
16 that was just cited, Indonesia, Vietnam, all of
17 them and the nine HTS codes here are the ones
18 that we say these are the must have off the list
19 and we can get by.

20 Sure, I would like all the Chapter 28
21 and 29 off the list. Just let the record say I'd
22 like them all off but nine codes out of hundreds

1 would be the ones that would help us do our job
2 of importing these products into the farmers and
3 fertilizers that need it here in the U.S. that
4 don't have any other source of supply.

5 CHAIR GRIMBALL: Thank you.

6 MS. PETTIS: I have a question for Mr.
7 Kolb. You have testified that there are no U.S.
8 producers of glucosamine. And are there non-
9 Chinese third-country suppliers; and, if so, do
10 they have the capacity to increase supply?

11 MR. KOLB: Yes. The answer is yes,
12 primarily out of China. As I mentioned in my
13 testimony, the process and everything was
14 developed in China. We were an importer -- a
15 distributor of glucosamine to begin with and then
16 because China was the predominant country, that's
17 why we started investing and creating joint
18 venture relationships and wholly owning
19 facilities to up the standards to what we feel is
20 a pharmaceutical-type standard or GMP standard
21 that the American consumer would be safe to
22 consume.

1 As a result of that, we were not
2 unique. Eight-five percent, thereabouts, of the
3 imports are from China. The other two countries
4 are Vietnam, primarily, and India; a very, very
5 small amount from India.

6 I hope I answered your question.

7 MS. PETTIS: And I just want to, as a
8 follow-up, you talked about you know the type of
9 process and everything and that if you were to do
10 it in the United States, you'd have some
11 environmental challenges.

12 Are you facing environmental-type
13 standards in China to produce this?

14 MR. KOLB: It very, very much
15 increased standards over the last two years. We
16 have had to up the ante in our facility
17 significantly to adhere to the new food laws in
18 China. We see it similar in the United States,
19 insofar as that it's very close in terms of
20 environmental impact on our chemical
21 manufacturing facility in China. There's not
22 that big of a gap anymore.

1 To replicate that here would be a
2 tremendous amount of time, a tremendous amount of
3 cost, and it would obsolete our facility there
4 and I don't know if we could even do it.

5 MS. PETTIS: Okay, thank you very
6 much.

7 MR. SULEWSKI: Hello. This question
8 is for Mr. McGill, just a clarifying question.
9 You had asked in your testimony for increasing
10 duties to 160 percent. Are you referring to
11 antidumping countervailing duties or are you
12 referring to the 301 duties that we are talking
13 about in this hearing?

14 MR. WELLBORN: I'm referring to
15 research that we've done, our company's done,
16 studies that have been done that show that we
17 need that to level the playing field, to go to
18 160 percent on the 301.

19 I'm sorry, I can't hear real well but
20 I hear it -- 301.

21 MR. SULEWSKI: All right, thank you.

22 CHAIR GRIMBALL: And just a follow-up

1 question. Is it your position that a 10 or 25
2 percent tariff would have no effect on Chinese
3 behavior, at this point? Do you think there
4 might be any change in Chinese behavior at the 25
5 percent level?

6 MR. WELLBORN: Yes, ma'am, that would
7 certainly help. There's no question that it
8 would help us some but, like I said, the studies
9 have shown that the price of cabinets that come
10 in are so low that we have to -- we need the 160
11 percent.

12 CHAIR GRIMBALL: Mr. Bishop, that
13 concludes our questions.

14 MR. BISHOP: We release this panel
15 with our many thanks.

16 CHAIR GRIMBALL: We will take a 30-
17 minute break and we will reconvene at 1:05.

18 MR. BISHOP: We stand in recess until
19 1:05. Thank you.

20 (Whereupon, the above-entitled matter
21 went off the record at 12:32 p.m. and resumed at
22 1:05 p.m.)

1 CHAIR BUSIS: Mr. Bishop, we will
2 introduce the panel after the witnesses testify
3 for this panel, so I think you can call the room
4 to order and the first witness. Thank you.

5 MR. BISHOP: Mr. Chairman, our first
6 witness on this panel is Gregory Husician on
7 behalf of Alps Electric, Incorporated. Mr.
8 Husician, you have five minutes.

9 MR. HUSICIAN: Thank you. As Mr.
10 Bishop mentioned, I am Greg Husician from the law
11 firm of Foley & Lardner here on behalf of Alps
12 Electric North America, Incorporated.

13 This is the second time Alps North
14 America has come before this Committee. We've
15 previously demonstrated how Alps North America
16 needs its Chinese factories to provide electronic
17 parts and components it just cannot get
18 elsewhere, and how the U.S. electronics and
19 automotive industries use these products to add
20 enormous value and to support high-paying jobs in
21 the United States.

22 We're here again for List 3, where the

1 stakes are much magnified. The products that we
2 are here about would seem to be exactly the types
3 of products the U.S. Trade Representative should
4 exclude based upon the criteria in the Section
5 301 Federal Register notices.

6 The USTR said it would take into
7 account whether imposing increased duties would
8 be practicable or effective to eliminate China's
9 acts, policies, and practices. Alps never has
10 seen any pressure to share its intellectual
11 property.

12 Alps' products are also not the kinds
13 of high-tech products that are being targeted in
14 the China 2025 Plan, or the kind of high-tech,
15 next-generation products that are being targeted
16 by the Chinese government.

17 The USTR said it also would consider
18 whether maintaining or imposing additional duties
19 on a particular product would cause
20 disproportionate economic harm to U.S. interests.
21 Yet, the Alps products, which are electronic
22 components that are relied upon by myriad U.S.

1 companies that add substantial value in the
2 United States, dwarfs the value of the Alps
3 components, meaning that the tariffs on Alps
4 North America will have a vast multiplier effect,
5 harming myriad U.S. electronics and automotive
6 companies.

7 The USTR also said it wanted to know
8 whether tariffs would impact small- or medium-
9 sized businesses. With Alps Electronic's
10 switches and components being used throughout the
11 electronic and automotive industries, the impact
12 will be felt by companies of all sizes.

13 Finally, the USTR said it wanted to
14 minimize the harm to consumers. Well, what
15 consumer doesn't use automotive or electronic
16 products? With these ubiquitous products being
17 used by consumers every day, the consumer impact
18 is obvious.

19 Now, the final List 2 contained only
20 five deletions. I do not know why there were so
21 few adjustments. Thousands of companies have
22 spent hundreds of thousands of hours preparing

1 and participating in these hearings and preparing
2 comments underscoring the dire stakes presented
3 by the 25 percent tariffs on a proposed \$250
4 billion in annual trade. We trust the U.S.
5 Trade Representative and this Committee will be
6 putting equal effort into carefully reviewing
7 these submissions, given the stakes.

8 Now, Alps North America is here today
9 concerning four tariff lines: 8517.62.0050,
10 8708.94.7550, 8536.69.8000, and 8537.10.9170.

11 This group of electric synchros and transducers,
12 steering wheel parts, electric plugs and sockets,
13 and electrical controls sounds like a Radio Shack
14 close-out sale. But products like these are the
15 bedrock in which the U.S. electronics and
16 automotive electronic industries are built.
17 There is no way to hit these products with
18 substantial tariffs without inflicting huge
19 collateral damage on the vibrant U.S. automotive
20 and electronics industries.

21 Now, Alps North America imports almost
22 \$40 million in these products annually. At a

1 tariff rate of 10 percent, the impact from List 3
2 alone would be \$4 million per year. At a
3 potential 25 percent, it would be a back-breaking
4 \$10 million per year. When added to the List 1
5 and 2 tariffs, total tariffs could total between
6 \$25 million and \$30 million a year, each and
7 every year, for Alps North America.

8 Absorbing tariffs of this magnitude is
9 impossible and would threaten the jobs of
10 hundreds of U.S. Alps employees. Passing them
11 onto customers would be a Section 301 dagger that
12 would impair the competitiveness of two of the
13 most vibrant industries in the United States,
14 thereby giving substantial advantage to non-U.S.
15 competitors.

16 If you want to increase the U.S. trade
17 deficit, hamstringing these two industries would
18 be a great place to start.

19 Now, if you look at these four tariff
20 lines alone, in aggregate, we are looking at over
21 \$20 billion of imports for these products. So
22 Alps is just one company out of many that is

1 looking at tariffs here, but you are looking at a
2 huge tariff increase in the billions of dollars.

3 These tariff lines, these bedrock
4 products of these bedrock products that people
5 are using in their automobiles and electronics,
6 they are everywhere, and hitting these tariff
7 lines is going to hit countless industries. It
8 is really going to have a big impact, these four
9 tariff lines.

10 Alps North America accordingly urges
11 the USTR to take its own words to heart. If the
12 USTR considers whether the products have, in
13 fact, benefitted from unlawful Chinese practices,
14 whether the tariffs will disadvantage U.S.
15 manufacturers, and truly consider the impact on
16 U.S. consumers, it will be plain that imposing
17 tariffs on any level of these four tariff lines
18 would be exactly contrary to the goals of the
19 entire Section 301 process.

20 I welcome any questions that the
21 Committee may have.

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

1 Our next witness is Thomas Kiernan with the
2 American Wind Energy Association. Mr. Kiernan,
3 you have five minutes.

4 MR. KIERNAN: Thank you, and I want to
5 thank the Office of the U.S. Trade
6 Representative, all of you, for the opportunity
7 to appear before you this afternoon.

8 As was mentioned, my name is Tom
9 Kiernan and I'm the CEO of the American Wind
10 Energy Association, the U.S. trade association
11 for the wind industry in our country. We
12 represent more than 1,000 member companies and
13 over 100,000 jobs spread across all 50 states.

14 While we very much appreciate the
15 Administration's actions to target unfair trade
16 practices, we respectfully request that specific
17 wind-related products not be included in the
18 final List 3, as their inclusion would seriously
19 harm U.S. manufacturing, rural communities,
20 farmers, and ranchers.

21 My submitted written testimony
22 includes a complete list of products that we

1 request be struck from the final list. It also
2 includes a list of four priority product codes
3 for removal, and those are 8412.90.90,
4 8483.40.50, 8483.10.50, and 8483.90.50.

5 AWEA estimates that if the tariffs on
6 List 3 products are finalized as proposed, the
7 cost of wind energy will increase by up to 5
8 percent, putting up to 24 percent of future wind
9 development and tens of billions of dollars of
10 investment in the United States at risk.

11 This would be on top of cost increases
12 to the already implemented tariffs from Lists 1
13 and 2, as well as those on steel and aluminum.
14 The potential increase in the cost to wind
15 energy, and, in turn, the potential reduction of
16 future wind deployment, will eliminate up to
17 21,000 American jobs, mostly in rural America,
18 where they are desperately needed.

19 Two, it will put thousands of domestic
20 manufacturing jobs at risk as the wind industry
21 reduces U.S. manufacturing of wind components in
22 states like Colorado, Texas, and Ohio.

1 And, three, it will devastate already
2 struggling farming and ranching families in
3 states like Kansas, Oklahoma, North Dakota, and
4 South Dakota that count on turbine land-lease
5 payments as a drought-resistant cash crop.

6 In brief, wind energy produced on
7 American soil is an American success story. We
8 produce a majority of the value of a wind project
9 here in the U.S., including a significant share
10 of wind component manufacturing and 500 wind-
11 energy-related factories across this country.

12 By increasing the cost of our imported
13 components, the proposed tariffs will increase
14 the cost of wind energy, reduce U.S.
15 manufacturing, and eliminate thousands of
16 American factory jobs. In addition to
17 eliminating those thousands of factory jobs, our
18 nation will have fewer farmers and ranchers who
19 benefit from earning roughly \$10,000 per year in
20 land-lease payments by hosting each wind turbine
21 on their land.

22 At a time of low commodity prices,

1 many farmers and ranchers are not solvent without
2 the revenue that comes from wind turbines on
3 their property. While some might suggest that
4 the tariffs will have just a short-term impact,
5 tell that to a farmer or rancher that is going
6 through bankruptcy because they won't be
7 receiving revenue from leasing a small part of
8 their land for a wind turbine.

9 On behalf of the wind industry and the
10 U.S. interests dependent on it, we respectfully
11 request that the USTR ensure that wind-industry-
12 essential products are struck from the final List
13 3 of products subject to Section 301 tariffs.

14 Thank you again for the opportunity to
15 appear before you today, and the wind industry
16 looks forward to ongoing consultation with you
17 and your colleagues on this matter. Thank you
18 very much.

19 MR. BISHOP: Thank you, Mr. Kiernan.
20 Our next witness is Mike Stateczny with the
21 Coalition of Energy Equipment Manufacturers. Mr.
22 Stateczny, you have five minutes.

1 MR. STATECZNY: Thank you, Committee
2 members, and thank you for holding this Hearing
3 today and for allowing me to testify on behalf of
4 the Coalition of Energy Equipment Manufacturers,
5 CEEM. My name is Mike Stateczny and I am CEO of
6 Newcastle Stainless Plate based in Newcastle,
7 Indiana, America's heartland.

8 CEEM is a coalition of U.S.
9 fabricators that manufacture highly specialized
10 process industry components that are necessary to
11 produce, store, transport, and refine oil and gas
12 and related products, as well as other critical
13 applications vital to the functioning of an
14 advanced economy.

15 The latest Section 301 tariff list
16 that was announced on July 17th for an additional
17 \$200 billion of duties against China includes 22
18 products that are significant to fabricators who
19 build these mission-critical components.

20 These products are various types and
21 primary components of pressure vessels, heat
22 exchangers, and other process industry modules.

1 The corresponding HTS codes for these products
2 are in the copies of the documents submitted
3 concurrent with my testimony.

4 U.S. fabricators that manufacture
5 these critical components for the energy-related
6 and refining industries have been hit especially
7 hard in the last few years by unfair competition
8 from foreign competitors, especially China.
9 Heavily subsidized Chinese corporations have
10 begun dumping fabricated energy equipment prices
11 that are sometimes below the cost of the
12 materials for the same equipment manufactured in
13 the United States.

14 This is an intentional effort on the
15 part of Chinese corporations, sponsored by their
16 government, to avoid the duties that are already
17 in place on steel products by importing a
18 finished product that is not subject to those
19 tariffs. This has made it nearly impossible for
20 U.S. companies to compete in the open market for
21 fabrication jobs, many that are being utilized
22 within a few miles of U.S. manufacturing

1 facilities.

2 This has also resulted in a
3 substantial loss of high-paying jobs in the
4 manufacturing sector, especially in the areas of
5 offshore oil and gas production and in refining
6 operations. This will only continue to happen,
7 and get far worse, unless the federal government
8 intervenes in a meaningful way.

9 To that end, it is critical that the
10 specific issues of energy equipment fabricators
11 be addressed in the overall plan, including the
12 Section 301 action, to combat discriminatory
13 practices of many of our foreign trade
14 competitors.

15 We feel it is appropriate to include
16 process industry components that are critical to
17 our national security and energy independence
18 within the scope of the expanded Section 301
19 petition that is under consideration.

20 Failure to do so could literally wipe
21 out all the U.S. fabricators that manufacture
22 this equipment, thereby eliminating the ability

1 to domestically produce these highly specialized
2 components.

3 It is also important to note that many
4 of the technologies emanate from U.S.-based
5 companies that inadvertently export these designs
6 and other intellectual property in the
7 procurement process, to the detriment of our own
8 manufacturing infrastructure.

9 The ability to design, engineer, and
10 fabricate components critical to our national
11 security and energy independence is of paramount
12 importance in relation to U.S. innovation.

13 China's discriminatory practices have
14 decimated our ASME-qualified companies with
15 dumped, subsidized, and predatory pricing
16 practices. There remain roughly 6,000 companies
17 operating within this space that produce these
18 components that are critical to U.S. energy
19 independence and to our economy. While this is
20 half the number of companies that existed only a
21 few years ago, we still have the capability to
22 meet most, if not all, current U.S. demand.

1 However, if the predatory trade
2 practices of China and other foreign countries
3 are allowed to continue, this will not be the
4 case, and the United States will lose the ability
5 to manufacture these critical components. We
6 simply cannot let our U.S. manufacturers be
7 further harmed by the mercantilist practices of a
8 command economy and potential military rival.

9 Having to rely on foreign governments
10 to supply the U.S. energy and refining sector
11 with components that are vital to their
12 operations is not in the best interest of the
13 United States and removing China as a threat to
14 our manufacturing capability should be an
15 imperative priority.

16 Again, thank you for allowing me to
17 appear before you today to provide my remarks
18 regarding the proposed Section 301 determination
19 and the need to have process industry components
20 included in the final list of products. I will
21 be happy to answer any questions that you have at
22 this time or later in the panel.

1 MR. BISHOP: Thank you, Mr. Stateczny.
2 Our next witness is Gary Gilbert with Gilbert &
3 Associates. Mr. Gilbert, you have five minutes.

4 MR. GILBERT: Thank you. Members of
5 Section 301 Committee, thank you very much for
6 the opportunity to testify today. My name is
7 Gary Gilbert and I have been an executive in the
8 maritime and logistics industry for four decades,
9 holding senior positions in Sea-Land Service,
10 FedEx, and Hutchinson Port Holdings.

11 Sea-Land, the inventor of
12 containerization more than 60 years ago, created
13 a revolution in transportation by placing a box
14 on a ship and then on a chassis for delivery.
15 Containerization is essentially a conveyor belt
16 for the United States' growing volume of global
17 trade.

18 Containerization is the moving
19 warehouse for much of America's manufacturing and
20 retail sectors. Chassis are not a high
21 technology product or industry that the USTR
22 identifies as being of concern for its

1 investigation. But to curtail one of the
2 components to the U.S. vital supply chain exposes
3 an industry to vulnerable disruption.

4 Our industry had a stark wake-up call
5 in October of 2002 when a labor dispute on the
6 West Coast of the United States led to a ten-day
7 port closure. According to Robert Perry,
8 President of the Federal Reserve Bank in San
9 Francisco at that time, the estimated cost to the
10 United States economy for this shutdown was a
11 billion dollars a day for the first five days,
12 and rising to \$2 billion a day every day after.

13 Having stated the actual worst-case
14 scenario, let's look at what is facing the
15 industry today. The U.S. chassis population is
16 about 500,000. Each year, new equipment must be
17 added to the national fleet for retiring
18 equipment and to fulfill the need of increased
19 container volume.

20 At present, container volumes are
21 increasing two to four percent per year and the
22 major chassis production from China averages at

1 40,000 per annum. And the combined capacity of
2 Mexico and United States is 20,000.

3 This overall production capability
4 barely keeps up with the annual demand for new
5 chassis. Without the demand being fulfilled,
6 this vital part of the supply chain will hurt the
7 overall efficiency of growing U.S. commerce.

8 With the tariff application to
9 chassis, and thus a major price hike, equipment
10 providers will have to recalculate their yield
11 projections. Predictably, they will order less
12 equipment and this will have a debilitating
13 effect on the commerce of the United States.

14 During my recent 15 years as senior
15 vice president of Hutchinson Port Holdings, part
16 of my responsibility was the total security and
17 safety of all 52 ports in 26 countries for
18 Hutchinson Port Holdings. Hutchinson Port
19 Holdings is the world's largest global port
20 operator, handling 84 million containers in 2017.

21 So, with such experience, I can state
22 that U.S. marine terminals will be significantly

1 affected if there is a marked decrease in
2 chassis. This is because containers are not
3 being efficiently picked up due to a chassis
4 shortage. When a chassis population of a
5 terminal rises, their inefficiencies multiply.

6 The marine terminals of the United
7 States are cornerstones of the national maritime
8 domain awareness, MDA. It is these terminals
9 where U.S. Customs and Border Patrol inspects the
10 cargoes entering the United States. U.S. CBP
11 does this through a layered level of security
12 that includes radiation portals to scan the
13 containers, X-ray technology to view the
14 containers' contents, and physical examination at
15 the terminal.

16 Terminal congestion will seriously
17 impede U.S. CBP's vital mission in protecting our
18 ports and supply chains. And as the U.S. chassis
19 fleet ages and is not replaced with new
20 equipment, an issue of safety to the public must
21 be a major consideration on our roads and
22 highways.

1 In conclusion, the application of a
2 new 25 percent tariff on chassis will decrease
3 their availability to U.S. commerce. This will
4 drive inefficiency and cost into the U.S. supply
5 chain. Creating an environment of an aging
6 chassis fleet will be a safety challenge, and
7 lastly, the lack of chassis in a marine terminal
8 will congest U.S. marine terminals and impede the
9 work of U.S. CBP to keep our parts and flow of
10 goods safe.

11 For these reasons, I would
12 respectfully request that the container and
13 chassis and components entering into the United
14 States be removed from the annex to the USTR's
15 July 17th, 2018 Federal Register notice.

16 Thank you for allowing me to comment
17 on this vital component of the U.S. supply chain
18 and I'm available to answer questions you might
19 have.

20 I also would have some information, if
21 you would like to discuss it that wasn't in my
22 testimony, about the need for U.S. cranes to be

1 imported into the United States for the vital use
2 of the increasing size of container ships that
3 the U.S. is deepening harbors for, put \$2 billion
4 into raising the Bayonne Bridge, but the cranes
5 will be a problem for all U.S. ports. And I'd
6 be happy to comment on that later. Thank you for
7 your time.

8 MR. BISHOP: Thank you, Mr. Gilbert.
9 Our next witness is Mark Yokom with Appvion. Mr.
10 Yokom, you have five minutes.

11 MR. YOKOM: Good afternoon. My name
12 is Mark Yokom. I'm the chief counsel and
13 secretary of Appvion Operations, Inc. I
14 appreciate the opportunity to be here today.

15 Appvion is headquartered in Appleton,
16 Wisconsin, which is about an hour south of our
17 beloved Green Bay Packers. It has paper coating
18 and converting operations in Appleton, in West
19 Carrollton, Ohio, and a pulp and paper mill in
20 Roaring Spring, Pennsylvania. We have about
21 1,220 employees in the United States.

22 We support the Administration's

1 objective of addressing and eliminating China's
2 unfair and harmful intellectual property
3 practices. We also support the inclusion of
4 thermal paper and carbonless paper on the list of
5 products subject to additional 25 percent duties
6 that appear on List 3.

7 Chinese producers of lightweight
8 thermal paper have been found by the U.S.
9 Department of Commerce to be receiving subsidies
10 and to be dumping into the United States.
11 Appvion believes, however, that the
12 Administration's objectives will not be served by
13 placing a duty on a number of critical chemicals
14 imported from China and used by us in our
15 coatings for thermal and carbonless paper.

16 Our coatings are made from highly
17 engineered, proprietary recipes and our ability
18 to produce them is dependent upon access to
19 critical raw material inputs.

20 As a general matter, we seek to source
21 as many of our inputs as possible in the United
22 States, but in recent years this has become a

1 challenge as U.S. suppliers have shut down and
2 reduced production. For certain of our critical
3 inputs, the only source is China.

4 Thermal printing is a rapid printing
5 technology widely used in commercial applications
6 such as point-of-sale and ATM receipts, travel
7 tickets, gaming tickets, and shipping labels.
8 What that means is whenever you're asked at the
9 pump if you want the receipt, please say yes.

10 Thermal paper is a highly engineered
11 product in which paper is coated with a thermal
12 sensitive layer that reacts in the presence of
13 heat to create the printed image. The chemicals
14 we source from China are indispensable to the
15 formulations we use because they're applied onto
16 the paper, and it is these specialized recipes
17 that determine the image color, scanning
18 characteristics, and longevity of the image.

19 Carbonless paper is used in multi-part
20 business forms, such as expense reports, medical
21 forms, and delivery receipts. Carbonless paper
22 has a micro-encapsulated dye or ink on the back

1 side of the top sheet that includes the chemicals
2 we source from China. When pressure is applied
3 from writing or impact printing, the dye capsules
4 rupture and react with other coating materials to
5 form the permanent mark, duplicating the markings
6 made to the top sheet.

7 List 3 contains seven HTS numbers that
8 cover inputs we purchase from China, covering
9 chemicals used in our color former thermal
10 developer and sensitizer formulations and in the
11 contents of the microcapsules for carbonless
12 paper. Without access to these chemicals, we'll
13 be unable to produce thermal and carbonless paper
14 that are the core of our business, for most of
15 these chemicals can now only be sourced in China.

16 For two of the chemicals we do buy
17 some from domestic sources, but they cannot
18 supply us enough to satisfy our production needs.

19 Appvion is one of only two thermal
20 paper producers in the United States and our
21 primary competitors for thermal paper are located
22 in Germany, Korea, Japan, Spain, and Finland.

1 Producers in these countries would not be subject
2 to the 25 percent increase in cost for these
3 material inputs that Appvion would face if these
4 tariffs were to go into effect.

5 Because of the fierce competition that
6 we face from our offshore competitors in the U.S.
7 and third-country markets, we would be unable to
8 pass any of the increased production costs onto
9 our customers, putting us at a crippling
10 competitive disadvantage. Undeniably, these
11 tariffs would harm us and benefit our foreign
12 competitors.

13 We emerged from a grueling eight-month
14 Chapter 11 restructuring process in June as a
15 lean and agile company with a bright future.
16 Unfortunately, at the same time, we've been
17 managing approximately \$100 million in
18 unprecedented inflationary costs for raw
19 materials and transportation since late 2017 that
20 we have not been able to fully pass on to our
21 customers.

22 A 25 percent duty on these necessary

1 chemical imports from China would be extremely
2 detrimental to our bottom line. The duties are
3 unlikely to deter the misappropriation of
4 intellectual property and forced technology
5 transfer by Chinese companies or the Chinese
6 Government. Notably, the chemicals we purchase
7 from China are not part of the Made in China 2025
8 Plan or any other Chinese industrial policy.

9 Appvion respectfully urges the
10 Committee to remove these seven HTS Codes from
11 the retaliation list: 2818.30.0000, color former;
12 2909.49.1500, thermal sensitizers; 2930.90.2900,
13 thermal developers; 2932.99.9000, color former;
14 3204.19.4000, color former; 3204.19.5000, color
15 former; and 3824.10.0000, resin. Thank you.

16 MR. BISHOP: Thank you, Mr. Yokom.
17 Our next witness is Ralph Mallozi with General
18 Tools & Instruments, LLC. Mr. Mallozi, you have
19 five minutes.

20 MR. MALLOZI: Thank you, and thank you
21 for the opportunity to testify today. My name is
22 Ralph Mallozi and I am the president and CEO of

1 General Tools & Instruments. General Tools was
2 founded in 1922 and is based in Secaucus, New
3 Jersey. The company is a leading designer and
4 developer of specialty hand-tools and instruments
5 that are sold at retail for consumers and
6 professionals alike.

7 These hand-tools are used in an array
8 of industries and trades that range from
9 precision measuring, inspection, woodworking,
10 home remodeling and restoration to facility
11 maintenance, electrical contracting, plumbing,
12 auto-mechanics, and consumer electronics. The
13 company has created many jobs in the United
14 States, with a presence in New Jersey, North
15 Carolina, Illinois, Massachusetts, California,
16 and Tennessee.

17 Our hand-tools are simple items such
18 as digital calipers, angle-finders, mechanical
19 pickup tools, electric range-finders, miniature
20 tweezers, files, magnets, and other simple
21 precision tools which have been available for
22 decades around the world.

1 These products, although simple, help
2 the average American homeowner or tradesman with
3 simple home improvement repairs and jobs,
4 refurbishments, and remodeling efforts. General
5 Tools ensures individuals have high quality
6 equipment at an affordable price point.

7 The U.S. government is considering
8 imposing an additional 10 to 25 percent duty on
9 the import of these products into the United
10 States pursuant to Section 301 of the Trade Act.
11 I'd like to explain to the Committee that
12 imposing such duties would not be practical or
13 effective to eliminate China's acts, policies,
14 and practices; would cause disproportionate
15 economic harm to U.S. interest, including U.S.
16 consumers; and would have a significant negative
17 impact on General Tools including, in particular,
18 General Tools' U.S. operations.

19 First, General Tools manufactures
20 these products in China and then imports them
21 into the United States. Although General Tools
22 protects some of its products with utility

1 patents or design patents, none of these have
2 been misappropriated by China.

3 Additionally, these simple product
4 designs have been widely available for decades
5 worldwide and produced in China for more than 20
6 years. The retail value of these products on
7 average is below \$100 per tool and usually costs
8 less than \$30.

9 Our consumer base includes do-it-
10 yourself consumers, craftsmen, tradesmen, and
11 remodeling professionals. Implementing tariffs
12 on these products will have a devastating effect
13 on this market and would not be practical or
14 effective in eliminating China's acts, policies,
15 and practices related to U.S. intellectual
16 property.

17 Second, General Tools cannot absorb a
18 10 to 25 percent price increase in these codes,
19 which would affect over 400 different SKUs within
20 the company sold at retail. As a result,
21 General Tools would be forced to pass its
22 additional costs onto its consumers, which, as

1 previously mentioned, includes do-it-yourselfers,
2 consumers, craftsmen, tradesmen, and remodeling
3 professionals.

4 Any substitute product available in
5 the United States are high-end professional tools
6 and instruments which are far more expensive,
7 sometimes five to ten times as much more
8 expensive, than the tools manufactured by general
9 tools. They are not the products geared towards
10 tradesmen and do-it-yourself individuals.

11 In the past, General Tools has
12 reinvested capital infrastructure and innovation
13 in the United States to develop new tools.
14 Additional tariffs would halt this at
15 reinvestment.

16 Third, additional duties on these
17 everyday tools will have a meaningful negative
18 impact on General Tools, especially on its U.S.
19 operations. General Tools has been considering
20 ways to help offset these additional costs,
21 however, it would be most likely the company
22 would be forced to increase prices in direct

1 proportion to percentage of the tariff imposed.

2 If U.S. consumers are unwilling or
3 unable to afford this price increase for the
4 market, then the market for these products will
5 slowly close. To counterbalance this negative
6 consequence, General Tools has considered other
7 countries to source these products from, such as
8 Taiwan. However, the massive infrastructure
9 required to develop and manufacture these
10 products would require significant capital
11 expenditure and time to develop.

12 We would have to invest millions of
13 dollars to create facilities to manufacture these
14 products in the United States, which is not a
15 feasible expenditure in relation to the actual
16 profit generated from this price range.

17 General Tools would be even more
18 deeply affected in that we've signed a \$6 million
19 deal with QVC, but if these imports are hit with
20 a 25 percent tariff, the U.S. government would
21 actually profit more than General Tools selling
22 its own products. And in this case, General

1 Tools would actually lose money, as we cannot
2 pass that increase along.

3 For these reasons I discussed, General
4 Tools respectfully requests that the multitude of
5 subheadings to be covered in our formal comments
6 on these simple tools be removed from the list of
7 the tariff subheadings subject to the additional
8 10 to 25 percent duties pursuant to Section 301.

9 I appreciate the opportunity to
10 testify and look forward to any questions or
11 comments the Committee may have.

12 MR. BISHOP: Thank you, Mr. Mallozi.
13 Our next witness is Stephen Lovell with U.S.
14 Valve, LLC. Mr. Lovell, you have five minutes.

15 MR. LOVELL: Thank you for allowing me
16 to testify today. My name is Stephen Lovell.
17 I'm president of U.S. Valve, LLC. U.S. Valve,
18 LLC is headquartered in Rutherford, New Jersey,
19 with a manufacturing location of Linthicum,
20 Maryland. We have approximately 18 employees in
21 the United States.

22 We are a leading manufacturer of check

1 ball and specialty valves for industrial and
2 commercial customers in a variety of markets,
3 including hospitals, water and waste-water
4 treatment, power generation, oil and gas, and
5 firefighting apparatus.

6 The majority of our check valve
7 products are produced in our manufacturing
8 facility in Maryland in the U.S.A. The majority
9 of our ball valve products are produced in our
10 U.S.-owned facility in China and are imported
11 under a number of subheadings of the U.S.
12 Harmonized Tariff Schedule. Our factory in
13 China is owned by the same group of U.S.-based
14 investors that owns U.S. Valve, LLC.

15 Today I will focus on our medical ball
16 valve assemblies that are specifically designed
17 for medical gas pipeline applications in
18 hospitals.

19 Gases handled by our valve assemblies
20 include oxygen, nitrous oxide, surgical vacuum,
21 breathing air, and waste anesthesia gas. The
22 valves that we supply are vital to U.S. hospitals

1 in that they provide the ability to isolate
2 sections of the hospitals' medical gas
3 distribution systems, especially in the event of
4 a fire, gas leak, pathogen outbreak, or other
5 unanticipated event. Medical ball valve
6 assemblies are currently classified under
7 Subheading 8481.80.1085.

8 Imposing additional duties on these
9 products, one, would not be practicable or
10 effective to eliminate China's acts, policies,
11 and practices; two, would cause disproportionate
12 economic harm to U.S. interests, including
13 varying small and medium-sized businesses and
14 consumers, as well as the U.S. healthcare
15 industry; and three, would have a negative impact
16 on U.S. Valve, including in particular U.S.
17 Valve's U.S. operations.

18 For more than 15 years, we've had U.S.
19 engineers developing the technology behind the
20 production and design of these products. We
21 continue to develop innovations to the products
22 today. Confidential drawings of our products

1 are closely guarded by our facility managers in
2 China. In addition, the medical ball valve
3 manufacturing facility in China is owned by our
4 U.S. parent company.

5 Further, we regularly monitor valves
6 in the industry to evaluate whether our
7 technology has been misappropriated, particularly
8 our technique of forging brass pressure-
9 containing parts as opposed to casting. U.S.
10 Valve is not aware of any misappropriation of
11 intellectual property in China related to U.S.
12 Valve's medical ball valves.

13 Finally, technology relating to
14 medical ball valves is not considered
15 particularly high-tech and not part of the Made
16 in China 2025 program.

17 For these reasons, imposing additional
18 duties on these products would not be practicable
19 or effective to eliminate China's acts, policies,
20 and practices.

21 Second, U.S. Valve simply cannot
22 absorb a 10 to 25 percent increase in cost for

1 those medical ball valves, which constitute 40
2 percent of our business. Accordingly, U.S. Valve
3 would be forced to attempt to pass the costs
4 along with the associated duties in the supply
5 chains in the United States for these products.

6 In particular, U.S. Valve would
7 attempt to pass the cost to its OEM customers,
8 who, in turn, would pass the cost onto its small-
9 and medium-sized companies that distribute and
10 install the products at hospitals throughout the
11 United States. The end result would be a 10 to
12 25 percent increase on medical ball valves for
13 thousands of U.S. hospitals that depend on our
14 products every day.

15 In turn, this could result in possible
16 disruption to the supply of our products to U.S.
17 hospitals or force such customers to purchase
18 inferior products. For example, we are the only
19 one of these companies in the industry that
20 forges the brass parts, including on our medical
21 ball valves, instead of casting them. This
22 technique decreases the porosity of the product

1 and vastly lowers the likelihood of gas leakage
2 or the spread of bacteria.

3 Ultimately, the increased costs of
4 hospital expenditures due to the tariffs would
5 increase the already skyrocketing healthcare
6 costs in the United States.

7 Third, additional duties on medical
8 ball valves would have a meaningful negative
9 impact on U.S. Valve and its 18 employees in the
10 United States. As I mentioned before, we derived
11 40 percent of our revenue from medical ball valve
12 sales. The additional tariffs would
13 significantly impact the financial health of our
14 company.

15 Our products have mission-critical
16 applications in U.S. hospitals, and the
17 innovative forging techniques behind our products
18 help to ensure the safety of injured and sick
19 patients across the United States. The increase
20 in tariffs will impact our ability to continue to
21 develop new methods to improve our products.

22 Moving manufacturing operations for

1 our valve products outside China would cost a
2 significant amount of money and time and would
3 not be practical, given the size of our
4 companies.

5 For the reasons I discussed, U.S.
6 Valve respectfully requests that Subheading
7 8481.80.1085 be removed from the list of tariffs
8 subject to additional 10 to 25 percent duties
9 pursuant to Section 301.

10 That concludes my testimony. Thank
11 you again for allowing me to testify today and I
12 welcome any questions the Committee may have.

13 MR. BISHOP: Thank you, Mr. Lovell.
14 Our final witness on this panel is Brian Cohn
15 with Multi Parts USA, Incorporated. Mr. Cohn,
16 you have five minutes.

17 MR. COHN: Good afternoon. I am Brian
18 Cohn, president of Multi Parts Supply USA, Inc.

19 This is my first visit to directly
20 petition my government. Frankly, I'm upset
21 myself for not having understood the power of
22 doing this for List 1, but I thank you for this

1 opportunity to be heard on an issue of truly
2 grave importance to my company.

3 Multi Parts is a family-owned company
4 that sells into the automotive aftermarket. We
5 supply both to manufacturers and national
6 packagers, which, in turn, sell to major
7 aftermarket retailers and regional warehouse
8 distributors.

9 Our written comments will include a
10 full list of Multi Parts' imports impacted by the
11 List 3 tariffs, but these products include such
12 items as break parts, fuel pumps and regulators,
13 timing components, and water pumps.

14 Our products are not glamorous but
15 they are essential to American consumers. Multi
16 Parts' products are used by everyday people that
17 need an affordable option to keep their cars on
18 the road running safely and reliably, whether
19 they choose to fix their own vehicles or have
20 them serviced at independent repair shops.

21 Not only do we help U.S. consumers
22 extend the lives of one of their most valuable

1 assets, we help make that vehicle an economically
2 viable option for second, third, and even fourth
3 owners.

4 To serve the U.S. market, Multi Part
5 maintains two purpose-built facilities in China
6 and the United States. The two facilities work
7 hand-in-hand. The facility in Florida performs
8 R&D and product qualification, while the wholly-
9 owned facility in China assembles products, tests
10 them, custom-packages them, and ships them to the
11 United States for distribution. These two
12 facilities are both essential to allow Multi
13 Parts to service the aftermarket needs of its
14 customers.

15 Each of the factors the USTR has
16 stated it is considering supports excluding the
17 types of products imported by Multi Parts.

18 First, Multi Parts has never seen any
19 Chinese pressure to share its intellectual
20 property or been forced to enter into any joint
21 ventures. The replacement of automotive parts
22 sold by Multi Parts are simply not the high-tech

1 goods China has identified in its China 2025
2 Plan.

3 However, it has taken us many years,
4 and what is for us a tremendous amount of
5 investment, to develop and qualify the thousands
6 upon thousands of unique products we must apply
7 to cover the myriad combinations of vehicle
8 makes, models, years, and options in each product
9 category we supply.

10 For example, we do not sell a brake
11 hose assembly, we have developed thousands and
12 thousands of different assemblies, each with a
13 different combination of end fittings, brackets,
14 in order to fit everything from a 1962 Ford
15 Falcon to a 2016 Toyota Corolla.

16 Attempting to duplicate this
17 meticulously-built supply chain to produce this
18 kind of broad-range, low-volume production at the
19 level of quality required for safety-critical
20 applications would be exceedingly difficult, if
21 not outright impossible.

22 Second, the tariffs on Multi Parts'

1 imports would cause disproportionate economic
2 harm to U.S. interests. Multi Parts partners
3 with numerous manufacturers and distributors who
4 will also suffer from the onerous 25 percent
5 tariffs proposed on Multi Parts' imports from
6 China.

7 Third, the tariffs would most
8 certainly harm small- and medium-sized
9 businesses, Multi Parts being a prime example.
10 We are a family company and I consider every one
11 of our team members as part of that family.

12 I'm truly proud of the business we
13 have created and, most especially, of the good-
14 paying jobs with full benefits that we provide in
15 areas such as engineering, marketing, sales, and
16 management. These tariffs put all of those jobs
17 at severe risk.

18 Finally, the burden of the Section 301
19 tariffs on our products will be passed on to the
20 ultimate vehicle owners. For low and middle
21 income consumers, stretching out the value of
22 their automobiles is vital, and high-priced

1 dealership parts and service are simply not an
2 option for many.

3 The replacement and aftermarket parts
4 sold by Multi Parts are a safety net for these
5 consumers, helping them prolong the life of the
6 car that allows them to get to work, run their
7 errands, drop off their children, and live the
8 treasured American life of mobility. The Section
9 301 tariffs on our aftermarket products threaten
10 Americans' ability to keep their cars running
11 safely and reliably.

12 The impact of these tariffs on Multi
13 Parts and on our customers would be catastrophic.
14 We at Multi Parts are sympathetic to the goals of
15 the USTR in seeking to remedy any Chinese IP
16 abuses. But Multi Parts and its customers, as
17 well as the ordinary Americans who rely on our
18 products, are just innocent bystanders in this
19 international trade war with China.

20 So we ask the USTR to seek to minimize
21 the collateral damage on a family-owned company
22 like Multi Parts, and the low and middle-income

1 consumers who rely on us to provide reliable,
2 safe, and economical aftermarket parts for their
3 automobiles. Thank you.

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

7 CHAIR BUSIS: We will reintroduce the
8 Section 301 Committee before we proceed with
9 questions. Adam?

10 MR. SULEWSKI: Adam Sulewski, U.S.
11 Department of Homeland Security.

12 MS. ZUCKERMAN: Amy Zuckerman,
13 Department of Treasury.

14 MS. D'ANDREA-YOTHERS: Maria D'Andrea-
15 Yothers, U.S. Department of Commerce.

16 MR. WINELAND: Tim Wineland, USTR.

17 MS. HENNINGER: Carol Henninger, State
18 Department.

19 MS. PETTIS: Maureen Pettis,
20 Department of Labor.

21 MS. BONNER: Sarah Bonner, U.S. Small
22 Business Administration.

1 CHAIR BUSIS: And Bill Busis, USTR.
2 Adam, first question?

3 MR. SULEWSKI: I don't mean to
4 mispronounce your name. Husisian? Thank you.
5 Mr. Husisian, you had stated in your testimony
6 that the electrical parts identified are the,
7 quote, polar opposite of high tech.

8 To explore that a little, would it be
9 correct to consider any of these products
10 described as components in the increasingly
11 sophisticated entertainment consoles and driver
12 safety systems that we're seeing in cars today?

13 MR. HUSISIAN: Yes, a lot of the parts
14 that Alps makes are capacitive panels, which are
15 the touchscreen panels, switches, electrical
16 distribution parts. They're the bedrock
17 components that allow consumer electronics to
18 work.

19 So they're not products that people
20 think of using, but they're ones that they do
21 use, primarily in consumer electronics, in home
22 goods, and in automobiles.

1 So, while you guys are playing Section
2 301 bingo and putting together the biggest Sudoku
3 ever from all these HTS charts, behind them are
4 very real products. And they are goods that
5 consumers use every day, and in particular, are
6 used by industries that add a lot value in the
7 United States that's far, far greater than the
8 value of these very low-margin touch panels and
9 switches, which sometimes can sell for only a few
10 cents and often for only a few dollars.

11 MR. SULEWSKI: Thank you. And,
12 separately, have the products you described today
13 changed significantly over the last ten years?
14 And is there a market for any of these products
15 in countries other than China?

16 MR. HUSISIAN: It's a mix. Some of
17 the products are very stable: capacitors and
18 things like that. Some of them are products that
19 they haven't changed much, but others have
20 changed quite a bit as semiconductors have gotten
21 better, and the need to interface with these
22 products has gotten to be more ubiquitous.

1 Among other reasons why the products
2 have changed is they've multiplied a great deal,
3 because instead of just being in a television or
4 the familiar consumer products, we see that
5 products all over, whether it's refrigerators or
6 products you wouldn't think of as normally having
7 this, have added these electronic parts and
8 components.

9 The problem with moving it outside of
10 China, it's not just a matter of moving from one
11 factory to another. That's a very strange
12 concept to begin with. If someone were to say to
13 you it's okay if the cost of living in your house
14 goes up by 25 percent because you can always --

15 CHAIR BUSIS: I need to stop you
16 there. So, the production moved to China, right?
17 It wasn't in China 20 years ago, was it?

18 MR. HUSISIAN: It often wasn't
19 anywhere.

20 CHAIR BUSIS: Right. So it did move
21 there at some point, so it's really not all that
22 strange. We're going to have the next witness

1 now. Thank you.

2 MS. HENNINGER: Mr. Kiernan, does the
3 U.S. wind-related manufacturing industry export
4 finished products to other countries or are these
5 products mainly used for the construction of new
6 wind energy projects in the United States?

7 MR. KIERNAN: I believe the vast
8 majority of what we produce in the United States
9 of wind turbines and the parts is used in the
10 United States. There may at times be some
11 exporting out, but I'm pretty confident that's a
12 small, very small, percentage of what we do. The
13 vast majority of what manufacturers use is here
14 in the United States.

15 MS. HENNINGER: And to what degree do
16 currently operating wind farms depend on imports
17 from China? If, for example, a repair to a
18 turbine were required, is there a market for
19 repair or replacement parts in the United States?

20 MR. KIERNAN: The majority of the
21 value of a wind farm here in the U.S. is made in
22 the U.S. So a majority is here. Yes, there are

1 some components, as I alluded to or mentioned in
2 my oral testimony and written testimony, there
3 are some components that are imported from other
4 countries; and that is our concern with List 3
5 and, frankly, also List 1 and 2, that there are
6 some important components that we do import. And
7 increasing the price of those will increase the
8 price of wind energy.

9 I should also mention the energy
10 industry is extraordinarily competitive and
11 price-sensitive. So I mentioned a five percent
12 increase of the cost of wind energy. That
13 translates into a significant loss, if you will,
14 of market share, and hence why we're sensitive to
15 what's on List 3 and ask that those key products
16 be removed.

17 MS. ZUCKERMAN: Mr. Stateczny, you
18 support increased tariffs on some 22 HTS Codes
19 related to industry components necessary to
20 produce, store, and refined gas. In your
21 opinion, how would the imposition of these
22 tariffs affect consumers and users?

1 MR. STATECZNY: I think it's very
2 clear that a number of multinational companies
3 have taken full advantage of dumped, subsidized,
4 and otherwise supported imported product. And
5 it's my sense that, more often than not, those
6 cost savings go right to the bottom line of the
7 multinational corporation.

8 There have been countless instances of
9 refinery outages where the price of gas goes up
10 immediately and, yet, when there's a refinery
11 modification that results in that refinery
12 becoming more efficient, it doesn't necessarily
13 translate to an advantage to the consumer.

14 And I would also add, listening to my
15 esteemed colleagues here, I mean, obviously the
16 horses are already out of the barn. For so much
17 of our manufacturing base, and in a lot of
18 mission critical applications, we're now
19 dependent on China.

20 And what we're trying to really
21 articulate as an energy coalition is we can't
22 allow that to happen. If we can't fabricate

1 pressure vessels, heat exchangers, and other
2 process industry modules here, we're not going to
3 be energy-independent, irrespective of how
4 efficacious the shale gas play is or wind power
5 becomes. Because we will simply be dependent on
6 -- and the case of China -- and they are the 800-
7 pound gorilla in the room. I was just in Morgan
8 City, Louisiana and saw three of their vessels,
9 and these vessels weigh hundreds of tons.

10 So it's not just the fabricators, but
11 it's the steel companies, like ours in Newcastle,
12 Indiana, and ArcelorMittal and Nucor, that make
13 the plate that are losing out as well.

14 So, in summary, usually whatever cost
15 savings are achieved by importing these low-
16 priced, heavily-subsidized vessels, it stays
17 within the multinational corporation.

18 CHAIR BUSIS: Do you have a sense of
19 the degree to which, if at all, your Chinese
20 competitors benefit from low-cost steel and
21 aluminum available in China?

22 MR. STATECZNY: Oh, there's no

1 question. I mean, there's absolutely no
2 question. The last time I testified here, back
3 in May, we gave an example whereby -- and in this
4 particular case it was actually the Koreans --
5 they actually sold finished and processed modules
6 to a refinery in Billings, Montana for less than
7 the price that our fabricator could buy the steel
8 from in the United States.

9 So it's a huge issue. Having said
10 that, there are antidumping and countervailing
11 duties on Chinese plates and on Chinese steel.
12 There is virtually no Chinese steel coming into
13 this country. It's all now coming in as
14 downstream manufactured product, and we have to
15 start looking at downstream manufacturing and
16 what we're going to do to protect those
17 industries.

18 It's great, you know, the steel
19 industry looks like it's getting the relief it
20 needs; and I'm a lifer in the steel industry, 37
21 years. But now we have to make sure that we have
22 a market three years, five years, and for

1 generations to come.

2 CHAIR BUSIS: Thank you very much.

3 MR. WINELAND: Thank you. Mr.

4 Gilbert, I wanted to explore a little bit the
5 question of demand with you. You talked about
6 the two factors, one being the retirement of aged
7 equipment as there's demand for new equipment, as
8 well as fulfilling the need for increased
9 container volume. Could you tell me what the
10 useful life of the average chassis is?

11 MR. GILBERT: I believe it's pushing
12 25 years, with refurbishment. And if we keep
13 refurbishing them and putting re-treads on, I
14 think you'll see that it's going to become a
15 major problem.

16 MR. WINELAND: And if you could give
17 some sense, maybe just a ballpark estimate, of
18 how many of the current fleet of chassis are at
19 or near the end of their useful life? Is there
20 a way you could quantify that with a ballpark
21 percentage?

22 MR. GILBERT: I really can't. I don't

1 have that, but I could refer them back to you
2 with written testimony.

3 What I would say to you, though, is if
4 we limit the access and egress of the terminals
5 and we move the population on the ground for
6 grounded containers from an efficiency of about
7 1.5 containers high and we start moving them to
8 2.5 and 3.5, at 3.5 we end up with gridlock.

9 It's the same thing as the Legos. If
10 you need the bottom one, you have to move them
11 three times to get to the bottom one. And with
12 the aging equipment that we have now, and CBP
13 with their X-ray machines, there's fewer and
14 fewer X-ray machines because they have not
15 invested in them.

16 So for us to get as a terminal
17 operator to those imaging machines, we can't go
18 to 2 high, 3 high, and gridlock at 3.5 high.

19 MR. WINELAND: And then, finally, you
20 mentioned I think Mexico and China and the United
21 States in your testimony. Are there any other
22 countries where chassis are produced?

1 MR. GILBERT: I don't believe that
2 they're produced to come to the United States.
3 They are significantly produced in the E.U. but I
4 don't know them to be brought here. They have
5 some very specialized issues in the E.U. for
6 their safety with their bicycle rack protection
7 underneath them and also with some of the other
8 peculiar things to the E.U.

9 MR. WINELAND: Okay, thank you.

10 MR. GILBERT: Thank you for your help.

11 MS. D'ANDREA-YOTHERS: Mr. Yokom, what
12 percentage of your company's business are U.S.
13 chemical manufacturers currently able to support?

14 MR. YOKOM: Of the seven codes we're
15 talking about today, I would say probably less
16 than five percent.

17 MS. D'ANDREA-YOTHERS: And has your
18 company explored with U.S. suppliers the
19 possibility of increasing their production of the
20 chemicals that you need?

21 MR. YOKOM: Yes, of the two that we
22 can source domestically, we have talked with them

1 and they're giving us everything they can. And
2 there's really no opportunity -- I shouldn't say
3 there's no opportunity, but it's an extremely
4 difficult prospect for any U.S. suppliers to
5 emerge, just for the cost involved in starting a
6 new plant, not only the infrastructure but the
7 permitting involved.

8 And then we would have to qualify
9 those chemicals and then we would have to qualify
10 them with our customers. So, I think a
11 conservative estimate, if somebody came tomorrow
12 and said we're going to start a plant, we would
13 not be able to sell our product with those new
14 chemicals for five to seven years.

15 MS. D'ANDREA-YOTHERS: Thank you.

16 CHAIR BUSIS: And a follow-up is, your
17 seven tariff codes, do you know whether the
18 chemicals you import make up all the products
19 identified under each of those codes or whether
20 they are a subset? Like the color former in
21 19.5000, is that entire tariff code color former
22 or is it just certain products within it?

1 MS. D'ANDREA-YOTHERS: I think it's a
2 subset. We are going to submit written comments
3 that will have the full descriptors of those
4 codes, but I think on a few it will be all-
5 encompassing, but then a few others it will be a
6 subset.

7 CHAIR BUSIS: Okay. If you could
8 address that in your written comments. Thank
9 you.

10 MS. D'ANDREA-YOTHERS: Yes, sir.

11 MS. BONNER: This question is for Mr.
12 Mallozi. Mr. Mallozi, for the products that you
13 discussed in your testimony, are any of them
14 produced in a country outside of China?

15 And, either way, has your company
16 explored producing or restructuring its processes
17 to produce in any other third country other than
18 the U.S. or China?

19 MR. MALLOZI: Yes. General Tools'
20 products are typically what you'd consider a
21 value brand. So that's where I mentioned most of
22 those products that are produced in other

1 countries are at five to ten times the cost.

2 An example I can give you is an
3 electrical range-finder. Those are produced in
4 Germany, but the majority are produced in China.
5 But the ones produced in Germany are produced and
6 sold for \$1,500 versus one that we would sell to
7 a DIY consumer for \$50 with much less features
8 and value than a professional would use.

9 We've looked at other countries to
10 produce, and those costs would be much greater
11 than what either tariffs or our current cost
12 structure are, and ultimately would limit that
13 value to the consumer, which is what the general
14 brand has been known for for over 100 years.

15 MS. BONNER: Just a clarifying point
16 there. You mentioned products made in Germany.
17 Those are not from your company, right?

18 MR. MALLOZI: No, those are the
19 professional high-end pieces of equipment.

20 MR. WINELAND: Mr. Lovell, a question
21 for you about valves. You discussed the unique
22 nature of the medical valves. Is China the only

1 producer of this type of valve? Perhaps more
2 specifically, is your company there the only
3 producer, or are there others?

4 MR. LOVELL: The medical ball valve is
5 a specialty item. It's kind of a niche market.
6 So when we entered the market maybe 15 years ago,
7 we designed a valve assembly, not just the valve.
8 It's a valve with other parts attached to it that
9 would specifically address a problem that the
10 industry had been having with leaking valves.
11 So we designed a valve specifically for that, and
12 we set up the plant in China 15 years ago
13 specifically to produce this product line.

14 We looked at manufacturing in the
15 United States but the cost was higher than the
16 price point that the potential customers were
17 giving us at that time. We've looked at it more
18 recently and the same problem exists.

19 MR. WINELAND: Do your valves require
20 any kind of approvals from the FDA or any other
21 organization?

22 MR. LOVELL: NFPA 99, the National

1 Fire Prevention Association has a guideline or
2 specification that covers the design of those
3 products.

4 MR. WINELAND: Thank you.

5 MS. PETTIS: I have a question for Mr.
6 Cohn. You had testified that in your Florida
7 facility you do R&D and product qualification,
8 while you actually assemble the products and
9 everything in China. What would it take to
10 undertake shifting production from your Chinese
11 plant, say, to go to your Florida plant? Or is
12 that even feasible?

13 MR. COHN: I don't believe it's
14 feasible. As I mentioned, we are in the
15 aftermarket, and that requires us to make a very,
16 very broad range of products at very low volumes.
17 One of the main reasons that our products are
18 produced in China is the incredible availability
19 of sub-suppliers who can make virtually every
20 component that one can imagine for an auto part,
21 in relatively small volumes. I'm talking
22 sometimes runs of 100 parts to a large run might

1 be a few thousand parts.

2 That's compared to, let's say, an
3 original equipment manufacturer who would be
4 making hundreds of thousands of the same SKU and
5 can set up an entire factory to do that.

6 Our supply chain is very, very
7 complex. We have to spend a lot of resources to
8 engineer each component, to qualify it, to ensure
9 that its meeting safety standards, because many
10 of our products are safety-critical applications.
11 And we have seen just no way to duplicate that in
12 the United States.

13 MS. PETTIS: Thank you very much.

14 CHAIR BUSIS: Mr. Bishop, if you could
15 please release this panel and call the next?

16 MR. BISHOP: We release this panel
17 with our thanks, and we invite the members of
18 Panel 45 to come forward and be seated, please.

19 (Pause.)

20 MR. BISHOP: Mr. Chairman, our first
21 witness on this panel is Bryan Michaelsen with
22 JMF Company. Mr. Michaelsen, you have five

1 minutes.

2 MR. MICHAELSEN: Thank you. My name
3 is Bryan Michaelson. I'm the president of JMF
4 Company. JMF Company is headquartered in
5 Bettendorf, Iowa, with additional locations in
6 Illinois and California, and has been in business
7 for 71 years.

8 JMF is a distributor of rough plumbing
9 commodities primarily internationally sourced.
10 The specific products of concern are in
11 subheadings 7412.10, refined copper fittings, and
12 7412.20, which are essentially brass fittings
13 used for tubes and pipes.

14 JMF is a Tier 1 distributor viewed by
15 customers in the same way that a domestic
16 manufacturer would be viewed from a supply chain
17 perspective. JMF sources these commodity
18 products exclusively from China. JMF's customer
19 base for these commodities is primarily
20 independent wholesalers and mid-sized retailers
21 commonly referred to as farm trade or farm trade
22 retailers.

1 It is important to note that JMF
2 distributes a diverse product offering across
3 many rough plumbing product categories. Our
4 ability to bundle different product categories
5 together for these wholesaling retail customers
6 delivers a strong value proposition.

7 This value proposition is critical to
8 their success and long-term viability. The need
9 for a single-source solution for their products
10 to meet minimum order quantities, prepaid trade
11 allowances is critical and they do not have the
12 ability to buy large quantities generally.

13 That's what JMF offers. So JMF allows
14 these business partners to be competitive and to
15 offer the American consumer a true option based
16 on service with a comparable price point.

17 If additional duties are applied to
18 these subheadings, JMF will be forced to pass the
19 increase directly to our customer base. This
20 will be devastating to their ability to compete
21 in the marketplace. Many of these customers are
22 competing against multi-store wholesalers, large

1 big-box retailers, all dominated by U.S.
2 manufacturers of these commodity products.

3 Copper fittings is a perfect example.
4 Tariffs on these products will hurt those most in
5 need of the competitive support. The primary
6 cost driver of these commodities is the global
7 cost of copper, which is the underlying
8 commodity. This cost, along with the fabrication
9 cost to manufacture the copper into a fitting,
10 essentially, is the total product cost. The
11 commodities in question are low-margin items and
12 the price is driven by pure supply and demand.

13 Tariffs will drive prices up, and
14 price escalation is not warranted or needed on
15 these commodities. The economic impact of the
16 tariff will be felt in the housing market
17 quickly, with higher costs to products used in
18 residential construction.

19 Applying the same tariff duty across
20 these commodities as all the products in the
21 listings really does not have the equivalent
22 impact. It is a much higher penalty since the

1 global copper price dominates the overall product
2 cost of these particular items. Other listings
3 can absorb this across their supply chain more
4 efficiently. With our products, the tariffs
5 immediately will be passed on to the consumer and
6 overall market prices will rise. Essentially,
7 the additional tariff will be an immediate tax to
8 the American consumer.

9 JMF also employs 232 employees. Many
10 of these employees are directly involved in the
11 packaging and distribution of these commodities.
12 It's foreseeable that JMF may lose customers due,
13 in part, to their inability to compete, and then
14 will have lost some employment of these workers.

15 The subheading 7412.10 for copper
16 fittings is primarily dominated by three large
17 domestic manufacturers, and it is true that these
18 three manufacturers could support the entire U.S.
19 market. However, this would eliminate options
20 for many customers, who will not get the same
21 service or the price in which they receive today
22 from suppliers like JMF Company.

1 Imports in this subheading have
2 existed for many years from China and other
3 countries. If protection was needed, it would
4 have been evident by now by a much larger market
5 share of imports. This is not the reality and
6 the big three really own the market on copper
7 fittings. The imports from China in this
8 subheading represent only four 1000ths of 1
9 percent of the total imports from China in 2017.

10 In subheading 7412.20, this is used
11 primarily for brass fittings and this is a much
12 more fragmented market. It's different. There
13 is much less domestic manufacture of this product
14 category and the U.S. manufacturing could not
15 support the entire market. China manufacturers
16 dominate this particular category. The imports
17 from China in this subheading represent three
18 100ths of 1 percent of all the imports from China
19 in 2017.

20 The desire to alter China's unfair
21 trade practices and to impact its own
22 protectionist ideas will not be influenced by

1 additional tariffs on these products. The impact
2 to influence is too small, but the impact to the
3 U.S. consumer will be great. These products are
4 priced primarily based on global metal commodity
5 prices and the price of copper.

6 There is no significant technology
7 that would be protected and the cost-to-benefit
8 ratio of adding tariff duties to these specific
9 subheadings is too great for the U.S. consumer
10 and its economy.

11 I respectfully ask that subheadings
12 7412.10 and 7412.20, specifically the subheading
13 7212.20.0035, be removed from the tariff listing.
14 Thank you.

15 MR. BISHOP: Thank you, Mr.
16 Michaelson. Our next witness is Ricardo Lara
17 with Elite Lighting.

18 Mr. Lara, you have five minutes.

19 MR. LARA: Thank you. My name is
20 Ricardo Lara, representative for Elite Lighting.
21 On behalf of Elite Lighting and all its
22 employees, we want to express how the proposed

1 tariffs will impact our company, workforce,
2 customers, and the U.S. consumer.

3 Elite is a United States manufacturer
4 of high quality lighting goods, which has served
5 all across the United States for 19 years and
6 counting. If I may add, located in Commerce,
7 California.

8 Elite Lighting prides in being a great
9 example of an innovative manufacturing company in
10 the United States, which is a contributor of over
11 five billion dollars that the lighting industry
12 contributes annually towards the U.S. economy.

13 Elite Lighting employs over 250
14 workers. Our goal is to strive in our product
15 innovation, quality, and be as competitive as
16 possible.

17 This has allowed us to currently
18 increase our workforce and contribute to a lower
19 unemployment rate in the U.S. Our plan on growth
20 as a company would be impacted with the proposed
21 tariffs increase, and create an unstable
22 workforce for the lighting industry overall.

1 We work with large and small home
2 builders and developers across the country.
3 Lighting is unique in that it touches everyone's
4 life every day, from our office buildings,
5 department stores, hospitals, local parks, our
6 homes, and so much more.

7 Imposing 10 to 25 percent tariffs
8 increase on the lighting industry will create a
9 rapid effect -- a ripple effect in increase of
10 costs from manufacturers like Elite Lighting all
11 the way to its consumers.

12 Which is why we're requesting the
13 Committee to review and exempt the HTS numbers
14 9405.10.40, 9405.10.60, 9405.10.80, 9405.40.40,
15 9405.40.60, 9405.40.84, 9405.91.10, 9405.91.30,
16 9405.91.60, 9405.92.00, 9405.99.20, 9405.99.40,
17 and 8414.90.10.

18 In conclusion, we request that the
19 USTR Committee, Ambassador Lighthizer, and
20 President Trump see other alternatives and remove
21 the HTS numbers stated, which will impact the
22 U.S. consumer in more ways than many other

1 industries combined.

2 Thank you for your time. Now I will
3 be happy to address any questions.

4 MR. BISHOP: Thank you, Mr. Lara. Our
5 next witness is Daniel Baum with Hailiang America
6 Corporation.

7 Mr. Baum, You have five minutes.

8 MR. BAUM: Good afternoon. Thank you
9 for allowing me the opportunity to testify. My
10 name is Daniel Baum. I'm the Senior Vice
11 President of Sales for Hailiang America
12 Corporation.

13 Hailiang America Corporation is
14 headquartered in Rowland Heights, California, and
15 we have our sales offices in Leesport,
16 Pennsylvania. Warehousing locations, we have in
17 Pennsylvania, Texas, Florida, Iowa, and Arizona.

18 Hailiang is an America -- is an
19 international importer of rough plumbing products
20 to plumbing wholesale and HVAC wholesale markets.
21 And they're primarily commodity products.

22 We are categorized as a Tier 1

1 distributor of these products in line with a
2 domestic manufacturer. As such, Hailiang America
3 is in direct competition with domestic
4 manufacturers to sell the wholesale distribution
5 channels, the rough plumbing and HVAC products.

6 We currently employ ten employees in
7 three different locations within the United
8 States. And our employees are directly involved
9 in the sales and distribution of the specific
10 commodities in the tariff subheadings 7412.10.00
11 and 7412.20.00.

12 In addition to those direct employees,
13 we utilize third-party public warehousing and
14 logistical labor and are a significant shipper of
15 goods with an estimated shipping weight of
16 roughly 15 million pounds annually.

17 The additional tariffs will have an
18 impact on our ability to maintain our workforce
19 and utilize these domestic services. As well as,
20 we become less competitive with the implemented
21 tariffs.

22 The potential loss of customers may

1 bring a loss of employment, not only within our
2 organization, but also with the service providers
3 and our supply chain partners as well.

4 Hailiang America sources commodity
5 products exclusively from China. We do have
6 limited domestic sources as we compete directly
7 with domestic manufacturers.

8 Hailiang America plays a significant
9 role in offering the consumer an option based on
10 quality, service, and product availability. Many
11 of the products that are subject to the tariffs
12 have limited domestic suppliers or limited
13 domestic production capabilities.

14 Those are very limited as to being
15 able to meet the current demand of the market.
16 And should our products be not available in the
17 marketplace, there should -- there may be product
18 shortages.

19 Availability of our products allows
20 the market price to remain competitive in line
21 with global commodity pricing. Disruption of the
22 products will cause those product shortages I

1 described, and lead to significant cost increases
2 to the manufacturer of finished goods in the
3 construction industry and ultimately higher
4 prices to the consumer.

5 Tariffs will also create fewer
6 sourcing options and create superficial price
7 levels. Our products, consisting primarily of
8 copper and brass, are low profit margin items,
9 and the price is ultimately driven by global
10 metal values and supply and demand.

11 Other products in the subheading
12 listing have much higher margin, and the tariff
13 can be absorbed across the supply chain more
14 efficiently. We -- with our products, the tariff
15 will immediately be passed on to the consumer,
16 and overall market pricing will rise.

17 Essentially the additional tariff will
18 be an immediate tax on the American consumer. By
19 allowing the market for these items to freely
20 flow, it forces our domestic competitors to
21 constantly improve their processes, services, and
22 promote consistent pricing throughout the U.S.

1 market.

2 They must improve to compete against
3 technological improvements in China. And we as
4 the distributors of Chinese goods are at a
5 disadvantage to domestic manufacturers, as we
6 must pay a significant freight cost to land those
7 products in the United States.

8 So in summary, our concerns are U.S.
9 employees will be impacted by additional costs on
10 these products, potential loss of employment,
11 affecting our direct employees and those of our
12 service providers and supply chain partners.

13 These products are strictly commodity
14 driven and market driven. And having companies
15 like Hailiang America source these commodities
16 from China keep the domestic market pricing
17 competitive and beneficial to U.S. consumers.

18 These commodities are also produced
19 and imported from manufacturers in other
20 countries, and this additional duty would give
21 them the unfair advantage over Hailiang America
22 supply -- the Hailiang America supply chain.

1 Thank you for allowing me the time to
2 express our opposition to the proposed tariffs.

3 MR. BISHOP: Thank you, Mr. Baum. Our
4 next witness is Grant Gawronski with Gates
5 Corporation.

6 Mr. Gawronski, you have five minutes.

7 MR. GAWRONSKI: Good afternoon. My
8 name is Grant Gawronski, and I'm President of the
9 Americas for Gates Corporation. Thank you for
10 the opportunity to testify today.

11 Gates was founded in 1911, and our
12 global headquarters are located in Denver,
13 Colorado. Gates is a leading manufacturer of
14 application specific fluid power and power
15 transmission solutions.

16 We manufacture hoses, belts, and
17 related critical components, including water
18 pumps, that are used daily by U.S. consumers in
19 passenger and commercial vehicles, agricultural
20 and industrial equipment, and more.

21 Gates employs 3,900 people across the
22 U.S., and we have a manufacturing presence in 16

1 states.

2 My testimony will focus on the water
3 pumps that Gates manufactures in China and
4 distributes into the U.S. Water pumps are
5 classified under subheading 8413.30.9090 of the
6 Harmonized Tariff Schedule.

7 Water pumps are sold through a
8 distribution channel of U.S. automotive parts
9 distributors such as NAPA and O'Reilly's, who
10 then resell to U.S. state and local government
11 agencies, as well as family owned mechanic shops
12 and individual consumers.

13 More than 70 percent of the water
14 pumps are imported into the U.S. There is simply
15 not enough U.S. production to meet today's
16 demand.

17 Section 301 of the Act proposes to
18 place an additional 10 to 25 percent duty on
19 imports of water pumps from China into the United
20 States. Imposing such duties, one, would not be
21 effective to eliminate China's acts, policies,
22 and practices towards U.S. intellectual property.

1 Two, would cause disproportionate
2 economic harm to U.S. interests, including small
3 and medium sized businesses, consumers, and local
4 and federal U.S. government entities. And,
5 three, would have a significant negative impact
6 on Gates, including Gates' U.S. operations.

7 Gates entered the water pump market by
8 purchasing a controlling interest in a Chinese
9 manufacturing facility in Yantai, China. The
10 underlying technology associated with this
11 product is not high-end technology, the high-end
12 technology that the United States has become
13 known for.

14 Gates does not have any patents or
15 pending patent applications for water pumps under
16 this import classifications. We are not aware of
17 any significant patents or patent applications
18 that have been filed for water pumps in the
19 United States in recent history.

20 For these reasons, imposing additional
21 duties on this product would not be effective to
22 achieve the stated purpose of these tariffs,

1 which is to eliminate China's acts, policies, and
2 practices related to misappropriation of U.S.
3 intellectual property.

4 Second, Gates cannot absorb a 10 to 25
5 percent increase in costs for this product. As a
6 result, 100 percent of the increase in cost would
7 no doubt be passed on to the end customer.

8 Additionally, local and federal
9 government entities will absorb these increased
10 costs when purchasing replacement parts for U.S.
11 postal service delivery trucks, first responder
12 and law enforcement vehicles, refuse and service
13 vehicles, and the sizable fleets operated by many
14 different government entities.

15 Gates is already struggling to produce
16 a sufficient number of water pumps in its Chinese
17 facility to meet the increasing demand driven by
18 the growing number of aged vehicles on the road.
19 And this tariff would only exacerbate the supply
20 constraint as well as cost for our customers.

21 Third, additional duties on water
22 pumps would have a meaningful negative impact on

1 Gates. Gates cannot absorb the cost of a tariff
2 internally, and therefore will pass 100 percent
3 of the cost of this tariff increase to its
4 customers.

5 If U.S. consumers are unwilling or
6 unable to afford this price increase, then Gates
7 will be forced to reconsider the feasibility of
8 continuing to provide this inexpensive but
9 necessary product.

10 Manufacturing water pumps in the
11 United States would require constructing new
12 facilities, at a cost of tens of millions of
13 dollars, and would take Gates at least a year and
14 a half to begin production.

15 Even if feasible, the cost to make a
16 U.S. made water pump would be up to 80 percent
17 higher, and therefore the price could be as much
18 as twice as what it costs today. If this path
19 was our only alternative, Gates would be forced
20 to exit the water pump business.

21 To conclude, Gates respectfully
22 requests that subheading 8413.30.9090 be removed

1 from the list of tariffs subject to additional 10
2 to 25 percent duties.

3 I appreciate the opportunity to
4 testify, and I look forward to any questions or
5 comments the Committee may have.

6 MR. BISHOP: Thank you, Mr. Gawronski.
7 Our final witness on this panel is Guy Harari
8 with Adisseo.

9 Mr. Harari, you have five minutes.

10 MR. HARARI: Thank you for the
11 opportunity to appear before you today to state
12 our case. My name is Guy Harari, and I am
13 President and General Manager of Adisseo North
14 and Central America, headquartered in Alpharetta,
15 Georgia.

16 I'm here today to request the
17 exclusion of HTS subheading 2930.90.46, DL
18 hydroxy analogue of DL-methionine from the final
19 list of products subject to the proposed 10 or 25
20 percent tariffs for goods made in China.

21 We had planned to appear previously
22 when the tariffs were 10 percent, and at 25

1 percent the request is urgent.

2 The imposition of these tariffs will
3 not cause -- will not only cause disproportionate
4 negative consequences on Adisseo, but more
5 importantly on America's poultry, swine, and
6 ruminant farmers at a time when they are already
7 facing 25 percent retaliatory tariffs for their
8 export -- exported meats in several important
9 markets.

10 Adisseo is one of the world's leading
11 experts in feed additives. We are a group of
12 companies with global production facilities in
13 Europe and China that design, produce, and market
14 nutritional solutions for sustainable animal
15 feed.

16 With 2,100 global employees, we serve
17 customers in over a hundred different countries.
18 Our methionine facility in Nanjing, China
19 supplies the U.S. market.

20 Our products are used to supplement
21 nutritional, safe, and certified feed to the U.S.
22 farm and agricultural industry for the livestock.

1 Adisseo offers one of the most essential amino
2 acids, methionine, as well as a complete range of
3 vitamins, enzymes, antioxidants, and probiotics
4 for livestock feed.

5 Methionine is an essential amino acid,
6 meaning it is not produced by the body, but comes
7 from the diet. While methionine is found in raw
8 foods, it is insufficient to cover the needs of
9 livestock. Thus, requires the use of synthetic
10 sources.

11 Methionine is a building block for
12 protein synthesis. It is an antioxidant, and is
13 involved in stimulating the immune system.

14 It is effective in improving the
15 growth of poultry and swine. That is why all
16 animal farmers are using methionine as one of the
17 must include amino acid supplements.

18 There are two concentrations of the
19 methionine: DL-methionine 99, called powder
20 methionine and DL-hydroxy analogue of DL-
21 methionine, called liquid methionine.

22 In China Adisseo produces the liquid.

1 This product is present in liquid form to
2 minimize dust emissions, handling, storage space,
3 and to maximize ease of dosage and accuracy when
4 mixing with feed.

5 Many of the largest poultry farms in
6 the United State are using our methionine. U.S.
7 companies that may be impacted include Cargill,
8 Tyson, Pilgrim's, Perdue, Koch Foods, Sanderson
9 Farms, Wayne Farms, Mount Aire, George's, Foster
10 Farms, and Peco.

11 The increased costs in the methionine
12 will have a direct and substantial impact on
13 these food providers. Adisseo is the second
14 largest producer of methionine used in the U.S.
15 agricultural industry.

16 There are other suppliers of
17 methionine such as Novus, located in Houston,
18 which manufactures only liquid methionine, and
19 Evonik in Mobile, Alabama, a German company which
20 manufactures only powdered methionine.

21 However, the overall U.S. market will
22 be impacted negatively due to the limited

1 producers. These manufacturers do not have the
2 capacity to absorb the quantity of methionine
3 being supplied from China.

4 Insufficient supply puts farmers'
5 flocks and herds at risk. Farmers are already
6 facing very tight margins. And adding 10 to 25
7 percent custom duties on essential amino acids
8 may force a farmer to make choices to either not
9 have access to the required volume of methionine
10 for perform -- growth, or to increase the costs
11 of poultry and pork meat costs and egg costs.

12 It is important to know that 57
13 percent of the costs associated with buying
14 poultry stem from feed. Nearly a third of the
15 U.S. methionine market is imported.

16 China is the largest supplier of
17 liquid methionine and the second largest supplier
18 of dry. The 25 percent tariff will add millions
19 in additional costs for this essential feed
20 additive.

21 If we look to the steel market, which
22 put in place 25 percent tariffs, we see that not

1 only imported goods, but U.S. made steel prices
2 increased by over 30 percent.

3 So the impact of this tariff is not
4 just on imported Chinese methionine, but will be
5 on all poultry, egg, and pork industry farmers,
6 regardless of the methionine source, as well as
7 on the consumers who will be disproportionately
8 negatively impacted.

9 We strongly urge the USTR to remove
10 HTS subheading 2930.90.46, DL-hydroxy analogue of
11 DL-methionine, from the final list of products
12 subject to the proposed 10 or 25 percent tariffs
13 for products made in China.

14 Thank you again for this opportunity
15 to appear before you today, and I welcome any
16 questions you may have.

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

20 CHAIR BUSIS: Maria?

21 MS. D'ANDREA-YOTHERS: Okay, this
22 question is actually for Mr. Michaelsen and Mr.

1 Baum. You both testified that rough plumbing
2 commodities are manufactured in countries other
3 than China.

4 Is it possible to source these
5 commodities from non-Chinese sources?

6 MR. MICHAELSEN: Yeah, I'll take the
7 first stab at that. The answer is yes and no.

8 I think JMF has a history of sourcing
9 a lot of these products. And we just picked out
10 two. By the way, there's tons, there's a lot of
11 different products.

12 We used to source copper fittings from
13 South Korea as a matter of fact. And what
14 happens is sometimes the large domestic
15 manufacturers, who I described a little bit,
16 although I didn't think it right to name them,
17 actually acquire ownership in that.

18 And much like Hailiang America, JMF
19 competes directly with these manufacturers,
20 right. So that puts our ability to source
21 products from other countries, limits them a
22 little bit. Right?

1 And then in addition to that, within
2 these product categories are -- we've got 25,000
3 different parts that we're trying to inventory,
4 source, and distribute.

5 And in order to find a reliable supply
6 chain that actually makes sense from a cost
7 perspective, it's very difficult to do.

8 So we've got a very solid supply chain
9 right now out of China. In fact, we tried to
10 source -- we tried to move our brass fittings to
11 India about three years ago.

12 And after nine months we gave them two
13 containers. Said here's a PO. After nine months
14 they said, no. Can't do it. It's just too much.
15 It's too complex.

16 So the answer is yes and no. And to
17 move it just doesn't make a lot of sense for us.

18 MR. BAUM: My -- can you hear me? My
19 comments will be very similar to the JMF
20 representative.

21 We have the increased competition from
22 a domestic supplier who bought a Korean

1 manufacturer, one of the primary manufacturers of
2 copper fittings is our competitor. And so they
3 have the ability to kind of control that pricing
4 structure within an import and a domestic.

5 So it puts at a little bit of a
6 disadvantage because now we're competing with
7 basically a control of pricing for import and
8 domestic.

9 Some of our products we have
10 difficulty in trying to source here in the U.S.
11 because of EPA concerns. We have a brass product
12 that back in the beginning of 2014 there were
13 changes made to the Safe Drinking Water act,
14 which reduced the allowable amounts of lead that
15 you were allowed to have in brass.

16 That caused a lot of manufacturers
17 globally to stop production because the material
18 costs became extremely high, and also the yield
19 became extremely low.

20 So we found a single source that
21 allows us the copper fittings, allows us the
22 brass PEX fittings. The majority of those

1 fittings come from China.

2 Now there are plans in the works for
3 if the tariffs are implemented, they'll move to
4 other countries to be able -- to be able to
5 supply at a certain price level. So I think
6 including additional tariffs may just chase
7 manufacturers from China to another country that
8 may have low-cost products as well.

9 MS. D'ANDREA-YOTHERS: Thank you.

10 CHAIR BUSIS: You both mentioned
11 you're Tier 1 distributors. Could you describe
12 what that means in your industry?

13 MR. MICHAELSEN: Yeah. I think that
14 -- I think when we say that, we -- when I say
15 that, I'm trying to describe our company in a
16 sense that how the customer, our customers and
17 our competitors would view us.

18 So a Tier 1, I certainly would
19 describe domestic manufacturers as a Tier 1
20 supplier. JMF Company is on par with those
21 distributors because they distribute their
22 products, although they do manufacture maybe a

1 significant portion of what they sell.

2 We sell the exact same products.

3 They're commodities. They're the exact same
4 products, and we are the first step away from the
5 manufacturer.

6 So we're the distribution arm so to
7 speak, or the sales and marketing arm of the
8 traditional Tier 1 supplier. That's what I'm
9 describing there.

10 MR. BAUM: Yeah. I would say that we
11 base that statement on the volume that we sell in
12 the marketplace. We are as the same tier as the
13 three domestics.

14 And we sell to primarily -- our
15 markets are the plumbing wholesale channels, the
16 HVAC wholesale channels. And then we have master
17 distributors who also sell to those channels.

18 MR. SULEWSKI: This question is for
19 Mr. Lara. Has Elite explored substitutable non-
20 Chinese sources for its products?

21 MR. LARA: I -- currently right now it
22 has -- it does some business out from Canada and

1 Mexico. Although the majority part of what's
2 been done in the development process is done in
3 China.

4 If we were to try to move completely
5 out of China, it would not be possible right now
6 in the lighting industry. It would really
7 handicap the whole industry in general.

8 MS. BONNER: Mr. Gawronski, you
9 testified that approximately 70 percent of water
10 pumps across the country are imported into the
11 United States. Do you know what the percentage
12 of water pumps imported to the U.S. are from
13 China specifically?

14 MR. GAWRONSKI: I do not know the
15 number. But I am not aware of any manufacturers
16 outside of China.

17 The vast majority of what is imported
18 comes from China. Additionally, in that 30
19 percent that is, quote unquote, manufactured in
20 the U.S., much of that is assembled, meaning that
21 they import casted components and do the assembly
22 in the U.S.

1 I don't however have a breakdown of
2 that 30 percent of exactly how much is from
3 casted components.

4 MS. BONNER: That's very interesting.
5 You did mention that there's a supply constraint
6 right now that your own company is facing with
7 wanting to meet more demand.

8 In solving that, would there
9 potentially be another market where you could
10 also be sourcing these water pumps and bringing
11 them in from another place?

12 You only addressed the U.S. in your
13 testimony. So we're also looking at third
14 countries.

15 MR. GAWRONSKI: Yeah. For Gates that
16 would not be an option for us. And the reason is
17 that no matter what country we put it into, it
18 would take tens of millions of dollars of
19 investment into a low tech product, and we just
20 wouldn't be interested in that. The constraint
21 that we have is primarily driven by casting
22 component suppliers and the environmental chase

1 that is on in China and other countries right now
2 for plating.

3 So many casting suppliers have been
4 shut down. As they come up, obviously we get
5 back into business.

6 But we are a little bit constrained
7 right now because of the fact that there is a
8 crackdown so to speak on plating for casters
9 inside of China.

10 MS. BONNER: Thank you.

11 MS. PETTIS: Mr. Harari, I have a
12 question for you. And I know I'm going to
13 mispronounce this nice chemical.

14 What is the sales market share in the
15 U.S. methionine market? And if -- what do you
16 expect as an increase in price if the duties go
17 into effect?

18 MR. HARARI: Methionine is a global
19 market. There are a reduced number of global
20 producers around the globe, eight global
21 producers.

22 Our current market share in the U.S.

1 is around 20 percent. An increase in duty of 25
2 percent will have a tremendous impact because
3 domestic prices will go up significantly, 25
4 percent or more.

5 MS. PETTIS: And you expect --
6 basically I think, you know, as I understood your
7 testimony is that simply because it is a global
8 commodity that everyone else will automatically
9 raise their prices?

10 MR. HARARI: In a global market, in a
11 commodity market, that's normally what happens.
12 Domestic producers will take advantage of
13 barriers and raise prices.

14 And of course will put domestic
15 producers in a difficult situation. Normally
16 large poultry producers, chicken is the main
17 market for methionine. Ninety percent goes to
18 chickens.

19 Domestic producers, normally they
20 would want to have two suppliers. If they get
21 restricted to one supplier, not only will it put
22 at risk their own business and supply, but they

1 will be paying a much higher cost.

2 MS. PETTIS: Okay. Thank you very
3 much.

4 CHAIR BUSIS: Mr. Harari, do you have
5 a sense of what percentage of chicken feed costs
6 is accounted for by this amino acid?

7 MR. HARARI: Feed constitutes about 60
8 percent of chicken costs. Methionine is used at
9 about five to six dollars per ton of feed.

10 A ton of feed is probably around three
11 hundred dollars.

12 CHAIR BUSIS: That sounds like about
13 one and a half percent is what you're saying.

14 MR. HARARI: That would be the impact
15 for the consumer. But the impact for the
16 exporters, you know, the U.S. is one of the
17 largest exporters of chicken and competes in a
18 very tight competitive global market.

19 The U.S. exports 20 percent of its
20 chicken to the global market. So that would have
21 a significant impact in their competitive
22 position.

1 CHAIR BUSIS: And what is the
2 feedstock used for making this amino acid? Like
3 in the Chinese plant, what do they start with?

4 MR. HARARI: Chemical products like
5 propylene, methanol, sulfur, very basic chemicals
6 that are derived from oil. It's a very complex
7 integrated facility.

8 A state of the art plant would have
9 about 50 subunits and would cost about \$500
10 million. It's a very, very complex product to
11 manufacture.

12 CHAIR BUSIS: And where does the
13 nitrogen come from in the product?

14 MR. HARARI: From propylene.

15 CHAIR BUSIS: Propylene, okay. That's
16 a basic chemical feedstock?

17 MR. HARARI: Yeah.

18 CHAIR BUSIS: Okay. Yes, we can
19 release this panel. Thank you.

20 MR. BISHOP: We release this panel
21 with our thanks, and we call forward our final
22 panel of the hearing. Panel 46, please come

1 forward and be seated.

2 Madam Chairman, our first witness on
3 this panel is Jay Berkowitz with Arnold's Office
4 Furniture.

5 Mr. Berkowitz, you have five minutes.

6 MR. BERKOWITZ: Good afternoon. Thank
7 you for hearing my testimony today. My name is
8 Jay Berkowitz. I'm the CEO of Arnold's Office
9 Furniture, LLC.

10 We are located just outside of
11 Philadelphia, PA. Arnold's is a family-owned
12 company that has been in business for almost 90
13 years.

14 We were founded in 1929. For most of
15 our history we had sold pre-owned office
16 furniture liquidated out of buildings in the
17 three state area surrounding Pennsylvania.

18 In 2016, my partner and I, who is my
19 son today, many years ago it was my father,
20 decided to change our business model to importing
21 new office furniture from China.

22 In doing so, we never displaced jobs

1 here in the U.S., as we liquidated furniture,
2 used furniture, from buildings. So we weren't
3 manufacturing anything.

4 In fact to the contrary. We have
5 created new jobs. Eighty percent of our revenue
6 comes from a proprietary office furniture system
7 which was designed by the company that we buy it
8 from in China.

9 It is the only system like it in the
10 world. The technology is the intellectual
11 property of this company. And we have a long
12 term contract for the exclusive distribution here
13 in the United States.

14 The remaining 20 percent of our
15 revenue is made up of office chairs, desks, et
16 cetera, purchased here in the United States.

17 Today Arnold's is a nationwide
18 supplier of office furniture. For the last two
19 years we have doubled our sales each year.

20 We now employ 350 people, 50 in our
21 offices on our direct payroll, and another 300
22 people out -- outside installation contractors.

1 These people, the 50 in our office
2 support 150 people. And the 300 outside
3 installation people support another 900 people so
4 to speak.

5 My company works on approximately a 5
6 percent margin. We could not possibly survive a
7 10 to 25 percent increase in costs of goods.

8 Our customers would never allow us to
9 raise our prices as much as 25 percent all at one
10 time. We would be forced to close the business
11 after close to 90 years.

12 Arnold's Office Furniture is not part
13 of the problem. We are part of the solution. By
14 purchasing our products from China, we are
15 creating more jobs now and faster than any other
16 time in our 90-year history of our company.

17 Our five-year business plan is to
18 build the company to a \$200 million dollar
19 company that employs over 300 more people.
20 Inside the company -- 300 more people inside the
21 company, and over a thousand out on the road.

22 I've been in business for almost 43

1 years this year myself -- for myself. So I've
2 been in the business community for a long time.

3 I don't know of many businesses, if
4 any, that can sustain a 25 percent cost of goods
5 and survive. And I've talked to a lot of people
6 in the community. And this is all we've been
7 talking about for the last couple of months.

8 The global economy was created many
9 years ago. Both the loss of jobs and IP issues
10 have been a problem and a risk for a very long
11 time.

12 This 25 percent tariff could not
13 possibly be fixed overnight. It will only force
14 many companies out of business.

15 A problem created over many years has
16 to be unwound over the same period of time.
17 Maybe it can be done in a less period of time,
18 but it certainly can't be done all at one time.

19 It won't work. We request that the
20 office furniture codes named in the letter that
21 we sent in be removed from the Section 301
22 tariffs.

1 Office furniture is a commodity so to
2 speak. It's not part of any intellectual
3 property issues here in the United States.

4 I want to thank you for your time
5 today.

6 MR. BISHOP: Thank you, Mr. Berkowitz.
7 Our next witness is Rebecca Minkoff with Rebecca
8 Minkoff, LLC.

9 Ms. Minkoff, you have five minutes.

10 MS. MINKOFF: Thank you for the
11 opportunity to testify before this Section 301
12 Interagency Commission. I am here today as the
13 founder of Rebecca Minkoff, a woman's lifestyle
14 and accessories brand carried in over 900 points
15 of distribution worldwide, but also as a
16 representative of both the broader \$12 billion
17 U.S. handbag and luggage industry and the
18 consumer and retail sector, which represents
19 roughly one quarter of the economy of the United
20 States.

21 When I started my fashion business in
22 2005, we were in a sixth-floor walkup apartment.

1 Less than a decade later, we had crossed 100
2 million in annual sales, and more than twice that
3 amount at retail value.

4 And we have been recognized as one of
5 the fastest growing and most innovative brands in
6 the fashion industry. Today our family business
7 supports more than a hundred other American
8 families and sells handbags, apparel, and
9 accessories to hundreds of thousands more. We
10 are one of the top brands in some of the top
11 department stores in the United States.

12 We acknowledge the challenges posed by
13 doing business in China. Businesses like ours
14 face a critical threat from bad actors in the
15 region.

16 Although we will open our first stores
17 in China this year, intellectual property pirates
18 there registered our trademark in certain
19 categories years ago and now use their Rebecca
20 Minkoff trademarks to claim to sell legitimate
21 products outside of the U.S.

22 Legal authorities in the region have

1 been slow to acknowledge and punish trademark
2 pirates, commonly called trademark squatters.
3 These squatters threaten our ability to grow our
4 business.

5 We've had some of the most prominent
6 partners threaten to stop doing business with us
7 over the risk of this theft from our intellectual
8 property.

9 We applaud the multi-pronged effort to
10 reduce this threat to American businesses like
11 ours. The Council of Fashion Designers of
12 America recently sent a delegation to China to
13 meet with the authorities about this issue, and
14 those authorities are beginning to privately
15 acknowledge this problem and to take steps to
16 address this long term threat to global business.

17 However, an additional 25 percent
18 tariff on leather handbags made in China will
19 only hurt American brands, American consumers,
20 and our honest partners in the region.

21 The tariffs punish the wrong people,
22 including the American consumer, and leave the

1 playing field wide open for bad actors to
2 continue to sell fake products using our IP.

3 The problem isn't Chinese
4 manufacturing. Handbags aren't high tech.
5 There's no specialized IP, no threat to U.S.
6 security from letting other countries manufacture
7 in this category.

8 On the contrary. Over the past 20
9 years, the American consumer has come to depend
10 on China for high quality, competitively priced,
11 contemporary handbag manufacturing at scale.

12 We've spent more than a decade
13 building our supply chain in China, and we can't
14 recreate it overnight.

15 We started our business with a purely
16 domestic supply chain. Going back to that model
17 could triple our costs and would severely limit
18 our ability to select raw materials and hardware,
19 requiring us to cross-border supply chain for all
20 of our raw materials.

21 Even if the American consumer were
22 willing to accept substantially higher prices and

1 fewer options, the domestic supply chain we were
2 able to develop would only accommodate a small
3 fraction of our annual production volume.

4 There are no U.S. manufacturers who
5 can absorb even a meaningful fraction of the
6 volume of the more sophisticated international
7 producers.

8 Although the Committee has heard from
9 at least one domestic bag manufacturer, our
10 external business partners have told us that
11 their current capacity roughly equals the annual
12 handbag sales volume at one of the Nordstrom's
13 stores in Tyson's Corner.

14 A domestic supply chain does not
15 exist. While we applaud the efforts to encourage
16 U.S. brands to diversify their supply chain,
17 production cycles for our business mean that it
18 will take nine to 12 months at the very earliest
19 for us to identify and integrate new sources of
20 supply at higher costs and with lower quality
21 control around the world.

22 There is no short term solution other

1 than higher pricing. When it comes to handbag
2 tariffs, it inevitably means higher prices and
3 ultimately fewer choices for the American
4 consumers.

5 Higher prices will disproportionately
6 affect buyers of smaller American brands like
7 ours because larger international brands will be
8 able to use outsized influence to both ensure
9 their non-Chinese suppliers accept their
10 production orders first.

11 In closing, the opportunity to start
12 and grow a business like ours is part of the
13 American dream. As we work to diversify our
14 supply chain over the long term, we hope the
15 Administration will focus on Chinese trademark
16 squatters without instituting additional punitive
17 tariffs that will hurt emerging American brands
18 and American consumers, and exacerbate rather
19 than resolve the challenges we face in China.

20 Thank you.

21 MR. BISHOP: Thank you, Ms. Minkoff.

22 Our next witness is John McLemore with

1 Masterbuilt Manufacturing, LLC.

2 Mr. McLemore, you have five minutes.

3 MR. McLEMORE: Good afternoon. My
4 name is John McLemore. And thank you for the
5 opportunity to testify today.

6 I am the President and CEO of
7 Masterbuilt Manufacturing, headquartered in
8 Columbus, Georgia. Masterbuilt was founded in
9 1973 in our backyard by my father, Dawson
10 McLemore. I am the second generation, and my son
11 is third.

12 The first product that we built in our
13 backyard was a fish cooker and a plant stand,
14 products built for our own personal use.

15 We now manufacture electric and
16 propane fryers, barbeque grills, smokers, and
17 accessories and employ 150 people.

18 I'm here today in opposition of
19 Section 301 tariffs that the U.S. is considering
20 imposing on these products. We are in support of
21 the Administration's efforts to end China's
22 unfair practice towards intellectual property

1 rights, but we do not feel that our products'
2 technology are at risk of IP theft. In fact, we
3 have received IP protection through Chinese
4 patents, ensured by our company.

5 We are also in opposition because
6 approximately 80 percent of Masterbuilt's
7 products are affected by the proposed tariffs.
8 Our products are affected in the printed
9 testimony that I provided to you.

10 I think we have 11 codes. As you can
11 see from the list our electric and gas smokers
12 and grills are affected by these tariffs.

13 We also oppose this because the
14 tariffs do not affect the entire barbeque
15 industry. Pellet and charcoal products are not
16 on any of the lists.

17 Most of the Masterbuilt products are
18 electric and/or propane that are on this list.
19 Our electric and propane products compete head to
20 head with charcoal and pellet fueled products.

21 I compete already with challenges, and
22 this will make it impossible for me to compete

1 because it creates an unfair and uncompetitive
2 disadvantage in the industry.

3 We object to any tariffs. However, if
4 tariffs are imposed on products affecting the
5 barbeque industry, they should be imposed on all
6 products rather than just some.

7 Masterbuilt is also concerned that if
8 tariffs go through, we will be forced to ship
9 production to the U.S. or other countries. And
10 if that happens, folks, we simply will need time,
11 at least two and a half to three years or more.

12 If the tariffs go through, Masterbuilt
13 and other companies in the industry will need
14 time to seek alternatives to sourcing and balance
15 -- to compensate and offset the setup costs.

16 Not only will the tariffs
17 significantly raise our costs, shifting sources
18 to other countries may also increase costs.
19 These costs will simply be absorbed by the U.S.
20 customer.

21 Our products are complex. They have
22 strict certifications, quality requirements. We

1 must have the right infrastructure to place
2 products and do them safely. We cannot just
3 simply buy them anywhere.

4 We -- if we cannot fairly compete or
5 have time to shift manufacturing, Masterbuilt
6 will be forced to lay off employees.

7 You heard from one of my competitors
8 last week, Char-Broil. Both Masterbuilt and
9 Char-Broil are two iconic well-known brands in
10 our industry, and we're both in Columbus,
11 Georgia.

12 We employ over a hundred employees
13 together. This will negatively impact our city.
14 Even though we compete with Char-Broil and
15 others, we stand together with our competitors
16 and retailers in opposing these tariffs.

17 Folks, in closing Masterbuilt is my
18 life. And it's probably everybody's life that
19 you've heard up here, so many people testifying.

20 This is all I have ever done since I
21 was eight years old. I started with my dad in my
22 backyard. My son is now third generation in our

1 company.

2 And while we want to survive this and
3 understand how we can help with this process,
4 it's not something that we can do overnight. And
5 you've heard that multiple times.

6 It didn't happen overnight. We cannot
7 solve it overnight. Please, do not have these
8 tariffs go through to negatively affect my
9 company, my family, my employees.

10 We have amazing people who do -- and
11 150 just in Columbus in my company alone. This
12 tariff is not something that is going to help us.

13 And as everybody has said here today,
14 we're asking that you don't pass them to go
15 through. Thank you.

16 MR. BISHOP: Thank you, Mr. McLemore.
17 Our next witness is Frank Carver -- Carvajal,
18 sorry, with Cali Bamboo, LLC.

19 Mr. Carvajal, you have five minutes.

20 MR. CARVAJAL: Thank you. Hello, my
21 name is Frank Carvajal. I am the Vice President
22 of Operations at Cali Bamboo. Thank you for

1 granting me the time to testify today.

2 Cali Bamboo, which is headquartered in
3 San Diego, California, imports and distributes
4 building materials --

5 MR. BISHOP: Pull your mic a little
6 closer, please.

7 MR. CARVAJAL: Yes, sir. Cali Bamboo,
8 which is headquartered in San Diego, California,
9 imports and distributes building materials made
10 primarily of bamboo.

11 Founded in 2004, the company started
12 by selling bamboo fencing. Today we have
13 expanded beyond fencing to include bamboo
14 flooring, decking, and plywood.

15 This year we are on track to sell over
16 \$125 million worth of building materials. Our
17 company employs 137 U.S. based employees.

18 Our products are distributed through
19 Lowes, U.S. flooring dealers, specialty retail
20 stores including Petco and True Value, and we
21 sell direct to consumers across the United
22 States.

1 Here are some highlights of our
2 company. Cali Bamboo has been named to Inc.
3 5000's list of fastest growing companies for ten
4 consecutive years.

5 Cali Bamboo was placed 49th amongst
6 the 100 fastest growing private companies by the
7 San Diego Business Journal. The company has been
8 named the top workplace by the San Diego Union
9 Tribune for four straight years.

10 And Cali Bamboo gives back to the
11 community, including programs such as Habitat for
12 Humanity, the Humane Society, Surfrider
13 Foundation, and Rady Children's Hospital.

14 All of the bamboo building products
15 that Cali Bamboo imports are from China. Those
16 products are classified under a number of
17 subheadings in the U.S. Harmonized Tariff
18 Schedule, including those listed on this
19 testimony.

20 I'd like to explain how imposing
21 additional duties on these products, one, should
22 not apply to these HTS codes and would not be

1 practicable or effective to eliminate China's
2 acts, policies, and practices.

3 Two, would cause disproportionate
4 economic harm to U.S. interests, including small
5 and medium sized businesses and consumers. And,
6 three, would have a significant negative impact
7 on Cali Bamboo's U.S. operations.

8 So first, USTR's Section 301 report
9 that Chinese policies and practices force U.S.
10 innovators to hand over their technology and
11 know-how as the price of doing business in China.

12 China also uses non-economic means to
13 obtain U.S. technology, such as using state owned
14 funds and companies to buy up American businesses
15 and imposing burdensome intellectual property
16 licensing requirements in China.

17 USTR's report also found that the
18 Chinese government sponsors the outright theft of
19 U.S. technology for commercial benefit. Cali
20 Bamboo agrees that these practices are an
21 existential threat to America's most critical
22 comparative advantage and the future of our

1 economy, our intellectual property, and
2 technology.

3 The products Cali Bamboo imports into
4 the United States from China do not have any U.S.
5 innovation, technology, or intellectual property
6 assigned to them.

7 In fact, the original patent for
8 strand woven bamboo was applied for in China in
9 1988 by Mr. Fu Qi of the Longyou Panel Factory.

10 In 1992, an industry standard for
11 strand woven bamboo was issued by China National
12 Forest Department. These products are builders
13 products manufactured with bamboo materials.

14 Second point. Cali Bamboo cannot
15 absorb an additional 10 to 25 percent duties on
16 imports of bamboo from China. As such, Cali
17 Bamboo would be forced to pass those costs along
18 to its customers listed in the testimony.

19 Many of the U.S. flooring dealers and
20 speciality retail stores to which Cali Bamboo
21 sells its products are small to medium sized
22 businesses. Additional costs with the tariffs

1 would have a disproportionate impact on those
2 businesses.

3 Also, U.S. consumers will be forced to
4 pay more for the products. This would have a
5 disproportionate impact on U.S. consumers.

6 Third and final. Chinese bamboo,
7 *phyllostachys edulis*, also known as moso bamboo,
8 is the most commonly used bamboo species for
9 industrial bamboo manufacturing in the world.

10 Over 90 percent of the world's moso
11 bamboo species is grown in China. Over 77
12 percent of Cali Bamboo's sales are derived from
13 products made with moso bamboo materials.

14 The species, plantations, technology,
15 innovation, manufacturing infrastructure to
16 source bamboo building materials reside in China.
17 Cali Bamboo cannot source its demand for these
18 products from the United States or any other
19 country.

20 The implementation of these tariffs
21 will cause severe economic harm to our company
22 and could force the loss of 137 jobs in the

1 United States.

2 Our pricing structure makes our
3 products affordable to the U.S. consumer. To
4 impose any tariff to our product would make them
5 unaffordable, driving us to become uncompetitive.

6 For these reasons, we respectfully
7 request that the HTS subheadings covering bamboo
8 building products be removed from the list of
9 products subject to duties. Thank you.

10 MR. BISHOP: Thank you, Mr. Carvajal.
11 Our next witness is Camilo Ferro with One Earth
12 Packaging.

13 Mr. Ferro, you have five minutes.

14 MR. FERRO: Thank you. Thank you for
15 the opportunity to testify today. My name is
16 Camilo Andres Ferro and I am the owner and
17 President of One Earth Packaging.

18 One Earth Packaging is a business-to-
19 business wholesaler and distributor of
20 compostable products in several vertical markets,
21 such as hospitals, universities, restaurants, and
22 other retail businesses. We are concerned about

1 the inclusion of HTS Code 3923.29.00, other bags
2 and sacks made from polymers other than ethylene.

3 The proposed 25 percent tariffs on
4 compostable bags will have a disproportionately
5 negative impact on our customers which are U.S.
6 businesses. These U.S. businesses will bear the
7 burden of these additional costs, which will
8 ultimately infringe on their growth and
9 profitability.

10 Composting is a rapidly growing
11 industry that is providing sustainable jobs
12 nationwide, while reducing waste in our landfills
13 to then be repurposed for agricultural use.
14 Increasing environmental concerns of plastic
15 pollution and zero waste goals being implemented
16 by elected officials, including governors and
17 mayors across the country have allowed for small
18 businesses like One Earth Packaging to offer
19 compostable solutions to address these concerns.
20 Compostable products, like the cups that are laid
21 out in front of us today, our drinking water
22 cups.

1 As cities and states push for
2 sustainability, legislation is redefining the
3 shopping bag options in the market from limiting
4 the use of what type of bag can be used at the
5 point of sale to even the composition of the bag
6 itself. Due to this legislation, in the shopping
7 bag industry, there are only the following bag
8 options that are being allowed throughout our
9 cities across the country: thick plastic bags
10 between 2 ml. and 4 ml., paper bags, cloth bags,
11 or compostable bags.

12 One Earth Packaging imports and
13 innovative alternative that meets these newer
14 mandates that are being implemented nationwide.
15 Not only do compostable bags provide consumers
16 with their intended use as a carrier, they also
17 educate customers/consumers on what composting
18 is, all while leaving no negative residue or
19 imprint behind in the environment. Simply put,
20 compostable bags provide us with the means to
21 further develop zero waste goals and initiatives.

22 The compostable bag industry is in its

1 infancy stage and is just starting to gain
2 momentum and awareness in the United States. The
3 25 percent tariff will not only hinder the growth
4 of the compostable bag industry but also impede
5 these zero waste programs. For example, Kroger,
6 the grocery store giant, just announced last week
7 the company will be phasing out plastic bags from
8 its operations. I can assure you they are not
9 the first company to do so and will not be the
10 last. This is a current trend that is taking
11 place across businesses in diverse markets.
12 These 25 percent tariff increases will make it
13 impossible for One Earth Packaging to compete
14 against our European competitors that are
15 currently importing compostable bags.

16 Along that, these 25 -- this 25
17 percent tariff on these products will not
18 incentivize China to change its acts, policies,
19 and practices. It would only make it more
20 expensive for American businesses and consumers
21 to follow a green sustainable lifestyle.

22 In finalizing the list of affected

1 products, the USTR should be certain that the
2 items subject to retaliatory duties are those
3 which most greatly impact China with the lowest
4 impact on the U.S. and its citizens.

5 We agree the administration should
6 address China's discriminatory practices towards
7 intellectual property rights, however, do not
8 believe imposing punitive tariffs on compostable
9 bags will convince China to change its behavior.
10 Instead, 25 percent tariffs on compostable bags
11 will only hurt our company, our customers, and
12 consumers.

13 In conclusion, One Earth Packaging
14 respectfully requests that the HSTS Subheading of
15 3923.29.00 be removed from the list of products
16 subject to the proposed modification. The
17 proposed modification, although intended to
18 impose penalties upon China would have unintended
19 consequences for small U.S. businesses, such as
20 One Earth Packaging and a large and growing
21 segment of sustainable U.S. businesses.

22 Compostable bags are not subject to

1 nor have they benefited from any involuntary tech
2 transfers and they are outside the scope of acts
3 policies, and practices of the Government of
4 China related to technology transfer,
5 intellectual property, and innovation.

6 Thank you for your time and your
7 leadership and also giving me the opportunity to
8 stand up for my business of over ten years.

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

10 Our final witness on this panel is
11 John Crowley with the National Association of
12 Waterfront Employers.

13 Mr. Crowley, you have five minutes.

14 MR. CROWLEY: Thank you very much. I
15 thank you for your time.

16 Given the time you've spent, I'm going
17 to highlight that which exists in the written
18 comments provided.

19 I am the President of the National
20 Association of Waterfront Employers, which
21 represent marine terminal operators and
22 stevedores. The key mode for traffic in and out

1 of this country and country are ports. There has
2 been a great deal of attention by the Congress
3 and the administrations over time to increase
4 productivity. The productivity of all U.S. cargo
5 includes exports and also includes national
6 defense goods.

7 The engine for those ports are the
8 marine terminal operators and the stevedores, who
9 hire labor, who devise innovative practices, and
10 buy new equipment. The new equipment is
11 particularly important to maintain competitive
12 capability across the globe, in view of the
13 increased capacity and design of shipping today.

14 The key element for the equipment are
15 the cranes, whose only reasonable source is
16 manufacture in China. This is the subject of the
17 codes for which we are addressing you today.

18 The Ship-to-Shore cranes are those of
19 which you see high above the ports and they
20 uniformly depend upon this one single Chinese
21 manufacturer, which is a global situation without
22 a reasonable alternative anywhere throughout the

1 global system.

2 In addition, equipment is key in
3 moving, both expeditiously and smartly, the cargo
4 within a container yard within a yard. And
5 finally, the equipment that is order does not
6 necessarily mean the entire crane, and its
7 software, and its motor are made in China. Those
8 are individual decisions made by individual
9 operators for what is the best service of their
10 innovation within the terminal.

11 So in conclusion, in order to maintain
12 a competitive edge globally, to grow, and
13 modernize, and maintain that position for all
14 U.S. cargo, we urge the -- to not include the
15 codes cited in our written submission.

16 Thank you very much.

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

18 Madam Chairman, that concludes direct
19 testimony from this panel.

20 MS. D'ANDREA-YOTHERS: This question
21 is for Mr. Berkowitz.

22 Can you talk about how long your

1 contracts are for and whether they include
2 minimum purchases?

3 MR. BERKOWITZ: Yes, can you repeat
4 the last part of your question?

5 MS. D'ANDREA-YOTHERS: Okay. How
6 long your contracts are for and whether they
7 include minimum purchases.

8 MR. BERKOWITZ: Yes. The current
9 contract is for five years, starting in 2018, and
10 it's an exclusive contract for the entire United
11 States, and it includes escalating minimum
12 quantities.

13 MS. D'ANDREA-YOTHERS: And another
14 part of the question: When your contracts end,
15 do you have domestic sources for your product?

16 MR. BERKOWITZ: One more time with the
17 last part.

18 MS. D'ANDREA-YOTHERS: Okay. Are
19 there domestic sources for your product?

20 MR. BERKOWITZ: There are no domestic
21 sources for this product because it is
22 intellectual property of the factory that is in

1 China that is owned by the company that belongs
2 -- it belongs to the company in China.

3 Could we, eventually, one day
4 manufacture the product? That's a possibility.

5 MS. D'ANDREA-YOTHERS: Okay, thank
6 you.

7 MR. BERKOWITZ: You're welcome.

8 CHAIR GRIMBALL: This next question is
9 for Ms. Minkoff.

10 You described sort of a situation that
11 is the quintessential focus of these 301
12 Investigations, which is, to use your term,
13 trademark squatting. Could you give us an idea
14 of the amount of loss that your business has
15 suffered due to the use of your trademark by
16 Chinese companies?

17 MS. MINKOFF: I can get that exact
18 numbers for you. I don't have that exactly to
19 hand and it would be almost impossible, given
20 that it is happening in China and we don't have a
21 way to track their sales. It would be I wouldn't
22 want to throw out a number that is false but I

1 can get you as close as possible specifics
2 following this that can be part of the written
3 testimony.

4 CHAIR GRIMBALL: Okay and just a few
5 more questions.

6 You mentioned in your testimony that,
7 initially, your supply chain for your products
8 was a domestic-based supply chain but later on
9 you made a decision to move that supply chain to
10 China. Can you give us an idea of the factors
11 that went into that decision-making process?

12 MS. MINKOFF: Yes, of course. As we
13 began to expand as quickly, there actually are no
14 U.S.-based factories that can handle the
15 capacities that we produce. And also when you do
16 make it domestically, you actually still have to
17 import almost all the product. So we were
18 importing from ten different sources, where in
19 China we have that factory imports everything for
20 us, the hardware, the leathers. So it's all
21 right there for the factory to use and for us to
22 be able to react quickly to orders; whereas,

1 here, it is a puzzle that you have to mastermind
2 and, sadly, it doesn't exist anymore here today
3 and hasn't existed for almost 20 years.

4 CHAIR GRIMBALL: And for all of the
5 items in your accessory line, all of them are
6 made in China. Are there any products, wallets,
7 perhaps, belts, if you make them, that might be
8 made somewhere else where, I don't know, some
9 manufacturing system might be in place that you
10 could consider moving some of your other products
11 to?

12 MS. MINKOFF: We could consider it
13 but, again, at minimum, it will take 12 months to
14 establish a new supply chain, go through the
15 rigorous quality testing, testing for the right
16 labor laws, making sure that this is a factory
17 that can handle the type of quantities that we
18 are at today.

19 So yes, it's possible but not at least
20 for 12 months.

21 CHAIR GRIMBALL: Thank you.

22 MR. WINELAND: Mr. McLemore, you said

1 in your testimony you talked about sourcing
2 certain components domestically would be cost
3 prohibitive. And it sounds like then some
4 components might be available to be sourced
5 domestically. You also talked about the
6 challenging time, the time lag in shifting.

7 Could you elaborate on your testimony
8 about your ability to source more of your
9 components domestically?

10 MR. MC LEMORE: I sure can. Setting
11 the manufacturing up, as you probably have heard
12 many, many times, it's not as easy when you've
13 got a pretty complex product. So the supply
14 chain that we have will have one main factory and
15 then sub-factories surrounding that factory
16 within say 100-mile radius. For us to establish
17 that is cost-prohibitive here. Not only is it
18 very, very expensive to set the manufacturing up
19 but the tooling process is also very expensive.
20 So we have to rely on an established
21 manufacturing facility that already has the
22 infrastructure, they are capable of surviving the

1 audits from all of our top suppliers. They
2 survive the audits that Masterbuilt puts on them
3 for safety restraints and/or constraints.

4 It is also difficult for us because
5 when you tool a product -- earlier I said that it
6 would take two and a half to three years to set a
7 manufacturing facility up, including the sub-
8 factories. That's a minimum. When Masterbuilt
9 comes out with a new product, it takes us 12 to
10 18 months with an established factory to get a
11 new product on the market through all the
12 certifications, the UL, CSA, ETL, InterTech that
13 holds us to a very tight standard.

14 So it's not only the infrastructure
15 setup that is cost-prohibitive or at least very
16 difficult, but it is a mathematical impossibility
17 for us to do it in a very short time period. If
18 we started today, two and a half to three years
19 would be not missing any deadlines to get a
20 factory set up and the expense to do it.

21 Earlier you asked a question about
22 MOQs, minimum order quantities. That's also a

1 big factor for us. If you don't have the right
2 minimum orders set up, it makes it very difficult
3 as well.

4 All of that just kind of makes this a
5 very difficult and very challenging process.

6 MR. WINELAND: Thank you. And just to
7 -- could you clarify whether you do have any
8 production facilities here in the United States?

9 MR. MC LEMORE: No, sir, at this time
10 we do not.

11 MR. WINELAND: Okay, thank you.

12 MS. PETTIS: I have a question for Mr.
13 Carvajal.

14 In your testimony you mentioned that
15 over 77 percent of your sales are derived from
16 products made with moso bamboo materials. I
17 believe that you said that 90 percent of the moso
18 bamboo is in China.

19 MR. CARVAJAL: Yes.

20 MS. PETTIS: Can you discuss what the
21 other 23 percent of your sales are and also why
22 the moso bamboo is the most common bamboo?

1 MR. CARVAJAL: Sure. So I'll answer
2 your first question. We also import eucalyptus
3 flooring from China that has a lot of the green
4 characteristics that are found with bamboo. It
5 is strong. It is also strand-woven. A very
6 similar process; different species. We import
7 cork flooring from Portugal. But with those two
8 products, you are limited on your color, your
9 diversity, and your customer demand. That's
10 probably the last five to ten percent.

11 We also import rigid vinyl flooring
12 because we are in the flooring space. So that's
13 complementary to our consumer bases.

14 MS. PETTIS: Okay.

15 MR. CARVAJAL: And then to answer your
16 second question, why is moso bamboo the right
17 species, so we look at four main features for
18 bamboo. And we've analyzed the world's largest
19 exports -- or imports to the United States, what
20 countries they come from, what species of bamboo
21 and we've been doing a lot of testing around it
22 because we want to model out a situation in the

1 future where we could no longer buy from China if
2 something were to happen in China.

3 So number two on the list is a species
4 called balcooa from India. And then it kind of
5 goes down from there. We have Southeast Asian
6 species, blumeana, and then a fourth species,
7 vulgaris from China.

8 We test all of these different
9 species. The moso bamboo -- so let me just start
10 off by the strength. It's 360 percent stronger
11 than the next one on the line. It's unheard of
12 but the type of bamboo, the environment it grows
13 in -- bamboo in the world primarily grows in hot,
14 humid areas. The region of China that this moso
15 bamboo grows is a very unique area in the world.
16 It's the pyramid between Shanghai and if you were
17 to just go 400 to 500 miles south of Shanghai,
18 and then I'm going to say west about 300 miles,
19 that's the core. You get a cold wet winter and
20 you have a warm hot summer, and wet springs.
21 That environment, along with the soil -- these
22 bamboo forests grow natural, in a natural

1 environment. So the soils have higher natural
2 carbon.

3 In the United States, if we try to
4 grow this same bamboo species, which it does grow
5 in South Carolina, it's not as strong. The test
6 results show weakness and it's because the soils
7 in the United States have already been eroded.
8 The winters aren't as cold as they need to be to
9 create that moisture. And even the wind
10 direction -- in China, the wind is coming from
11 the northeast and in the U.S., the winter winds
12 are coming from the northwest. That makes a huge
13 difference on the moisture level.

14 All of that contributes to the
15 strength, the moisture level, the density, and
16 the shrinkage that this product makes. Because
17 that is so superior, you can make it into wood
18 flooring. You can make plywood paneling and it
19 holds up. You can make fencing.

20 And we have flooring -- we've been in
21 the industry since 2004. We have a 25-50 year
22 warranty on our products. We feel that strongly

1 that it can hold up for that long. We advertise
2 our products as the world's hardest floors
3 because we've done tests, and tests, and tests.

4 We even had our factory import product
5 from India and tried to mimic and create this
6 same type of flooring and they couldn't do it.
7 It fell apart. It didn't pass any of the tests.

8 We've even looked at exporting the
9 product to Vietnam and making it there but the
10 natural humidity levels in Vietnam destroys the
11 raw material. And then you're also talking about
12 country of origin rules. Does that then violate
13 the U.S. country of origin rules?

14 So we're kind of trapped with this
15 product. If we want to sell bamboo products or
16 bamboo species, this is the only product and
17 species we feel comfortable putting our name
18 behind.

19 MS. PETTIS: Well, thank you very
20 much.

21 MR. CARVAJAL: You're welcome.

22 MS. BONNER: I have a question for Mr.

1 Ferro.

2 Mr. Ferro, could you please tell us a
3 little bit more about possible other sources for
4 your products for these compostable bags? Are
5 you able to find them domestically or another
6 like a third country? Is there some reason why
7 you can only get them from China or is there
8 another source?

9 MR. CARVAJAL: Yes, so thanks for the
10 question. Domestically, we have looked at the
11 current manufacturers that focus on shopping
12 bags, it being either paper or plastic. Because
13 that's what they know and that's what they've
14 used, that's what they're going to stick to.

15 When we look at shopping bags,
16 specifically, there is less than five major
17 competitors in the marketplace that create the
18 plastic bags and those same competitors have been
19 buying paper manufacturers. So for them to use
20 their machines to create compostable bags, it
21 doesn't make business sense for them or they
22 don't want to convert their manufacturing process

1 to do compostable bags domestically.

2 Internationally, we have looked at
3 other options, specifically in Europe because
4 Europe is about ten years ahead of us on
5 composting and zero waste goals. We've looked
6 into that but it's very competitive, very price
7 aggressive, and, quite frankly, they source a lot
8 of their compostable bags from the Asian
9 countries for the 10 to 15 years ahead that
10 they've been doing it because they've been doing
11 it for such a long time.

12 MS. BONNER: So we have U.S. domestic
13 producers of these bags for retail and there is
14 push, you talked about, from the various
15 counties, and states, and governments to move
16 towards using compostable bags.

17 You don't see market pressures maybe
18 encouraging them to move towards working with you
19 on this bag?

20 MR. CARVAJAL: I would like to think
21 so but, unfortunately, they are not because when
22 we look at the legislation across the country,

1 they are giving them the three options: either
2 the thick plastic, the paper, or the compostable.

3 If you're a plastics company, you're
4 going to stick doing the thick plastics that
5 you've been doing. The same thing with your
6 paper companies; you're going to stay doing the
7 paper manufacturing process. If you're a
8 compostable bag, which is the newest innovation
9 in the plastics industry, they just haven't
10 caught on. And we're one of the few doing it
11 now, selling it in a domestic landscape.

12 MS. BONNER: Thank you.

13 MS. HENNINGER: Mr. Crowley, your
14 written testimony describes various types of
15 cranes at the ports.

16 Are any of these cranes manufactured
17 in the United States?

18 MR. CROWLEY: The Ship-to-Shore cranes
19 are not. They are entirely manufactured in
20 China.

21 Some of the smaller handling equipment
22 will be, as well as some of the motor and

1 software components of all the equipment will be
2 manufactured, designed, and kept up within the
3 United States technology.

4 MS. HENNINGER: You also mentioned in
5 your statement that there are smaller yard cranes
6 available from Europe but it's cost-prohibitive
7 to bring to the United States.

8 Are those costs higher from Europe
9 than from China?

10 MR. CROWLEY: Well, they are because
11 of manufacturing quantities. And I can probably
12 give you a better answer, more complete answer in
13 terms of the cost breakdown in a follow-up but
14 time has shown that they continue to be more
15 expensive from an experience standpoint.

16 I'll follow up with that as to a more
17 detailed response.

18 CHAIR GRIMBALL: A quick follow-up
19 question.

20 Is there a difference between the
21 Ship-to-Shore cranes, I think the yard cranes
22 that you mentioned, and cranes that you might see

1 at a construction site around the D.C. area? Are
2 those all the same type of cranes and are those
3 sort of cranes that we might commonly see in
4 construction, to your knowledge, are they also
5 manufactured in China?

6 MR. CROWLEY: I have no knowledge as
7 to where the local construction cranes are
8 manufactured.

9 There are various differences in
10 cranes, though. The cranes for the Ship-to-Shore
11 purposes exist on a track so they are
12 continuously mobile, both side-to-side, in and
13 out, and up and down. So they are fairly complex
14 in their mechanical movements and to time within
15 an overall perspective of cycling the cargo
16 through the gates. That's where then the
17 software and the motors come in for handling
18 purposes.

19 But to my knowledge, there are so many
20 different fashions of cranes that it's unlikely,
21 in my estimation, that they would be similar in
22 nature.

1 CHAIR GRIMBALL: Thank you.

2 Well, if there are no more questions,
3 I would like to thank all of the witnesses. I
4 thank my interagency colleagues for your
5 participation throughout this six-day hearing.

6 And I declare these hearings
7 adjourned.

8 (Whereupon, the above-entitled matter
9 went off the record at 3:29 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Section 301 Tariffs Public Hearing

Before: USTR 301 Committee

Date: 08-27-18

Place: Washington, DC

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